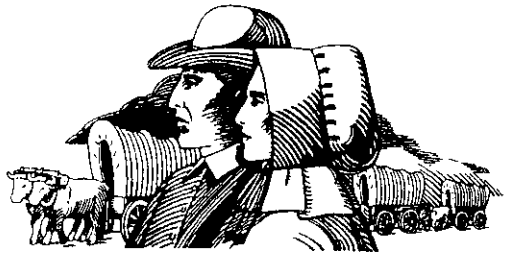
CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall
September 27, 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.orcity.org) under PLANNING.

PLANNING COMMISSION MEETING

1. **CALL TO ORDER**

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

3. **APPROVAL OF MINUTES:** *None*

4. **HEARINGS:**

   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.

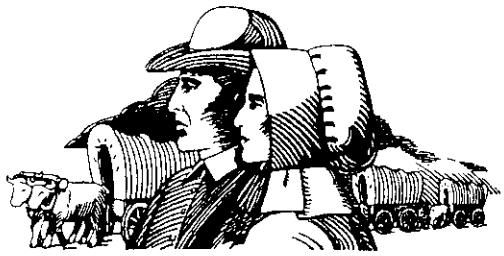
5. **ADJOURN PUBLIC MEETING**

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

Planning Commission

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



Complete: July 2, 2004
120-Day: October 30, 2004
Extended to: December 17, 2004

FILE NO.: PD 04-02

APPLICATION TYPE: Type III

HEARING DATE: September 27, 2004
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Paul Reeder
10893 Forest Ridge Lane
Oregon City, OR 97045

REPRESENTATIVE: Sisul Engineering, Inc. – Tom Sisul
375 Portland Avenue
Gladstone, OR 97027

REQUEST: The applicant is requesting approval of a Planned Unit Development.

LOCATION: The 2 subject sites are located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).

REVIEWER: Tony Konkol, Senior Planner
Dean Norlin, Senior Engineer

RECOMMENDATION: Approval with conditions

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. Notice of appeal of any Type II, Type III or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS DECISION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

BACKGROUND:

The applicant applied for a Zone Change from R-10 Single-Family to R-8 Single-Family and a 41 – lot Planned Unit Develop for tax lot 1700 on September 3, 1998. This request has unanimously denied by the Planning Commission following a public hearing on April 26, 1999.

Tax Lot 300, which has a Comprehensive Plan Designation of Low Density Residential/Manufactured Housing (LR/MH) was amended from Low Density Residential (LR) to Low Density Residential/Manufactured Housing per City Ordinance 92-1029 (Exhibit 2).

Tax lot 300 was annexed into the City of Oregon City (Planning File AN 99-03) following a public hearing on May 19, 1999. The staff report incorrectly identifies the Comprehensive Plan designation of the tax lot as LR rather than LR/MH. The only applicable zoning designation for the LR/MH Land Use is R-6/MH, which is the current zoning designation of the property.

The applicant applied for a 76-unit PUD (PD 03-01) and a Water Resource Overlay District (WR 03-01) determination and mitigation plan approval on January 14th, 2003. In addition, the applicant requested a variance from the lighting standards for a proposed walkway to be constructed as a part of the development (WR 03-11). This request has denied by the Planning Commission following a public hearing on August 25, 2003. The Findings of Fact are included as exhibit 3. The decision of the Planning Commission was affirmed by the City Commission on appeal at the October 1, 2003 City Commission hearing (Exhibit 24).

On June 3, 2004 the applicant applied for a zone change of Tax Lot 300 from R-6/MH to R-8 single-family. The applicant withdrew this application when it was discovered that a Comprehensive Planamendment from LR/MH to LR was necessary to approve the zone change. The PUD process was removed from the Oregon City Municipal Code on June 18th, 2004, precluding the option of the applicant to withdraw the application and reapply with the Comprehensive Plan amendment and retain the ability to process a PUD on the site.

BASIC FACTS:

1. **Location.** The development is located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).

2. **Existing Conditions.** The 16.02-acre site comprises two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700 contains an old vacated home and tax lot 300 is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

   The site is identified within the Oregon City Water Resource Overlay District and identified within a Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon.

3. **Zoning and surrounding Land Uses.** Tax lot 1700 is zoned R-10 Single-Family Dwelling District. Tax Lot 300 is zoned R-6/MH Single-Family/Manufactured Home Dwelling District.
   - **North:** Directly north of a majority of the site is the Oaktree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling.
   - **South:** Directly south of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing.

West: The property to the west of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing.

East: South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.

4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 67 dwelling units (49 detached single-family lots and 18 attached single-family dwellings), of which 4 have been identified to be platted but remain vacant for a minimum of 5 years (Exhibits 4, 5 and 6). Access to the site would be from Rose Road at 4 locations, including 2 private streets and a public loop road. The applicant has proposed full street improvements on the loop road. The 1st private street is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the attached housing units at the front of the site along South End Road. The applicant has proposed ½ street improvements to city standards for Rose Road and South End Road.

The applicant has prepared a Village at South Rose Traffic Impact Study (Exhibit 7), Preliminary Storm Runoff Detention and Water Quality Calculations (Exhibit 8) and two letters from Mr. Imbrie, PE of GeoPacific Engineering, Inc. concerning the groundwater on the site (Exhibits 9 and 10).

The PUD includes open space in two tracts, both containing a Water Quality Resource Area (WQRA), and the utilization of the overflow areas of the two storm ponds, representing 26.0% of the gross area of the site. The applicant has proposed to increase the area of existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road within the vegetated corridor (WR 04-12).

5. **Density considerations.** The applicant is proposing a 67-unit Planned Unit Development. PUD's are permitted in the R-10 and R-6/MH Single-Family Dwelling Districts but they must comply with the requirements of OCMC Chapter 17.64.

Under Section 17.64.030, a development proposal may be processed as a PUD as long as the development proposes at least 80 percent of the gross density allowed by the underlying zone. Tax lot 300, which is 6.5-acres, could accommodate 41.6 dwelling units at 6.4 units per gross acre under the R-6/MH Single-Family Dwelling District density requirements. Tax lot 1700, which is 9.52 acres, could accommodate 41.9 dwelling units at 4.4 units per gross acre under the R-10 Single-Family Dwelling District density requirements. The total site could accommodate 84 dwelling units and the PUD must have a minimum density of 80 percent for the site, which represents 67 units. The applicant has proposed 67-units, which is 80 percent of the gross density permitted on the site.

Section 17.64.040(H) requires that between 20 and 50 percent of the "net developable area" shall consist of residential uses other than single-family dwellings, which is defined as a detached building designed for and used exclusively as the residence of one family (OCMC 17.04.230). The total net developable area is 347,372 square feet and is comprised of 49 detached dwellings on approximately 276,558 square feet of developable area, representing 80% of the net developable area. The 18 attached dwellings, located on approximately 70,814 square feet of developable area, represents 20% of the net developable area.

6. **Adjustments to the R-10 and R-6/MH Single-Family Dimensional Standards.** All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. The only two items that may not be adjusted are the setbacks around the perimeter of the PUD and the minimum density requirement of 80 percent of the maximum density of the underlying zone. The preliminary PUD proposed a density of 67-units and

perimeter setbacks that meet the zoning standards on each tax lot. Staff comments and recommendations concerning the proposed setbacks are addressed in Section 17.64.040.C of the Planned Unit Development section of the staff report.

7. **Comments.** Notice of this proposal was posted on the site and sent to property owners within three hundred feet of the subject property and various City departments and other agencies on July 27, 2004. The Planning Commission Hearing was advertised in the Oregonian on July 30th, 2004 requesting comments. Comments were received from the David Evans and Associates (Exhibit 11), Clackamas County Fire District 1 (Exhibit 12), Oregon City Public Works Department (Exhibit 13) and the Oregon City School District (Exhibit 14).

Comments have been received from the following:
Kathleen Galligan of 18996 Rose Road, Oregon City, Oregon 97045 (Exhibit 15);
Penny and Ed Burton of 18799 Rose Road, Oregon City, Oregon 97045 (Exhibit 16);
John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 17);
John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 18);
James Kosel of 11466 Finnegan's Way, Oregon City, Oregon 97045 (Exhibit 19);
Rett Pratt of 18907 Deer Lane, Oregon City, Oregon 97045 (Exhibit 20); and
Kathy Hogan – Hazel Grove/Westling Farm Neighborhood Association (Exhibit 21).

The comments received were incorporated into the analysis and findings sections below.

DECISION-MAKING CRITERIA:

Oregon City Comprehensive Plan

Section "C" Housing
Section "F" Natural Resources/Natural Hazards
Section "G" Growth and Urbanization
Section "I" Community Facilities
Section "J" Parks and Recreation
Oregon City Transportation System Plan – Ancillary document to Comprehensive Plan

Oregon City Municipal Code Standards and Requirements

Chapter 12.24 Streets, Sidewalks, and Public Places
Chapter 16.12 Minimum Improvements and Design Standards for Land Divisions
Chapter 17.08 "R-10" Single-Family Dwelling District
Chapter 17.13 "R-6/MH" Single-Family/Manufacture Home Dwelling District
Chapter 17.50 Administration and Procedures
Chapter 17.64 Planned Unit Development

ANALYSIS AND FINDINGS:

Substantially Similar

Section 17.50.220 of the Oregon City Municipal Code prohibits the re-application of the same or substantially similar application within one year of the City's denial of a prior application. The City Commission denied the applicant's previous application, a 76-lot PUD, on October 1, 2003. The applicant has addressed the re-application and substantially similar argumentson pages 2 through 4 of the narrative (Exhibit 4).

As the applicant has stated, the definition of substantially similar is not defined in the Oregon City Municipal Code. Section 17.64.150 – Final PUD Plan indicates that the planning manager shall approve a final PUD plan that is consistent with the approved preliminary PUD plan. If the planning manager determines that the final PUD plan materially deviates from the approved preliminary PUD plan, the plan shall be referred to the

Planning Commission for a public hearing. 5 of the 7 criteria in this section have identified a numeric percentage to be used when determining a material deviation. Material deviation is defined as a 10% increase in the number of approved dwelling units, 10% increase in the number of approved multi-family dwellings, a 10% change to the approved commercial use square footage, a 10% reduction in the approved amount of landscaping, opens space or protected lands and/or a 10% increase in the approved amount of impervious surface on hillsides or unstable soils.

It was determined, based on the above criteria to define materially deviation, that a 10% increase or reduction to certain aspects of an approved plan were a significant enough change to warrant a second review by the decision making body. As stated above, there are no criteria for the determination of substantially similar, however, staff has provided a comparison of the two applications based on the percentage of change of some quantitative aspects of the application to illustrate the changes that have occurred between the denied application and the application being reviewed.

The denied application was reviewed based on a proposal of 76 lots. The applicant is proposing 67 lots, which is a 12% reduction in the total number of lots. The applicant has proposed to shadow plat 4 of the 67 lots and place a binding restrictive covenant on the land that will prevent the development of the 4 lots for a minimum of 5 years from the approval date of the application, resulting in a 17% reduction in lots for the 5 years. The applicant has proposed a 6% reduction in the detached dwelling lots (52 to 49) and a 25% reduction in the attached dwelling lots (24 to 18). The applicant has proposed a 1% increase in the open space area on the site. The applicant has proposed an 11% reduction in the total number of trips per day from the site (810 to 720), a 10% reduction in the PM Peak Hour trips (83 to 75) and a 19% reduction in the AM Peak Hour trips (69 to 56).

In addition, the applicant has identified several qualitative changes to the application that would warrant a determination that the application is not substantially similar to the previous application, including:

1) Integration of the attached and detached housing lots;
2) Placement of larger lots along the north property line and smaller lots along Rose Road and the interior street;
3) Rear loaded garages to be accessed from an alley;
4) Relocation of the active open space to be centrally located; and
5) Expansion of the storm detention system to exceed the city standards and match the pre-development run-off rates for both the 50 and 100 years storm events.

Based on the proposed changes to the site layout, housing units, vehicle trips created and detention system, staff would recommend that the Planning Commission find that the application is not substantially similar to the previous application.

Consistency with the Comprehensive Plan

Housing Goal: *Provide for the planning, development, and preservation of a variety of housing types at a range of prices and rents.*

Finding: The applicant has proposed to provide a mix of single-family attached and detached housing on a range of lot sizes from 3,500 to 9,241 square feet, with a majority of the detached housing on lots of approximately 5,000 to 6,000 square feet. This standard is met.

Natural Resources/Natural Hazards: *Preserve and manage our scarce natural resources while building a liveable urban environment.*

Description of Water Resources, Rivers and Creeks

5 Little Beaercreek:

Description: *This water resource is partially inside and outside of the urban growth boundary. A small portion lays adjacent to South Parrish Road and ends in an area encompassing a two plus acre pond. The pond and vegetative area extends across three parcels which are zoned FU-10, Future Urban, 10-acre minimum. There are at least three single-family residences which have been constructed in the vicinity of the pond and wetland area. There is significant riparian vegetation surrounding this area. It consists of white ash, dogwoods, blackberries, grasses, and reeds. This area is also the home of a beaver and a beaver dam has been constructed. The understory is established as evidence by the beaver activity. This area is significant as forested wetland corridor. Currently, the property owners in the vicinity of the pond have managed the resource. There is a fence going through a portion of the swale, that may denote property boundaries.*

Potential Conflicts: *The conflicts would include increases in density in the area, and a proposed route of a sewer line and pump station proposed in the wetland area. If the public facility is constructed the wetland and adjacent vegetation may be irrevocably destroyed. All conflicting uses should be restricted with regard to this resource. Additional single-family uses could be constructed in the vicinity outside of any transition area, if the buildings are property located to minimize any potential impacts.*

Water Resource Goals:

1. *Assist in the protection of natural features, natural vegetation, and the banks of water sources;*
2. *Maintain water quality and wildlife habitat;*
3. *Preserve natural storm water retention beneficial to flood control.*

Policies:

3. *The City shall encourage the open space use of water resources and land use compatible with water resources preservation;*
4. *The City shall establish development review procedures which will preserve the natural function of water resource areas and protect them from deterioration by:*
    a. *Incorporation of the natural water resource feature in site design;*
    b. *Prevent clearing of natural vegetation in the water resource impact areas;*
    c. *Preserve the natural retention storage capacity of the land; and*
    d. *Prevent discharge of water pollutants into the ground.*
5. *Provide the opportunity to increase water resource areas by encouraging and requiring water resource restoration and creation.*
6. *Encourage educational opportunities for the study of water resources through the schools, community college, Metro, and other agencies.*

Finding: The subject site drainage courses were most likely non-channelized wetlands in their historic condition. These wetlands currently form the headwaters of an unnamed stream that is a tributary of Little Beaver Creek. The WQRA consists of several groves of trees, but are primarily pasture with colonized noxious invasive species.

It appears the Conflict Concerns of the Comprehensive Plan pertain to the two-acre pond and vegetative area in the vicinity. The subject site is the headwaters for the Little Beaver Creek location and the pond described in the Comprehensive Plan is located outside the Urban Growth Boundary. The concerns include increased density in the area. The Comprehensive Plan indicates that all conflicting uses should be restricted with regard to this resource (Little Beaver Creek near Parrish Road and the pond outside the UGB) and that additional single-family uses could be constructed in the vicinity outside of any transition area, if the buildings are properly located to minimize any potential impacts.

The applicant has proposed to protect the delineated water resource located on the property by complying with the criteria of the Oregon City Municipal Code, Chapter 17.49 – Water Resource Overlay District, which implements the goals and policies of the Comprehensive Plan. The applicant has proposed to develop a Planned Unit Development on the subject site, which includes the designation and preservation of open space, the incorporation of the natural water resource

feature in the site design, providing resource restoration and creation, and the preservation of the natural retention storage capacity of the land.

The applicant has supplied adequate information to determine that complying with the conditions of approval can protect the water resource area and the 50-foot vegetated corridor buffer.

The applicant can satisfy this section by complying with the conditions of approval provided in Planning File WR 04-12 (Condition of Approval 1).

7. South Rose Road area: (3-1E-1, tl 2000, 3-1E-1CD, 3-1E-12B)
Description: This area is shown on the SCS maps as having a high proportion of Delena Soils. There is also evidence of wet soils/high water table in this area. Determinations will be required for any development in this area.

Finding: This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology Hazards of North Western Clackamas County that indicates the proposed project site is located in a Wet Soils-High Water Table. The applicant has submitted a Geotechnical Engineering Report for Village at South Rose by James D. Imbrie P.E. and Kirk L. Warner, P.G.; with GeoPacific Engineering, Inc. The report is dated February 3, 2004 (Exhibit 9). An addendum providing additional discussion of the groundwater concerns from the neighboring residents was provided and is dated also dated February 3, 2004 (Exhibit 10). It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. This criterion is met.

Growth and Urbanization: *Preserve and enhance the natural and developed character of Oregon City and its urban growth area.*

Finding: The applicant has proposed to preserve the existing wetlands located on the site and provide mitigation to enhance and improve the existing water features and quality. This standard is met.

Community Facilities: *Serve the health, safety, education, and welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.*

Finding: Policy No. 5 states that the City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided. The applicant can provide the necessary community facilities by complying with the conditions and findings of this staff report.

Parks and Recreation: *Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.*

Finding: The Oregon City Parks Master Plan indicates that there currently is a desire to discourage the development and maintenance of mini-parks, thus no further parks of this type are needed except where high-density residential development occurs or where private developers are willing to develop and maintain them. The plan also indicates that open space should be acquired and integrated into the overall park system. This can be done by preserving hillsides, creek corridors, and floodplain areas that could also serve as conduits for trails.

The subject site is located within the Oregon City Water Quality Resource Area and will be protected per the standards of OCMC Section 17.49. The applicant has proposed an open space area in excess of 20% of the total site area and has incorporated a mixture of passive and active uses. The open space will be maintained by the homeowners through the development of appropriate CC&R's. A further analysis of the proposed open space associated with this project is

addressed in Section 17.64.040.D below. The applicant can provide the necessary recreational activities by complying with the conditions and findings of this staff report.

Chapter 16.08 Subdivision Process and Standards

Chapter 16.08.010 - Purpose and General Provisions

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

Finding: The proposed project was reviewed by the appropriate agencies and the findings necessary to be in compliance with Chapter 16.08.010 have been included.

Chapter 16.08.020 – Pre-application Conference

Finding: The pre-application conference, identified as PA 04-16, was held on May 19, 2004. This standard is met.

Chapter 16.08.050 – Preliminary Subdivision Plat – Narrative Statement

The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

A. Subdivision Description.

Finding: The applicant provided a detailed description of the proposed development (Exhibits 4-10).

B. Timely Provision of Public Services and Facilities.

Water

Finding: The applicant indicates that public water will be extended, as necessary, from existing public utility lines to provide a connection to all new lots.

There is an existing Oregon City (City) 12-inch water main in South End Road with an 8-inch stub into Rose Road connected to an existing 4-inch Clackamas River Water main in Rose Road. There is an existing fire hydrant on the west side of the intersection of Rose Road and South End Road.

The applicant's proposed waterline plan indicates constructing a 12-inch diameter water main along the site's frontage with Rose Road and connecting to the existing City 12-inch water main in South End Road. Two water mains with a dead end line (in roads that terminate by detention area "C") are proposed to serve lots 15, 16 and 17 northwest of detention area "C" and lots 45 – 58 southeast of detention area "C". Another water main is proposed to loop around the properties on the northwest side of the site, with a dead end water main serving lots 1, 2, 3, 29 and 30. Lots 62-67 fronting South End Road are obtaining there water services from the existing City 12-inch water main in South End Road. The proposed water improvements provide two stubs to the northwest at Rose Road and the proposed interior street. The applicant has proposed blow off assembly at dead end lines, six new fire hydrants, and water service to all of the proposed lots.

The City does not want dead end water mains when looping is available. The applicant shall redesign the water mains to eliminate the two dead end water lines near detention area "C". If the applicant loops the water line through the water resource area, the water line shall be bored through the water resource area to minimize impacts from the water line.

The applicant has proposed a number of water services, sewer lateral and utility crossings South End Road. In order to minimize the trench patches on South End Road, the applicant shall be required to mill/remove the existing asphalt and replace to a full lane width. The applicant has

proposed a water system that appears to meet City code with a few modifications. Public and private water easements may be required.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 2, 3, 4, 5 and 6.

Sanitary Sewer

Finding: The applicant indicates that sanitary sewer will be extended, as necessary, from existing public utility lines to provide a connection to all new lots.

There is an existing 12-inch gravity sanitary sewer main and 10-inch force main in South End Road. There is an existing 8-inch stub out in Rose Road from the South End gravity sewer in South End Road. The stub out invert is approximately 11-feet deep at the manhole in South End Road and near Rose Road. Even with this depth, the gravity sewer in Rose Road will be very shallow due to the two low drainage areas along the site. The applicant has proposed to chase grade and connect to an existing sanitary sewer manhole in South End Road to the southwest of the site.

The applicant has proposed to extend the sanitary sewer to the northwest property boundary in Rose Road and the proposed street. The applicant has proposed to connect two lots to one sanitary sewer lateral on the homes fronting South End Road. No double services are allowed; each lot shall connect to the public sewer with a single sewer lateral.

The applicant has proposed a sanitary gravity sewer system that connects to the existing gravity sanitary sewer manhole at the intersection of South End Road and Filbert Drive. No proposed inverts have been shown, but the plan appears to be workable to meet City code with a few modifications.

This standard is not met. The applicant can meet this standard by complying with conditions of approval 2, 5, 7, 8, 9, 10, 11, 12 and 13.

Storm Sewer and Storm Water Drainage

Finding: The applicant indicates that storm drainage will be managed on the site through a collection and detention system, with measured release to the existing drainage swales southwest of Rose Road.

This site is located in the South End Drainage Basin as designated in the City's Drainage Master Plan. The South End Drainage Basin drains to Little Beaver Creek, Beaver Creek, and ultimately the Willamette River above the falls. The Willamette River is an anadromous salmon-bearing stream. Drainage impacts from the site are significant.

There are two existing drainage swales and wetlands running across the site approximately 400-feet and 880-feet away from South End Road. These drainage areas are depicted in the South End Basin Master Plans as to be retained as open channel drainage swales. The applicant proposes to not disturb these areas and to provide a 50-foot buffer around the wetland areas. Both of these drainage swales cross Rose Road via a culvert under the road and follow an existing open drainage swale, which converge into a single drainage ditch, which drains to the Southridge Meadows Subdivision Drainage System. There currently are flooding problems along the properties southwest of Rose Road. The Southridge Meadows drainage system appears to be adequately sized to receive the drainage.

The applicant has proposed to drain the site into three detention ponds and utilizes the existing wetland areas and water resource areas for water quality and conveyance of storm water. The detention systems are located adjacent to the wetland areas and do not encroach into the water resource buffer areas. The applicant proposes to drain the site to the two existing drainage swales southwest of Rose Road. The applicant does not clearly show how the storm system for the southeast swale will function.

Both drainage swales have a field inlet as a control structure prior to entering a culvert under Rose Road, which discharges into the existing storm swale on the southwest side of Rose Road. The field inlets will be designed to ensure that the water resource will not be drained. In addition, the applicant has proposed to backfill the utility trench along the water resource area with an impervious material such as CDF/Bentonite backfill.

Preliminary Hydrology/Detention calculations have been provided to the City for review (Exhibit 8). The analysis concludes that the City's storm water design requires a detention system to be designed to reduce peak runoff for the 2, 5, and 25-year storm events. Therefore, the peak runoff for the 2-year storm event and smaller peak flows to the downstream swales should be slightly less than may occur in a 2-year event occurring today on the undeveloped site. The 5 and 25 year events should be no worse that a 5 or 25 year event occurring today.

The applicant has preliminarily addressed how the storm system will function in a high ground water table and how the existing water resource/wetlands will be maintained/recharged. The applicant has proposed a storm water management system that appears to meet City code with modifications.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 2, 14, 15, 16 and 17.

Parks and Recreation

Finding: This criterion is addressed in Section 17.64.040.D below.

Traffic and Transportation

Finding: The applicant has indicated that the proposed development will contribute to the increase in traffic volumes that will eventually require modifications to the intersection of South End Road with both Warner Parrott Road and Partlow Road. For the present, all intersections in the vicinity function at an acceptable level of service and the proposed development will satisfy its obligation for future improvements through the payment of system development charges and the signing of a non-remonstrance agreement with the City.

The applicant submitted a Traffic Impact Analysis (TIA) for the Village at South Rose Subdivision by Todd E. Mobly; P.E., with Lancaster Engineering and dated February 2004 (Exhibit 7). The TIA has been reviewed by the City and David Evans and Associates and it has been determined that the applicant's TIA generally meets the City's requirements and this project is not expected to trigger off-site mitigation, rather it will simply add to the need for planned improvements already underway. The applicant shall be responsible for paying System Development Charges as well as signing a Non-Remonstrance Agreement with the City for future improvements.

The principal site access, Rose Road and South End, was found to operate acceptably. The intersection of South End and Warner-Parrott Roads is expected to deteriorate in it operation. This four-way stop-controlled intersection is predicted to deteriorate from Level Of Service (LOS) D to F during the PM peak hour for the poorest approach. This degradation is due to a combination of

high traffic growth rates and this development. It is worth noting that the overall intersection LOS is still predicted to be LOS D during the PM peak hour under background 2005 conditions. As a signalized intersection, this intersection is predicted to operate at LOS B during the AM peak hour and C during the PM peak hour. Like other developments in the south part of the city, this development is putting pressure on the transportation system that will justify the improvements shown in the TSP, including the planned improvements and signalization of South End Road and Warner-Parrott Road.

The Engineer recommends the removal and maintenance of vegetation along South End Road near Rose Road to provide adequate sight distance. Staff concurs with that recommendation. No other mitigation measures are proposed.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 18 and 19.

Schools

Finding: The Oregon City School District was notified of the development. The School District Business Manager, Ken Rezac, has indicated that the development in the South End area will necessitate a boundary adjustment for the Elementary Schools. The applicant has indicated that Mr. Rezac has indicated in a phone conversation that the Middle Schools are near capacity, but this development would not bring the middle schools to capacity. There would be no capacity issues at the High School level.

The applicant indicates that the school district has the responsibility for managing population increases, and can do so by adding classroom space, moving classrooms, etc. This project would not contribute to students to the schools system for at least a year and proposes no more density that allowed in the underlying zoning districts. The applicant meets this standard as proposed.

Fire and Police Services

Finding: The applicant indicates that the City provides the fire and police and no problem was identified with accommodating the development.

There were no comments received concerning fire and police services. The proposed development is located on South End Road, a minor arterial, which provides relatively quick and convenient access to the site for emergency vehicles. The applicant meets this standard as proposed.

C. Approval Criteria and Justification for Variances.

Finding: The applicant has addressed Chapter 16.12 below. This standard is met.

D. Geologic Hazards.

Finding: This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology Hazards of North Western Clackamas County that indicates the proposed project site is located in a Wet Soils-High Water Table. The applicant has submitted a Geotechnical Engineering Report for Village at South Rose by James D. Imbrie P.E. and Kirk L. Warner, P.G.; with GeoPacific Engineering, Inc. The report is dated February 3, 2004 (Exhibit 9). An addendum providing additional discussion of the groundwater concerns from the neighboring residents was provided and is dated also dated February 3, 2004 (Exhibit 10). It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. This criterion is met.

E. Water Resources.

Finding: The site is subject to Chapter 17.49: Water Quality Resource Overlay District. The applicant submitted a separate Water Resource Review identified as Planning File WR 04-12.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 1.

F. Drafts of the proposed CC&R's.

Finding: The applicant will prepare and submit a draft of the CC&R's, maintenance agreements, dedications, easements, and related documents for the subdivision prior to final plat approval to incorporate the conditions of approval from this application. This standard is met as proposed.

G. Phasing.

Finding: The proposed development will be completed in one phase, except that the non-exempt housing types (single-family attached) and open space will require additional approval through the Site Plan and Design Review. This standard is met as proposed.

H. Density.

Finding: The overall density of the proposed PUD in one dwelling unit per 10,418 square feet, based on the original parcel size of 16.02 acres or 4.18 units per acre. Densities for each dwelling type are as follows: Single-family detached average 5,643 square feet; and Single-family attached average 3,934 square feet. This standard is met.

Chapter 16.12Minimum Improvements and Design Standards for Land Divisions

[Section 17.64.120(B) requires that PUDs meet the applicable standards of this Chapter.]

16.12.010 Purpose and general provisions.

Finding: This chapter requires all land divisions to be in conformance with the policies and design standards established by Chapter 16.12 and other applicable City regulations and plans. City staff evaluated the proposed PUD plan against the minimum improvements and design standards and found that the plan can meet the requirements of Chapter 16.12 by complying with the attached conditions of approval.

Chapter 16.12.020 - Street Design-Generally

Finding: The location, widths, and grades of the proposed street network appears to provide connectivity for future development of adjacent properties, a convenient street system, and for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The proposed street system appears meet the general street designs of the City with a few modifications.

Chapter 16.12.030 Street Design–Minimum right-of-way

Finding: Rose Road and the proposed public interior streets are classified as Local Streets by the Oregon City Transportation System Plan (TSP), which requires a minimum right-of-way (ROW) width of 42-54 feet. Currently, Rose Road appears to have a 30-foot ROW.

The applicant has proposed an 11.5-foot dedication along the properties fronting Rose Road for a half street of 26.5 feet. The applicant is proposing a ROW of 53 feet throughout the site for the interior loop street. South End Road is classified as a Minor Arterial by the TSP, which requires a minimum ROW width of 64-114 feet. Currently, South End Road appears to have a 60-foot ROW. The applicant has proposed a 10-foot dedication along the property fronting South End Road.

The proposed interior street that terminates at the 12-foot wide landscape buffer strip along the northwest property line shall be extended through the landscape buffer and terminate at the property line.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 9 and 44.

Chapter 16.12.040 Street Design–Reserve Strips

Finding: The applicant has not proposed a reserve strip at the northwesterly end of the proposed new loop street (between lots 1 and 29) because of the proposed landscape buffer. The applicant does recognize that the City may desire a reserve strip at this location and will provide one if requested. The applicant shall provide a reserve strip at the northwesterly end of the proposed street to prevent access to the street. The reserve strip shall be noted on the plat to be automatically dedicated as public ROW upon the approval of ROW dedication and/or City land use action approval of the adjacent property.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 20.

Chapter 16.12.050 Street Design–Alignment

Finding: The proposed local streets resulting in a "T" intersection with Rose Road are greater than one hundred feet from existing local streets. The applicant meets this standard as proposed.

Chapter 16.12.060 Street Design–Constrained Local Streets and/or Right-of-Way

Finding: No constrained public Local Streets or Right-of-Ways have been proposed. This standard is not applicable.

Chapter 16.12.070 Street Design-Intersection Angles

Finding: The proposed local street intersections are at a right angle to Rose Road. This standard is met as proposed by the applicant.

Chapter 16.12.080 Street Design-Additional right-of-way

Finding: This standard is addressed in Section 16.12.030 above. The applicant meets this standard as proposed.

Chapter 16.12.090 Street Design–Half Street

Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.

Finding: Rose Road is classified as a Local Street by the Oregon City TSP, which requires a minimum pavement width of 20 to 32 feet. Currently, Rose Road has approximately 16 feet of pavement width. South End Road is classified as a Minor Arterial by the Oregon City TSP, which requires a minimum pavement width of 36 to 88 feet. Currently, South End Road has approximately 32 feet of pavement width.

The applicant has proposed a half-street improvement plus 10 feet and a temporary curb for Rose Road along the property's frontage. The proposed interior streets are fully improved with 5-foot vegetated planter strips, 5-foot sidewalks, and 32 feet of pavement with curb. The applicant has proposed to widen South End Road to a pavement width of 26 feet from the centerline along the property fronting South End Road. The applicant has proposed a 6-foot planter strip and 7-foot sidewalk. The TSP requires a 5-foot planter strip, however, if the ROW permits, the applicant shall provide a larger planter strip to utilize the remaining ROW during the construction plan review.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 2, 21, 22, 23, 24, 25 and 26.

Chapter 16.12.100 Street Design–Cul-de-sac

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint.

Finding: A permanent dead-end is permitted due to the wetlands on the site and the existing development patterns to the northeast of the site that negates the ability to create a through street. The deadend is less than three hundred fifty feet and a pedestrian walkway is proposed connecting the dead-end to the proposed development to the west and South End Road to the east. The applicant meets this standard as proposed.

Chapter 16.12.110 Street Design–Private Street

The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography, some significant physical constraint.

Finding: A private street is proposed for access to lots 45-58. The longest leg of the private street is approximately 230 feet. The portion of the street perpendicular to Rose Road will have 32 feet of pavement with parking on both sides and a 6-foot curb tight sidewalk on the north side of the street. The portion of the private street that is parallel to Rose Road will have 28 feet of pavement with parking on one side and a 6-foot curb tight sidewalk located on the northeast side of the street.

A second dead-end private street is proposed from the loop street to provide access to lots 16 and 17 and detention area "C". The street is approximately 150 feet. There will be 28 feet of pavement with parking on one side of the street, a 5-foot sidewalk, and a 5-foot planter strip and street trees located on the northeast side of the street.

The third proposed dead-end private street provides access to lots 59-67, detention pond "A" and a parking area. No dimensions were provided for this area. The parking lot and street design will be reviewed as part of the site plan and design review for the attached housing and open space.

The street design for the middle private street should include the use of street trees to reduce the amount of pavement that is not shaded and to reduce the amount of rain on the pavement, both of which impact the water quality of the run-off from the site to the adjacent Water Quality Resource Area. The applicant shall reduce the sidewalk width to 5 feet and provide street trees in easements behind the sidewalk on both sides of the private street.

The applicant shall stop the private street a minimum of 5 feet from the open space areas and provide landscaping to provide a buffer between the driving area and the opens space/pedestrian area.

The applicant shall post the no parking signs on the side of the drive that offers the least number of spots.

The applicant has proposed a driveway and parking spaces for lots 66-75. Site Plan and Design Review is required for the design of the attached housing units and the parking lot.

This standard is not met. The applicant can meet this standard by complying with condition of approval 27, 28, 29 and 30.

Chapter 16.12.120 Street Design–Street Names

Finding: The applicant indicates that the proposed streets will be named at a later time, subject to City approval. The applicant meets this standard as proposed.

Chapter 16.12.130 Street Design–Grades and Curves

Finding: The proposed street will be designed to conform to City standards. The applicant has satisfied this standard as proposed.

Chapter 16.12.140 Street Design–Access Control

Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip along the rear or side property line, or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic.

Finding: The site does abut a minor arterial and does not propose to take access from that street. Further appropriate measures, such as an access control strip across the property lines fronting South End Road can be shown on the final plat if required by the City.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 31.

Chapter 16.12.150 Street Design–Pedestrian and Bicycle Safety

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision-maker may require that local streets be so designed as to discourage their use by non-local automobile traffic.

Finding: The applicant has proposed appropriate traffic calming measures at the 2 intersections to Rose Road from the subject site, the "T" intersection on the new interior street, and at the intersection of Rose Road and South End Road. The applicant has satisfied this standard as proposed.

Chapter 16.12.160 Street Design–Alleys

Finding: The applicant has proposed a 20-foot wide private alley easement to serve 22 lots for rear-loaded garages. The proposed alley will be designed to comply with city requirements and meets the minimum width requirement of 20 feet. This standard is met as proposed.

Chapter 16.12.170 Street Design–Transit

Finding: The applicant indicates that a bus stop at the corner of Rose Road and South End Road, which serves Route 79, will need to be adjusted to accommodate the larger street section. The applicant has indicated they will coordination with Tri-Met for the new improvements. The applicant has satisfied this standard as proposed.

Chapter 16.12.180 Street Design–Planter Strips

Finding: The applicant has proposed to include a planter strip and street tree plan for all of the public streets associated with the proposed development, with adjustment for tree locations as may be required by driveways and street lights. This standard is met as proposed.

Chapter 16.12.190 Blocks-Generally

Finding: The applicant has proposed a general block system that accounts for the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle, and transit access through the site and to abutting properties. This standard is met as proposed.

Chapter 16.12.200 Blocks-Length

Finding: The applicant has proposed a block length of less than 600 feet. This standard is met as proposed. This standard is met as proposed.

Chapter 16.12.210 Blocks-Width

Finding: The one block created provides for two tiers of lots to be created between Rose Road and the new interior street. No other blocks can be formed on the site due to pre-development patterns that did not provide street stubs to the site and the existence of the two wetlands on the site. This standard is met as proposed.

Chapter 16.12.220 Blocks-Pedestrian and Bicycle Access
To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways.

Finding: The applicant has proposed a pedestrian/bicycle accessway that will facilitate the most practicable and direct pedestrian connection from the private drives to public ROW, South End Road, and the proposed open space on the subject site. The applicant has proposed a 10-foot wide pedestrian path within a 20-foot easement through the open space, except for the 5-foot bridges across the wetlands.

A 10-foot sidewalk easement has been proposed on lots 47 and 48 to connect the private street to the pedestrian/bicycle accessway. An accessway less than 200 feet in length is required to have a 10-foot pavement surface within a 15-foot easement. The applicant has not submitted a landscaping plan for the entire site as part of the application.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 32.

Chapter 16.12.230 Building Sites

Finding: This standard is addressed in the Planned Unit Development section of the staff report concerning *(C) Adjustment to Dimensional Standards.*

Chapter 16.12.240 Building Sites—Frontage Width Requirement

Finding: Each lot has at least 20 feet of frontage on a public or private street. This standard is met as proposed.

Chapter 16.12.250 Building Sites -Through Lots

Finding: No through lots are proposed.

Chapter 16.12.260 Building Sites—Lots and Parcel Side Lines

Finding: All lot lines are at right angles or radial to the new streets. This standard is met as proposed.

Chapter 16.12.270 Building Sites—Solar Access

Finding: The applicant indicates that the site is not aligned in a north-south or east-west direction, to the new streets cannot be orientated in a manner that allows new lots to be orientated for optimum solar access. This standard is met as proposed.

Chapter 16.12.280 Building Sites—Grading
Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15 48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Finding: The applicant provided a preliminary Grading and Erosion Control plan. A final site grading plan shall be required as part of the final construction plans per the City Residential Lot Grading Criteria and the uniform Building Code.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 2 and 33.

Chapter 16.12.290 Building Sites—Setback and Building Location
Lots located on collector or minor arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the collector or minor arterial street.

Finding: The applicant shall located the front yard setback on and orient the front of the primary structure of lots 62-67 to face South End Road, a Minor Arterial.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 34.

Chapter 16.12.300 Building Sites—Division of Lots

Finding: No lots are dividable. This standard is not applicable.

Chapter 16.12.310 Building Sites—Protection of Trees
Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources.

Finding: The applicant provided an existing condition plan that identifies 5 trees within the expanded ROW of Rose Road to be removed. There are several trees within the ROW of the new interior street that will need to be removed for site development, but are not identified for removal. There are several trees on the proposed lots that appear to be within the potential building footprint area; however, the allowed setbacks and any trees to be removed as part of building construction are not indicated on any plans. The applicant indicates a desire to work with the City to accommodate existing trees, if possible.

The applicant shall provide a landscaping plan demonstrating the replacement location of all trees removed from the site that are not located within the public ROW or building footprints (setbacks) of each lot prior to the issuance of a grading permit for the site. The applicant shall have a qualified consulting arborist or horticulturist prepare a site preparation and management program to provide protection to the trees not designated for removal on the landscaping plan to avoid

disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 35 and 36.

Chapter 16.12.320 Easements

This standard governs the location improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.

Finding: The applicant has indicated that the easements for utilities and other features will be provided as required by the City. The final plat will show any easements required by the City and necessary for the development of the PUD in compliance with the requirements. The applicant has not shown any utility easements in the private streets or public utility easements along the street frontages.

The applicant proposed a number of utility and access easements. The location and width will have to be finalized as part of the design review process of the construction plans. Additional easements/tracts may also be identified with the review of the construction plans.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 2 and 37.

Chapter 16.12.330 Water Resources

Finding: This section is addressed in Planning File WR 04-12.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 1.

Chapter 16.12.340 Minimum Improvements—Procedures

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works Stormwater and Grading Design Standards.

Finding: The applicant has indicated that no improvement work will commence until the construction plan are reviewed and approved by the City Engineer. Proposed improvements will conform to the requirements of Title 16 and be designed to City specifications and standards as set out in the City's master plan and Public Works Storm water and Grading Design Standards.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 2.

Chapter 16.12.350 Minimum Improvements—Public Facilities and Services

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

Finding: This standard addresses minimum improvements, which are required for public transportation systems, storm water drainage and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The Oregon City Engineering Division reviewed the need for the minimum improvements required for this project under Title 16 above.

This standard has not been met. The applicant can satisfy this standard by complying with condition of approval 18.

16.12.360 Minimum Improvements—Road Standards and Requirements

The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions.

Finding: The applicant indicates that the proposal will meet this standard. The applicant shall provide approval from the Clackamas County Fire to ensure that the proposed private streets are adequate for fire and life safety access and the applicant shall provide a legally binding means for the repair and maintenance of all private streets proposed.

This standard has not been met. The applicant can satisfy this standard by complying with Condition of Approval 38.

16.12.370 Minimum Improvements—Timing Requirements

Finding: The applicant has indicated that prior to applying for final plat approval construction of all public improvements required as part of the preliminary plat approval will be complete or a guarantee for the construction of those improvements will be provided. The applicant has satisfied this standard as proposed.

Chapter 17.08 R-10 Single-Family Dwelling District

[Section 17.64.120(B) requires that PUDs meet the applicable standards of this chapter.]

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;

B. Minimum average lot width, seventy-five feet;

C. Minimum average lot depth, one hundred feet;

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

E. Minimum required setbacks:

1. Front yard, twenty-five feet minimum depth,

2. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,

3. Corner side yard, twenty feet minimum width,

4. Rear yard, twenty feet minimum width,

5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))

Finding: This standard is addressed in the Planned Unit Development section of the staff report concerning *(C) Adjustment to Dimensional Standards.*

Chapter 17.13R-6/MH SINGLE-FAMILY DWELLING DISTRICT

[Section 17.64.120(B) requires that PUDs meet the applicable standards of this chapter.]

17.13.040 Dimensional standards.

Dimensional standards in the R-6/MH district are:

A. Minimum lot area, six thousand and eight hundred square feet;

B. Minimum average lot width, eighty feet;

C. Minimum average lot depth, eighty-five feet;

D. Maximum building height, not to exceed twenty feet;

E. Minimum required setbacks:

1. Front yard, fifteen feet minimum depth;

2. Interior side yard, seven feet minimum for at least one side yard; five feet minimum for the other side yard;

3. Corner side yard, fifteen feet minimum width;
4. Rear yard, ten feet minimum width;
5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1024 §4(part), 1992)

Finding: This standard is addressed in the Planned Unit Development section of the staff report concerning *(C) Adjustment to Dimensional Standards.*

Chapter 17.50 ADMINISTRATION AND PROCEDURES
17.50.050 Preapplication conference and neighborhood meeting.

Finding: The applicant attended a pre-application conference with staff, identified as PA 04-16, on May 19, 2004. The applicant held a meeting with the neighborhood on August 16, 2004 (Exhibit 22). This standard is met.

(b) 17.50.060 Application requirements.

Finding: The property owner has initiated the permit application process.

(C) 17.50.070 Completeness review and one-hundred-twenty-day rule.

Finding: The applicant submitted the application on June 3, 2004. The City deemed the application complete on July 2, 2004.

(d) 17.50.090 Public notices.
All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

Finding: The City has provided the required notice to the neighbors, affected agencies and the newspaper. The subject site with posted with a public notice.

(e) 17.50.100 Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

Finding: The City has provided the required notice. See above.

(f) 17.50.130 Conditions of approval and notice of decision.
A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.
B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.
D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type II. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved. (Ord. 98-1008 §1(part), 1998)

Finding: The City will provide notice of this decision and has imposed reasonable conditions of approval.

(g) 17.50.140 Performance guarantees.

When conditions of permit approval require the applicant to construct certain improvements, the city may allow the applicant to submit a financial guarantee in lieu of actual construction of the improvement. Financial guarantees shall be governed by this section.

Finding: The applicant has not proposed to post any performance guarantees at this time.

Chapter 17.64 Planned Unit Development

Chapter 17.64.010 Purpose

A planned unit development ("PUD") is a form of residential land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:

A. To promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land and, in some instances, a more compact, pedestrian-oriented, mixed use urban design. Specifically, this can be accomplished through the PUD process with mixed-use developments. The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole; and

B. To preserve existing natural features and amenities and provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.

C. To protect and enhance public safety on sites with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development.

D. To provide flexibility for dimensional requirements of underlying zones or overlay districts to better achieve the purposes of a PUD. (Ord. 00-1005 §1, 2000: Ord. 97-1024 §1(part), 1997)

Chapter 17.64.020 Definitions – This section is not a criterion the applicant is required to address.

Chapter 17.64.030 Applicant's option

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. If the property bears a PUD overlay designation, the property may be developed only in accordance with this chapter. PUD overlay designations will be legislatively applied by the city to residentially zoned land with natural features, physical characteristics, topography, development constraints, or other unique or special circumstances that warrant preservation or otherwise constrain development of the property. (Ord. 00-1005 §3, 2000: Ord. 97-1024 §1(part), 1997)

Finding: The applicant has proposed the PUD option with at least 80% of the gross density allowed by the underlying zone. Tax lot 300, which is 6.5-acres, could accommodate 41.6 dwelling units at 6.4 units per gross acre under the R-6/MH Single-Family Dwelling District density requirements. Tax lot 1700, which is 9.52 acres, could accommodate 41.9 dwelling units at 4.4 units per gross acre under the R-10 Single-Family Dwelling District density requirements. The total site could accommodate 84 dwelling units and the PUD must have a meet the minimum density of 80 percent for the site, which represents 67 units. The applicant has proposed 67-units, which is 80 percent of the gross density permitted on the site. This criterion is met.

Chapter 17.64.040 permitted uses and basic PUD requirements

This section provides the uses allowed in a PUD as well as the basic elements required of all PUDs.

A. Uses Permitted Outright. Notwithstanding the use provisions of the underlying residential zone, the following uses and their accessory uses are allowed outright as part of the PUD.

1. Detached single-family dwellings and duplexes on individual lots;

2. Attached single-family dwellings and multiple-family dwellings, such as townhouses, condominiums, common wall units and row houses;

3. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;

4. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
5. Common public and private open space;
6. Hiking and/or bicycle riding trails;
7. Accessory structures and uses permitted in the existing underlying zone.

Finding: The applicant has proposed permitted uses 1, 2, 3, and 5.

B. Conditional Uses.
Finding: The applicant has not proposed a conditional use on the site. This criterion is not applicable.

C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. However, unless an adjustment is specifically requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone, and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.

Finding: The applicant has requested several modifications to the dimensional standards for both the R-10 and R-6/MH zones. The modification are necessary to enable use of the reduced lots sizes, meet density requirements, and accommodate the mix of housing types within the constraints that affect the property, including the natural drainage channels that limits useable area on the site and lack of street stubs from adjacent developments.

The applicant has proposed to provide a 20-foot rear setback for all of the proposed lots within the PUD, meeting the rear yard setback of the R-10 zone and exceeding the 10-foot required rear yard setback of the R-6/MH single-family zone.

The applicant has proposed the following modifications:

Standard	R-10	R-6/MH	**Proposed Detached Housing Lots**	**Proposed Attached Housing Lots**
Lot Area	10,000 sf	6,800 sf	**5,000 sf**	**3,500 sf**
Lot Width	75 ft min	80 ft min	**50 ft min**	**35 ft min**
Lot Depth	100 ft min	85 ft min	**82 ft min**	**94 ft min**
Setbacks				
Front	25 ft.	15 ft.	**15 ft. (20 ft. Garage) 10 ft for lots with rear access garages**	**15 ft. (20 ft. Garage) 10 ft for lots with rear access garages**
Side	10 / 8 ft	7 / 5 ft.	**7 / 5 ft**	**0 / 9 ft**
Corner	20 ft.	15 ft.	**15 ft.**	**15 ft.**
Rear	20 ft.	10 ft.	**20 ft.**	**20 ft.**
Building Height	35 ft.	20 ft.	**35 ft.**	**35 ft.**

The applicant has proposed a 12-foot buffer strip and to locate the 7-foot side yard setback of lots 1, 29 and 30 on the north/northwest side of the lots to provide a larger setback from the adjacent lot. The applicant has indicated that the perimeter setback for new buildings within the development will satisfy the perimeter setback for the underlying zone.

The applicant has proposed to increase the existing 10-foot setback of the R-6/MH zone to 20 feet for the detached housing lots created on the site, which will afford the property owners a useable rear yard and increased privacy and recreational space.

The applicant has proposed to reduce the R-10 standard for side yard setbacks from 10/8 feet to 0/9 and maintain the rear yard setback at 20 feet for the attached housing proposed on the site. The proposed side yard setbacks are identical to the existing RD-4 Two-Family Dwelling district and the rear yard setback exceeds the RD-4 standard by 5 feet. Staff finds that the proposed side and rear yard setbacks for the attached single-family are consistent, and exceed, the existing RD-4 Two-family dwelling district, which provides sufficient side yard separation while accommodating the housing design submitted by the applicant and providing a larger rear yard setback that will increase privacy and recreational area for the property owner.

The applicant is required to provide the underlying zone setback for all perimeter lots on the subject site. This standard would require that the attached housing facing South End Road and Rose Road have a front yard setback of 25 feet. Staff would recommend that the setback for lots 58-67, which will be fronting South End Road, and lots 18-27 and 33-34, which will utilize an alley for access, be reduced to 10 feet in order to provide an urban appearance and streetscape on South End, Rose Road, the interior loop road and provide additional space for the rear accessed garages to be placed on the lots. Staff would recommend that the attached housing be located on the interior loop street rather than Rose Road.

The applicant has proposed, and Staff concurs, that the building height be increased from the 25 feet proposed by the applicant to 35 feet to accommodate two story dwellings and provide consistency with all the city's existing single-family residential zones other than R-6/MH.

The applicant has proposed setbacks that provide for private open space, housing separation, and are similar to comparable existing zoning designations that have established setbacks that have been adopted by the City for the preservation of, and livability within, existing and new neighborhoods. Staff would recommend that the proposed setbacks by the applicant for the PUD be approved.

The current design standard for driveway approaches allows a driveway width of 24 feet (30 feet with tapers) for properties zoned below R-8. Such a design would allow a driveway to cover nearly 50% of the property frontage of the detached housing units and nearly 75% of the attached housing units. Staff would recommend that a joint driveway be required and that the width from the property line to the planter strip be limited to a maximum of 24 feet wide (30 feet wide at the street to allow for the taper) for the attached housing units and the driveway be limited to a maximum width of 16 feet wide (22 feet wide at the street to allow for the taper) for the detached housing units. The limitations to the driveway cuts are necessary in order to limit the size of the driveway cuts to an appropriate size for the size of the proposed lots, ensure on street parking will be provided in front of the detached housing, and minimize the negative aesthetic impacts to the streetscape that will occur with un-proportionally large driveways.

Staff would recommend that the garage wall of the detached and attached units be limited to 40% of the length of the street facing building façade. Where the street facing façade of the building is less than 30 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:

a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or

b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

The housing design limitations will mitigate the smaller lot sizes and ensure a housing design that is compatible with surrounding homes and does not allow for a façade dominated by a large garage that is incompatible with the house and lot size.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 39, 40, 41 and 43.

D. Open Space and Landscaping. The applicant shall provide at least twenty percent of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than twenty feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: The applicant has proposed to provide 26.0% of the total gross area as common open space. The applicant states that the open space functions to protect the natural areas as well as provide a buffer and visual separation between the three developable areas.

The applicant indicates that the closest open space with play structures is located at John McLoughlin Elementary School, which is approximately 800 feet from the site or no more than a 0.15 mile walk from most new lots. A majority of the site is located outside the maximum distance allowed under the PUD to be considered within close enough proximity to provide/meet the recreational needs for the proposed development.

The project has proposed 181,574 square feet (26.0%) of the total area of the subject site as open space, of which, approximately 18,600 square feet (10.2%) is proposed for active open space. A large majority, approximately 162,974 square feet (89.8%) at a minimum, is protected as part of the detention ponds and Water Quality Resource Area per the decision of Planning File WR 04-12.

Per Section 12.24.040.G, staff finds that it is inappropriate to require fencing and/or vegetative shrubs on both sides of the accessway connecting South End Road to the interior local street. The fencing requirements of Section 12.24.040 are required along the north property line with the adjacent property owners.

The applicant has designed the entryway to the bike/pedestrian system near detention area "C" to incorporate enhanced landscaping in order to identify and draw attention to the location/continuation of the pathway system throughout the subject site and discourages use of the pathway system by vehicles. The entry to the bike/pedestrian system at South End Road has not been shown. This area should be designed with landscaping to identify the pathway.

The applicant has proposed a mix of active and passive uses in the open spaces. Staff agrees that the general concept of the open spaces meets the intent of the PUD. Additional landscaping and minor alterations to the proposed uses and location of the open space uses will be addressed in the site plan and design review of the attached housing and open spaces.

The proposed recreation/landscaping scheme of the open space is appropriate.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 42.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

1. Water;

Finding: This standard is addressed in Section 16.08.050 above.

2. Sanitary sewer;

Finding: This standard is addressed in Section 16.08.050 above.

3. Stormwater management;

Finding: This standard is addressed in Section 16.08.050 above.

4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;

Finding: This standard is addressed in Section 16.08.050 above.

5. Schools; and

Finding: This standard is addressed in Section 16.08.050 above.

6. Fire and police services.

Finding: This standard is addressed in Section 16.08.050 above.

F. If the applicant elects to guarantee that any particular public service or facility will have adequate capacity, the required capacity shall exist prior to issuance of building permits. The decision maker may require the applicant to provide special or oversized sewer or water lines, roads, streets or other service facilities if necessary to meet standards in the city's facility master plans or to allow for the orderly and efficient provision of public facilities and services. If oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement ordinance and fund availability.

Finding: The applicant shall provide the required services and facilities prior to the issuance of a building permit. This standard is met.

G. Relationship to the Natural and Physical Environment. Streets, buildings and other site elements shall be designed and located to preserve the maximum number of significant trees (i.e., those trees six inches or greater in diameter, measured four feet from the ground), significant natural resources, jurisdictional wetlands, and natural (i.e., natural features). These natural features shall not be disturbed after submittal of a complete land use application for as long as the application is active or until public infrastructure construction is approved and accepted by the city engineer. An exception to this ban on disturbing natural features is allowed if planned disturbances are included in the city-approved construction plans or if the Corps of Engineers or the Oregon Division of State Lands issues a permit that affects natural features. Development shall be designed, constructed and maintained in accordance with the unstable soils and hillside constraint overlay district and the water quality resources areas overlay district where applicable.

Finding: The applicant has proposed street, building, and other site elements that appear to be designed and located to reserve the maximum number of significant trees, natural resources, jurisdictional wetlands, and natural features. The site is not located in the unstable soils and hillside constraint overlay district. The project site is located in the Water Quality Resource Area Overlay District. The applicant is responsible to comply with the decision of the Planning Commission concerning Planning File WR 03-01 for the protection and mitigation of the water quality resource area on the site and the impacts the proposed development will have on the resource.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 1.

H. Mixed-use. To ensure development within a PUD contains the correct blend of mixed uses, no more than eighty percent, but at least fifty percent, of the total net developable area shall consist of single-family residential development. Twenty percent of the net developable area shall consist of residential uses other than single-family dwellings. If the subject property is ten acres or more, it may contain neighborhood commercial uses. If common wall units are proposed, a minimum of thirteen thousand square feet is required for up to, but not more than four common wall units, and a minimum of seven thousand square feet is required for every two common wall units. In no cases, shall a detached single-family residential lot be smaller than five thousand square feet. (Ord. 00-1005 §4, 2000: Ord. 97-1024 §1(part), 1997)

Finding: Tax lot 300, which is 6.5-acres, could accommodate 41.6 dwelling units at 6.4 units per gross acre under the R-6/MH Single-Family Dwelling District density requirements. Tax lot 1700, which is 9.52 acres, could accommodate 41.9 dwelling units at 4.4 units per gross acre under the R-10 Single-Family Dwelling District density requirements. The total site could accommodate 84 dwelling units and the PUD must have a meet the minimum density of 80 percent for the site, which represents 67 units. The applicant has proposed 76-units, which is 90 percent of the gross density permitted on the site.

This section requires that between 20 and 50 percent of the "net developable area" shall consist of residential uses other than single-family dwellings, which is defined as a detached building designed for and used exclusively as the residence of one family (OCMC 17.04.230). The total net developable area is 365,215 square feet and is comprised of 52 detached dwellings on approximately 268,778 square feet of developable area, representing 74% of the net developable area. The 24 attached dwellings, located on approximately 96,437 square feet of developable area, represents 26% of the net developable area.

The applicant has not proposed to place any commercial uses on the site. All of the common wall unit lots have a minimum of 7,000 total square feet and none of the proposed detached lots are less than 5,000 square feet. The applicant has integrated the attached and detached housing units in each of the three development areas on the site. This criterion is met.

Chapter 17.64.050 Density Bonuses

Finding: The applicant has not requested a density bonus. This criterion is not applicable.

17.64.060 Initiation of a PUD--Review process.

A. Prior to submitting a PUD application for a PUD permit, the applicant shall schedule and attend a pre-application conference as provided in Section 17.50.050.

Finding: The applicant attended a pre-application conference with staff, identified as PA 04-16, on May 19, 2004. The applicant held a meeting with the neighborhood on August 16, 2004 (Exhibit 22). This standard is met.

B. The city shall provide the opportunity for concurrent processing of the PUD and any other related permits, land use and limited land use approvals required for development of the subject property.

Finding: The applicant chose not to consolidate the Site Plan and Design Review for the attached housing and landscaping. This criterion is not applicable.

C. The review process for PUD is set forth in detail in the sections of this chapter.

Finding: The applicant held a pre-application conference with the City. The preliminary PUD plan will be reviewed through a Type III process. If the plan is approved, and the applicant moves forward with development of the PUD, the final PUD plan will be reviewed to ensure the plan conforms to the preliminary plan and all conditions and requirements are met. The review will be processed as a Type I review.

17.64.070 Pre-application conference.

Before the city accepts an application for preliminary PUD plan approval, the applicant must attend a pre-application conference with the planning manager pursuant to Section 17.50.030, and pay the required fee

Finding: The applicant attended a pre-application conference with staff, identified as PA 04-16, on May 19, 2004. The applicant held a meeting with the neighborhood on August 16, 2004 (Exhibit 22). This standard is met.

17.64.080 Preliminary PUD plan application.

A. At any time following a pre-application conference, an applicant may apply for preliminary PUD plan approval.

Finding: The applicant submitted the application on June 3, 2004.

B. The city's review and decision making process for preliminary PUD plans is described in the sections that follow and basically involves a staff completeness check of the applicant's submission.

Finding: The City deemed the application complete on July 2, 2004. The applicant has extended the 120-day requirement to December 17th, 2004 (Exhibit 23). The staff report was prepared and available 7 days prior to the duly noticed public hearing. The Planning Commission will review the proposal and render a decision concerning this application.

17.64.090 Preliminary PUD plan--Required plans.

The preliminary PUD plan shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments unless deemed unnecessary by the planning manager. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

Finding: All the required plans have been submitted. These criteria are met.

17.64.100 Preliminary PUD plan--Narrative statement.

Finding: The Water Resource Report was review as a separate Planning File, identified as WR 04-12. The CC&R's will be submitted to the City prior to final approval of the PUD. These criteria are met.

17.64.110 Preliminary PUD plan--Tabular information.

Finding: The applicant submitted the required tabular information as part of the application. The site is not located on any hillside or unstable slopes. These criteria are met.

17.64.120 Preliminary PUD plan approval criteria.

The decision maker shall approve an application for preliminary PUD plan if the following criteria are met:

A. The proposed preliminary PUD plan is consistent with the purposes and requirements of this chapter set forth in Sections 17.64.010 and 17.64.040, and any applicable goals or policies of the Oregon City comprehensive plan;

Finding: This criterion is addressed above in the report.

B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone, such as Chapters 17.44 or 17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter;

Finding: The site is located within the Water Quality Resource Area Overlay District. The applicant submitted a water resource report that will be reviewed by the Planning Commission is identified

as Planning File WR 04-12. The PUD shall comply with the decision of the Planning Commission concerning WR 04-12. The provisions of Title 16 are addressed above.

C. Any phasing schedule proposed by the application must be reasonable and shall not exceed five years between approval of the final PUD plan and the filing of the final plat for the last phase.

Finding: The applicant has not proposed any phasing for this project. This criterion is not applicable.

D. The applicant has demonstrated that all public services and facilities have adequate capacity to serve the proposed development, or adequate capacity is assured to be available concurrent with development;

Finding: This criterion was addressed above in section 17.64.040.E.

E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning. (Ord. 00-1005 §11, 2000: Ord. 97-1024 §1(part), 1997)

Finding: This criterion was addressed above in section 17.64.040.C.

17.64.130 Preliminary PUD plan decision--Duration and extensions.

Finding: The Planning Commission, as the decision maker, shall make a decision on this application at a duly noticed public hearing and impose those conditions they deem necessary to ensure compliance with the approval criteria.

17.64.140 Design review.

PUDs shall comply with the site plan and design review requirements in Chapter 17.62 of this title. Single-family detached homes are exempt from this requirement. An applicant may seek concurrent review of the preliminary PUD plan and design review, in which case the applicant shall submit a landscaping plan, architectural drawings and a materials board as provided in Section 17.62.040(B)--(D) in addition to the submittal requirements for the preliminary PUD plan. (Ord. 97-1024 §1(part), 1997)

Finding: The applicant shall comply with Site Plan and Design Review for the PUD for the attached housing, open space and landscaping.

17.64.150 Final PUD plan.

The applicant must apply for final PUD plan approval within twelve months following approval of the preliminary PUD plan. Review of the final PUD plan is processed as a Type I decision by the planning manager so long as the final PUD plan does not propose any material deviations from the approved preliminary PUD plan. The planning manager shall approve a final PUD plan that is consistent with the approved preliminary PUD plan, including any conditions attached thereto.

Finding: This criterion is not applicable at this time. This requirement will be implemented during review of the final PUD plan.

17.64.160 Filing and recording of final PUD plan.

Finding: This criterion is not applicable at this time. This requirement will be implemented upon the filing and recording of the final PUD plan.

17.64.170 Control of the development after completion--Modifications to final PUD plan.

Finding: Any modification to the final PUD plan will comply with this section.

17.64.180 Performance surety.

Finding: The decision maker may require adequate financial guarantees.

17.64.190 Expiration of final PUD plan approval.

Finding: The final PUD plan approval will expire twelve months after the mailing of the final PUD plan approval unless an extension is applied for from, and granted by, the City.

STAFF RECOMMENDATION:

Based on the analysis and finding as described above, staff recommends that the proposed application for the Planned Unit Development can be approved with the attached Conditions of Approval.

EXHIBITS:

1. Vicinity Map
2. Ordinance 92-1029 excerpt (Complete Ordinance On File with City Recorder)
3. Findings of Fact, Conclusions of Law and Final Order – PD 03-01, WR 03-01 and VR 03-11
4. Applicant's Narrative dated September 7, 2004
5. Applicant's Site Plans
6. Proposed shadow plat
7. Traffic Impact Report Executive Summary (Full Report on File)
8. Preliminary Storm Runoff Detention and Water Quality Calculations (On File)
9. Geotechnical Engineering Report, February 3, 2004 (Full Report on File)
10. Added Discussion on Groundwater Concerns from Neighboring Residents, February 3, 2004
11. Review of Traffic Impact Study, David Evans and Associates, August 13, 2004
12. Clackamas County Fire District #1, August 17, 2004
13. Public Works Department, August 12, 2004
14. Ken Rezac, Oregon City School District, August 9, 2004
15. Kathleen Galligan, 18996 Rose Road, Oregon City, Oregon 97045
16. Penny and Ed Burton, 18799 Rose Road, Oregon City, Oregon 97045
17. John and Phyllis Dinges, 18896 Rose Road, Oregon City, Oregon 97045, September 2, 2004
18. John and Phyllis Dinges, 18896 Rose Road, Oregon City, Oregon 97045, August 13, 2004
19. Jim and Martha Kosel, August 15, 2004
20. Rett Pratt, 18907 Deer Lane, Oregon City, Oregon 97045, August 12, 2004
21. Hazel Grove / Westling Farm Neighborhood Association, August 10, 2004
22. Public Meeting notice, August 2, 2004
23. Continuance of the 120-day requirement and request to withdraw the Zone Change, August 26, 2004
24. Appeal 03-06 City Commission Notice of Decision and Final Order, October 1, 2003

CONDITIONS OF APPROVAL
PLANNING FILE: PD 04-02
Date: September 20, 2004

1. The applicant shall comply with the conditions of approval of Planning File WR 04-12.

2. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policies pertain to any land use decision requiring the applicant to provide any public improvements.

3. As part of the development, a 12-inch ductile iron water line shall be constructed in Rose Road from the City water line in South End Road to the northwest property boundary and terminate with a City approved blow-off. The applicant shall loop an 8-inch ductile iron water line in the interior streets through the site and extend to the site's northwest property boundary and terminate with a City approved blow-off.

4. Water service laterals shall be provided to the existing lots southwest of Rose Road.

5. No trenching and pavement patching will be allowed in South End Road. The applicant shall mill/remove full lane widths and pave South End Road to accommodate the proposed utilities. The City Engineer may approve minor adjustments to the mill width during the design review and construction.

6. The applicant shall redesign the water mains to eliminate the two dead end water lines near detention area "C". If the applicant loops the water line through a water resource area, the water line shall be bored through the water resource area, or use another method acceptable to the City to minimize the impacts to the resource.

7. The applicant shall provide gravity sanitary sewer facilities to the entire site.

8. The applicant shall provide an 8-inch sewer main to the end of all proposed stub streets for future extension. If sanitary sewer laterals are connected to the sewer lines in the stub streets, the lines shall be terminated with a manhole near the end of the stub streets and the sanitary sewer line shall be stubbed out for future extension.

9. The applicant shall extend the sanitary sewer main in Rose Road and the Loop Road to the northwest property boundary.

10. Sanitary sewer laterals shall be provided to the existing lots southwest of Rose Road, but not connected.

11. All sewer lines shall maintain the maximum depth based on the minimum slopes allowed by the City, and shall terminate in manholes with stub-outs for future extension. The sewer shall have a depth sufficient to provide sewer services to the Urban Growth Boundary to the northwest.

12. Any sanitary sewers with less than three feet of cover shall be constructed of ductile iron pipe.

13. The applicant must process and obtain sanitary sewer line design approval from DEQ prior to city plan approval.

14. Storm detention and water quality systems that conform to city standards shall be provided.

15. The Storm Water Engineer shall incorporate design criteria from the Geotechnical Engineer (high ground water) and Water Resource Scientist (recharging and wetland management) to ensure the pond and wetlands harmonize each other.

16. The applicant shall process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Oregon Division of State Lands and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit, or to revoke a permit that has been issued for this project.

17. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

18. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

19. The current vegetation on the northwest side of South End Road at Rose Road approach shall be cutback to improve the sight distance to 450 feet in both directions. Future landscaping should maintain low-lying vegetation to ensure adequate sight distances are met.

20. The applicant shall provide a reserve strip at the terminus of the proposed interior street that terminates at the northwest property line.

21. Half street improvements are required for the entire frontage along Rose Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved half-street width of 26 feet (8-foot travel lane, 8-foot parking, 10-foot past centerline), curb, gutter, 5-foot concrete sidewalk, 5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.

22. Half street improvements are required for the entire frontage along South End Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved half street width of 36 feet (12-foot travel lane, 6-foot bike lane, 8-foot parking, 10-foot past centerline), curb, gutter, 7-foot concrete sidewalk, 6.5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devicesand street lights. The width of the planter strip may be adjusted during the construction plan review in order to maximize the width of the grass planter strip within the available ROW.

23. All proposed interior full street improvements are required. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved full street width of 32 feet (2 @ 8-foot travel lanes, 2 @ 8-foot parking areas), curb, gutter, 5-foot concrete sidewalk, 5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.

24. All existing utility poles along street frontages shall be relocated to behind the sidewalk or the utilities can be placed underground. All new utilities shall be placed underground.

25. The applicant shall install sidewalks along the entire frontage of South End Road, through and adjacent to all open spaces and water resource areas, and along the frontages of all tracts, and all handicap access ramps at the time of street construction.

26. The applicant shall provide a pavement-striping plan for South End Road.

27. All streets with less than 32 feet and 28 feet or more of pavement width shall be signed "NO PARKING – TOW AWAY ZONE" on one side. "NO PARKING – TOW AWAY ZONE" signs shall be posted on the side of the street that offers the least number of parking spots.

28. The applicant shall receive Site Plan and Design Review approval for the design of the open space, attached housing units and the parking lot prior to the issuance of a building permit for the attached housing and parking lot.

29. The street design for the middle private street should include the use of street trees to reduce the amount of pavement that is not shaded and to reduce the amount of rain on the pavement, both of which impact the water quality of the run-off from the site to the adjacent Water Quality Resource Area. The applicant shall reduce the sidewalk width to 5 feet and provide street trees in easements behind the sidewalk on both sides of the private street.

30. The applicant shall stop the private streets a minimum of 5 feet from the open space areas and provide landscaping to provide a buffer between the driving area and the opens space/pedestrian area.

31. Non-Vehicular Access Strips (NVAS) are required along the street frontages of all corner lots except for the 40 feet (along right-of-way) on each street furthest from the intersection. Some modification of these NVAS locations may be allowed as approved by the City on a case-by-case basis at time of plat review.

32. The applicant shall provide a 10-foot pavement surface within a 15-foot easement. A landscaping plan for the pedestrian walkways shall be approved by the City prior to the issuance of a grading permit for the site.

33. A final site grading plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the Uniform building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations.

34. The applicant shall locate the front yard setback on and orient the front of the primary structure of lots 71-76 to face South End Road.

35. The applicant shall provide a revised landscaping plan demonstrating the trees to be removed in relation to the public ROW and building footprints and replacement locations for all trees removed from the site that are not located within the public ROW or building footprints of each lot prior to the issuance of a grading permit for the site.

36. The applicant shall have a qualified consulting arborist or horticulturist prepare a site preparation and management program to provide protection to the trees not designated from removal on the revised landscaping plan to avoid disturbance to tree roots from grading activities and to protect trees and other

significant vegetation identified for retention from harm prior to the issuance of a grading permit for the site.

37. Public utility easements shall be dedicated to the public on the final plat in the following locations: ten feet along all street frontages. Easements required for the final engineering plans if known shall also be dedicated to the public on the final plat. Show any existing utility easements on the final plat.

38. The applicant shall provide approval from Clackamas County Fire to ensure that the proposed private streets are adequate for fire and life safety access and the applicant shall provide a legally binding means for the repair and maintenance of all private streets.

39. The detached housing unit driveway shall be limited from the property line to the back of the planter strip to a maximum of 16 feet wide (22 feet wide a the street to allow for the taper) for the detached units.

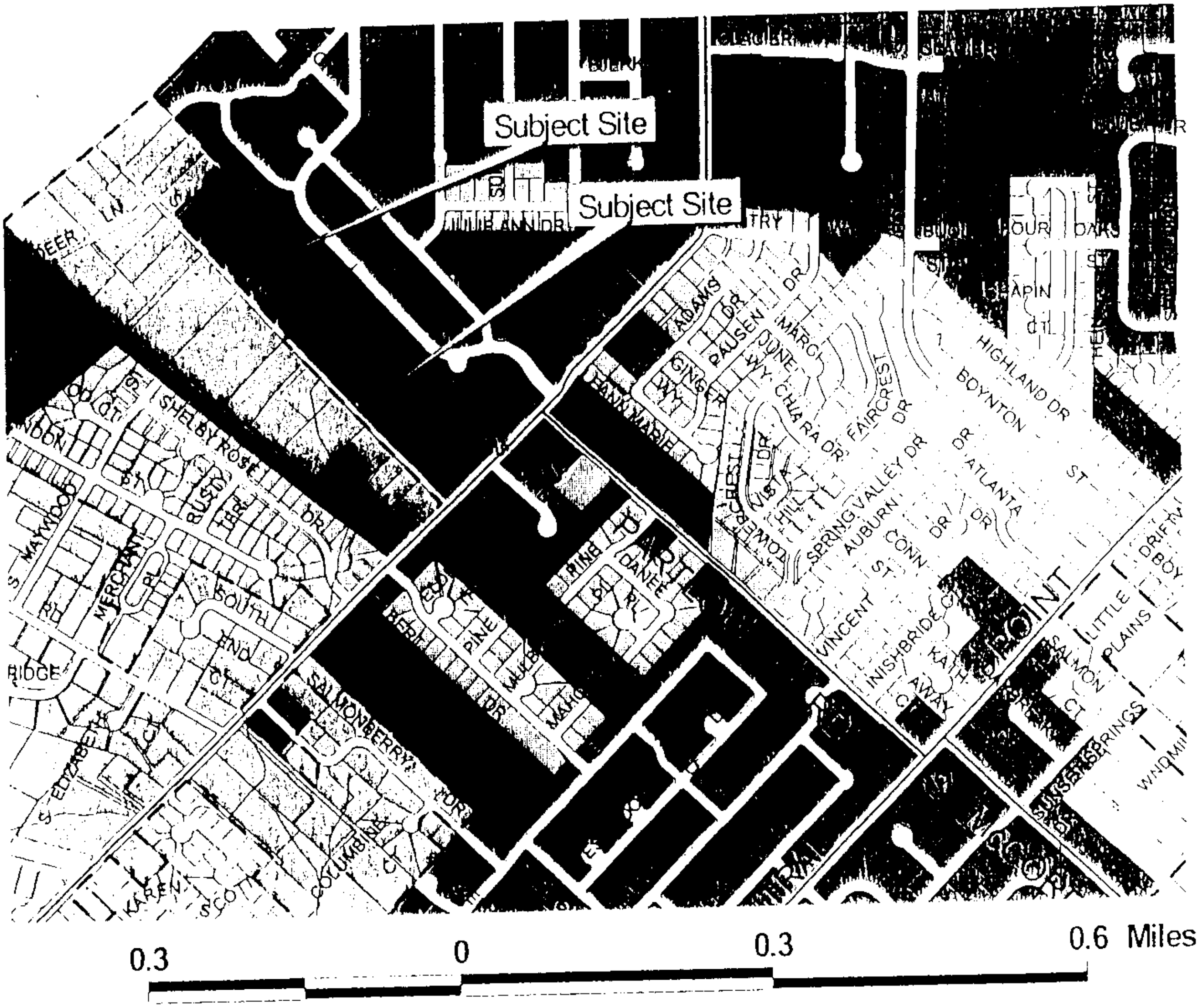
40. The attached housing unit driveways shall be a joint driveway and the driveway shall be limited from the property line to the back of the planter strip to a maximum of 24 feet wide (30 feet wide at the street to allow for the taper).

41. The garage wall of the detached and attached units shall be limited to 40% of the length of the street facing building façade. Where the street facing façade of the building is less than 30 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
    a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
    b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

42. The entry to the bike/pedestrian system at South End Road shall be designed with landscaping to identify the pathway location.

43. The applicant shall flip the lot configuration of the housing units along Rose Road and the Loop Street to provide detached units along Rose Road and the attached units on the interior Loop Street.

44. The proposed interior street fronting proposed lots 1 and 29 shall extend through the landscaped buffer and terminate at the northwest property boundary.


Subject Site
Subject Site
HIGHLAND DR
BOYNTON
ST
ATLANTA
DR
SPRING VALLEY DR
FAIRCREST
AUBURN
VINCENT
INISHBRIDGE
ADAMS
PAUSEN
MARCH
JUNE
CHIARA DR
SHELBY ROSE
MERCHANT
SOUTH
END
CT
SALMONBERRY
COLUMBINE
PINE
DANEE
KAREN
SCOTT
LITTLE
PLAINS
0.3
0
0.3
0.6 Miles

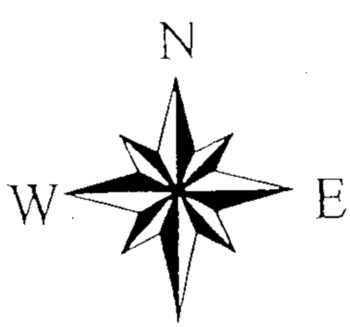

N
W
E

Exhibit 1

ORDINANCE NO. 92-1029

AN ORDINANCE AMENDING THE NEIGHBORHOOD PLAN MAP ELEMENT OF THE COMPREHENSIVE PLAN TO ADD A NEW CLASSIFICATION AND APPLY THE NEW CLASSIFICATION TO THE URBAN GROWTH BOUNDARY

WHEREAS, ORS 197.295 requires local governments to enact measures to bring their Comprehensive Plans and regulations into compliance with the manufactured housing provisions, and

WHEREAS, the City of Oregon City and Clackamas County have agreed to have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities, and

WHEREAS, the Oregon City Planning Commission has reviewed the proposed urban growth boundary designation and on June 23, 1992 conducted a public hearing to consider a recommendation on the proposed amendment, and

WHEREAS, the proposed map and text amendment of the Neighborhood Map Element of the Comprehensive Plan is designed to meet the requirements of ORS 197.295

OREGON CITY ORDAINS AS FOLLOWS:

That the Neighborhood Plan Map Element of the Oregon City Comprehensive Plan is hereby amended at Section M to read as follows, and that the Comprehensive Plan Map is hereby amended to add Oregon City Comprehensive Plan designations as shown on the map in Exhibit "A":

(3) (a) LOW DENSITY RESIDENTIAL (MH) [LR/MH]: Areas in the LR/MH category are for single-family manufactured homes. Net residential density in this category is 6,800 square feet for one dwelling unit (6.4 units/acre). These areas will provide expanded housing opportunities while maintaining compatible density.

Policies

1. The Comprehensive Plan Map will determine the maximum zoning classification that may be applied to a specific site, based on the following 12 land use classifications.

Exhibit 2

a. Parks [P]
b. Public and Quasi-Public [QP]
c. Low Density Residential [LR]
d. Low Density Residential (MH) [LR/MH]
e. Medium Density Residential [MR]
f. Medium Density Residential (MHP) [MR/MHP]
g. McLoughlin Conditional Residential [MCR]
h. High Density Residential [HR]
i. Limited Office [O]
j. Commercial [C]
k. Limited Commercial [LC]
l. Industrial [I]

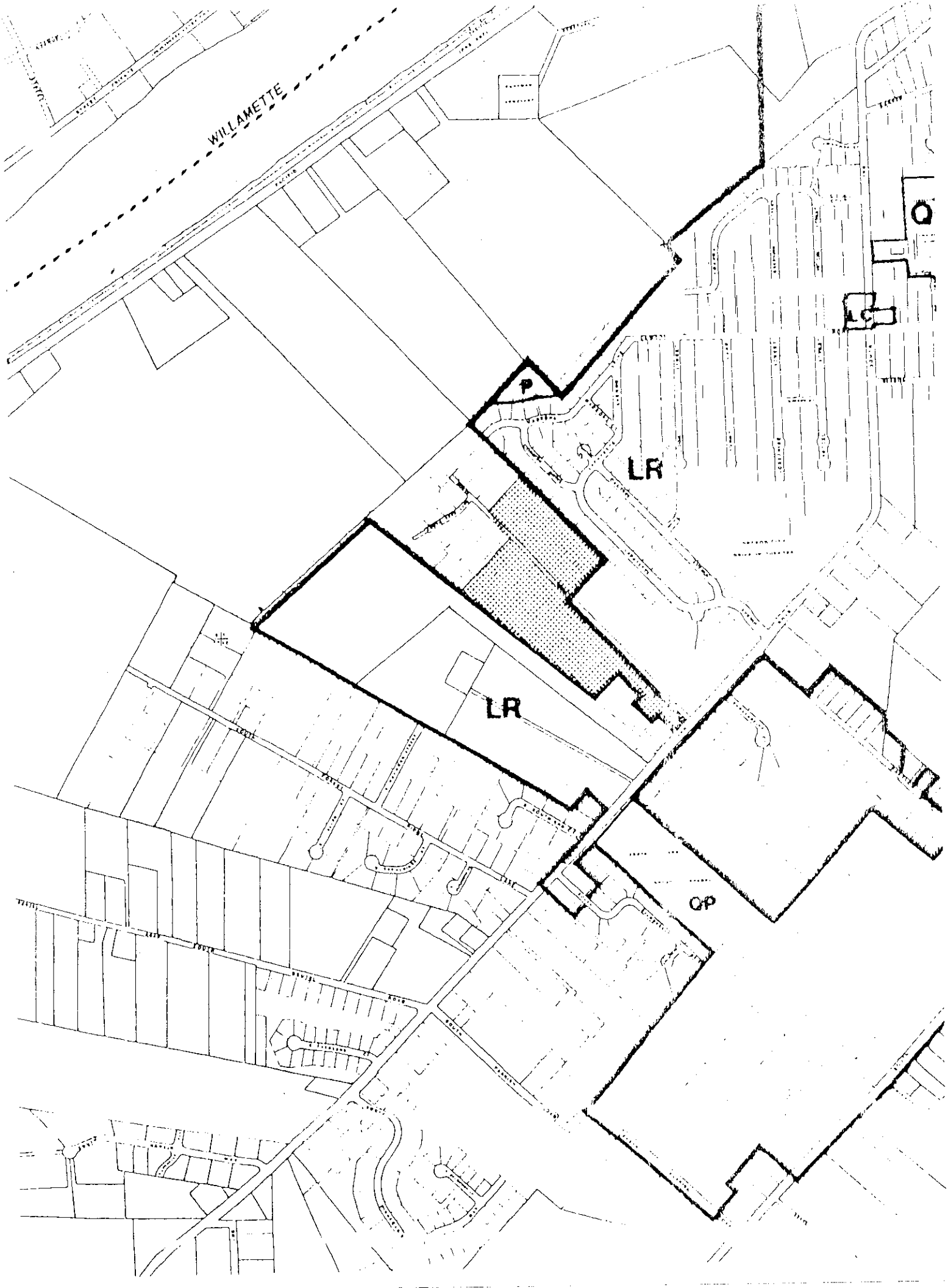
Read first time at a regular meeting of the City Commission held on the 16th day of September, 1992, and the foregoing ordinance was finally enacted by the City Commission this 16th day of September, 1992.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of September, 1992

Daniel W. Fowler

DANIEL W. FOWLER, Mayor


WILLAMETTE
P
LR
LR
OP

BEFORE THE OREGON CITY PLANNING COMMISSION

In the Matter of a Request for a Planned Unit Development, Water Quality Resource Determination and Variance Request filed by Paul Reeder; Oregon City File Nos. PD 03-01, WR 03-01 and VR 03-11.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Exhibit 3

INTRODUCTION

This matter came before the Oregon City Planning Commission on August 25, 2003, for a public hearing of an application for a Planned Unit Development ("PUD"), Water Resource determination and variance. The applicant requested a 76-unit PUD (PD 03-01) and a Water Resource Overlay District (WR 03-01) determination and mitigation plan approval. In addition, the applicant requested a variance from the lighting standards for a proposed walkway to be constructed as a part of the development (WR 03-11). After reviewing the Staff report as well as the testimony, evidence and arguments put forth by the applicant and other participants in the public hearing, the Planning Commission finds that the criteria for a PUD, Water Resource determination and variance have not been met and, therefore, **DENIES** the requests.

Facts

The 16.02-acre site is comprised of two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700, which is zoned R-10 Single-Family, contains an old vacated home and tax lot 300, which is zoned R-6/Manufactured Home, is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek. The site is identified within the Oregon City Water Resource Overlay District and identified within a Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon.

The applicant requested the preliminary approval of a PUD consisting of 76 dwelling units (52 detached single-family lots and 24 attached single-family dwellings). Access to the site would be from Rose Road at 4 locations, including 2 cul-de-sacs and a loop road. The applicant proposed full street improvements on the 2nd cul-de-sac and loop road. The 1st cul-de-sac was proposed as a private access tract. The applicant also proposed ½ street improvements for Rose Road and South End Road.

The PUD proposed open space in two tracts, both containing a Water Quality Resource Area (WQRA), representing 24.8% of the gross area of the site. The applicant proposed to increase the area of existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road and a paved bicycle/pedestrian accessway within the vegetated corridor and across the identified resource (WR 03-01).

Directly north of a majority of the site is the Oak Tree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling. South of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing. West of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing. South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.

CRITERIA

OCMC 17.64.120 provides the grounds for reviewing PUD applications. As part of the PUD approval criteria, the applicant is responsible to comply with the Water Resource Overlay District criteria of section 17.49 of the OCMC. Finally, the criteria for variances are contained in OCMC 17.60. The application is rejected because of its failure to meet the following criteria:

17.64.010 Purpose.

A planned unit development ("PUD") is a form of residential land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:

A. To promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land and, in some instances, a more compact, pedestrian-oriented, mixed use urban design. Specifically, this can be accomplished through the PUD process with mixed-use developments. The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole;

The applicant has proposed to create three distinctive neighborhoods on the site separated by the wetland/open space areas and linked by a pedestrian/bicycle accessway. The Planning Commission determined that the proposed layout, which generally separates the attached and detached housing into separated neighborhoods and has located the open space in the un-

developable areas of the site next to the Water Quality Resource Area (WQRA) without consideration of the proximity of the open space to the remainder of the site and does not provide or create an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole. The Planning Commission determined that the open space was not designed as a functioning part of the development but was rather placed wherever it could fit with no effort to make the area an integrated part of the development or community. As a result of the placement of the open space, too many units were created in the western portion of the property, creating an unacceptably dense development near the edge of the urban growth boundary. The Planning Commission concluded that this criterion was not met.

B. To preserve existing natural features and amenities and provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.

The applicant has proposed to provide a mixture of passive and active open space on the site. The open space, including the water quality resource protection area, comprises 24.8% of the total site area. The active open space represents approximately 13.5% of the open space and is to be developed with a jungle gym, basketball court, open field, sand box, and tetherball. The passive open space is the WQRA and undeveloped pathways to sitting areas near the edge of the WQRA. The Planning Commission determined that the open space is insufficient for the size of the proposed development, is not located in a manner that provides easy and convenient access for the residents, and does not provide useful common open space nor does it create new neighborhood amenities for the residents of the PUD. The Planning Commission concludes that this criterion was not met.

C. To protect and enhance public safety on sites with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development.

The applicant has proposed to collect the subsurface water associated with the high water table in a system of channels and release the water into the on-site wetlands. The Planning Commission determined that the applicant had not adequately addressed the potential impacts to

the proposed housing located on top of the high water table nor methods to alleviate the high ground water on a majority of the site.

Testimony and pictures were presented to the Planning Commission at the hearing on behalf of the surrounding neighbors concerning the existing flooding problems in the area that have increased as subdivisions have been developed to the north of the subject site. The testimony of the neighbors representative stressed a concern that the existing flooding problems that exist have not been addressed or acknowledged in the planning of the PUD and that the applicant has not fully demonstrated how the flooding, high water table, and storm water will be addressed on the property to ensure the existing flooding issues are not increased.

Based on the testimony of surrounding neighbors and the lack of data from the applicant, the Planning Commission determined that the applicant had not adequately addressed existing flooding concerns that occur on the site and across Rose Road onto neighboring properties nor the potential impacts and mitigation/prevention methods to alleviate the flooding issue and potential flooding issues associated with the increased impervious area that would be created and the increased groundwater run-off. The Planning Commission concluded that this criterion was not met.

Chapter 17.64.040 Permitted uses and basic PUD requirements.

> ***C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. However, unless an adjustment is specifically requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.***

The applicant has proposed the following modifications to the R-10 and R-6/MH zoning districts in order to maximize the number of housing units located on the site:

Standard	R-10	R-6/MH	Proposed Detached Housing Lots	Proposed Attached Housing Lots
Lot Area	10,000 sf	6,800 sf	5,000 sf	3,500 sf
Lot Width	75 ft min	80 ft min	44 ft min	35 ft min
Lot Depth	100 ft min	85 ft min	92 ft min	82 ft min
Setbacks				
Front	25 ft.	15 ft.	15 ft. (20 ft. Garage)	15 ft. (20 ft. Garage)
Side	10 / 8 ft	7 / 5 ft.	7 / 5 ft	0 / 9 ft
Corner	20 ft.	15 ft.	15 ft.	15 ft.
Rear	20 ft.	10 ft.	20 ft.	20 ft.
Building Height	35 ft.	20 ft.	35 ft.	35 ft.

The adjacent properties to the north, located in the Oak Tree Terrace subdivision, and east of the subject site have a minimum lot size of 10,000 square feet. The properties to the south and west of the subject site are currently outside the city limits and are under the Clackamas County zoning designation of FU-10. The Planning Commission determined that the proposed lots sizes have a significant adverse affect on the adjacent properties. The minimum lot sizes of 5,000 and 3,500 square feet are the minimum allowed under the PUD ordinance. The Planning Commission determined that proposal has not provided appropriately sized lots consistent with the larger lots of the adjacent properties. The PUD requires that the applicant provide 80% of the density allowed in the underlying zone. The applicant has proposed 90% of the density allowed in the underlying zone at the expense of compatibility with surrounding land uses and lot sizes and adequate on-site open space/recreation to accommodate the proposed development. The Planning Commission concludes that this criterion was not met.

> ***D. Open Space and Landscaping. The applicant shall provide at least twenty percent of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than twenty feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for***

the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

The discussion regarding the criteria in 17.64.010.B and 17.64.040.C also applies to this criterion. For the reasons discussed above, the Planning Commission concluded that this criterion was not met.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

3. Storm water management;

The applicant has not adequately addressed how the storm system will function in a high ground water table and how the existing water resource/wetlands will be maintained/recharged. There was considerable evidence from neighboring property owners, which the Planning Commission believes, that the high ground water and storm water problems in this area are considerable and that the proposed method of handling storm water has not been demonstrated to be adequate. The applicant's proposed system does not appear to take into account the existing problems, as detailed by the public testimony at the hearing. The studies relied on by the applicant are over five years old and, in the Planning Commission's view, are not as reliable as current testimony from residents who live in the vicinity and experience the difficulty caused by the storm water problems and high ground water. The Planning Commission therefore concludes that this criterion was not met.

4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;

The applicant proposes that all traffic from this site exit onto Rose Road, a dead end local street. Although the City's traffic regulations require this, the development of this PUD will present a problem on Rose Road because of the dense nature of the westerly portion of the property. As noted previously, because of the location of the open space resources, the housing at the west end will be denser than the surrounding properties and will contribute to excessive traffic

on the local road. Therefore, the Planning Commission concludes that this criterion has not been met.

Consistency with the Comprehensive Plan

Natural Resources/Natural Hazards: Preserve and manage our scarce natural resources while building a liveable urban environment.

The applicant has proposed to capture existing subsurface water in trenches and direct the water to the existing wetlands and to provide storm water retention and detention in four underground tanks and two above ground storm ponds and release the storm water into the wetlands per Oregon City storm water design standards.

The Planning Commission determines that the applicant has not adequately demonstrated that the proposed storm system will preserve the wetlands on the site nor alleviate the high ground water on the site to help provide a livable urban environment. The applicant has not demonstrated that the natural retention storage capacity will be preserved or that the proposed development will maintain the existing water flows into the existing wetland. The testimony of the neighboring residents, which the Planning Commission believes, demonstrates current significant issues with water flow in the area, related to both the storm water runoff and high water table. The applicant's explanation of the adequacy of its development to handle these flows was not adequate to demonstrate that this development will preserve the wetlands affected by the proposed PUD.

7. *South Rose Road area: (3-1E-1, tl 2000, 3-1E-1CD, 3-1E-12B) Description: This area is shown on the SCS maps as having a high proportion of Delena Soils. There is also evidence of wet soils/high water table in this area. Determinations will be required for any development in this area.*

The applicant has not addressed how the high ground water affect the function of the detention ponds, such as special construction requirements, storage volume, and pond function nor how the site will be designed to allow development on the site without future flooding to the new housing nor have the affects/relationship of the high water table and on site wetlands been adequately demonstrated and protected to prevent the wetland from being negatively impacted.

17.64.120.B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone, such as Chapter 17.44 or 17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter;

Consistency with the Water Quality Resource Area Overlay District

Chapter 17.49 Water Quality Resource Area

This response addresses Section 17.64.120.B of the PUD and Section 17.49 – Water Resource Overlay District concerning the denial of File WR 03-01.

The applicant has proposed to protect the delineated water resource located on the property by complying with the criteria of the Oregon City Municipal Code, Chapter 17.49 - Water Resource Overlay District, which implements the goals and policies of the Comprehensive Plan. The applicant has proposed to develop a Planned Unit Development on the subject site, which includes the designation and preservation of open space, the incorporation of the natural water resource feature in the site design, providing resource restoration and creation, and the preservation of the natural retention storage capacity of the land.

The Planning Commission has determined that the applicant has not supplied adequate information required to protect the water resource areas and the 50-foot vegetated corridor buffers. Based on the testimony and evidence presented by neighboring residents, which the Planning Commission believes, the applicant has not demonstrated that the natural retention storage capacity will be preserved or that the proposed development will maintain the existing water flows into the existing wetland. The applicant has not addressed how the high ground water affects the function of the detention ponds, such as special construction requirements, storage volume, and pond function. The applicant has indicated that the mitigation plan primarily consists of vegetation enhancements. The applicant has not demonstrated that the proposed mitigation/storm water facility design would provide an equivalent quantity of water to replenish the wetlands for the natural runoff that will be directed to the storm water facilities. It appears this will negatively impact the existing wetlands on the site and downstream due to a reduction of natural water flows and potentially resulting in the reduction of the size of the existing wetlands and loss of existing wetland vegetation on the site. The proposed mitigation plan appears to be inadequate to prevent a negative impact to the existing Water Quality Resource Area.

The applicant has not adequately addressed the impacts and feasible mitigation that is necessary to maintain the current hydrology and runoff levels into the wetland areas and the impacts to the wet soils – high water table located on the site. The applicant's mitigation plan does not provide sufficient information concerning the adverse impacts associated with development on the wet soils – high water table. The applicant has not indicated the impacts of developing on the wet soils – high water table nor the relationship of the wet soils – high water table and the on site wetlands.

17.64.120.E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning. (Ord. 00-1005 §11, 2000: Ord. 97-1024 §1(part), 1997)

This criterion is addressed in section 17.64.040.C above. The Planning Commission concluded that this criterion was not met.

CHAPTER 17.60 - VARIANCES

The variance request was to reduce the minimum 3-foot candle pathway lighting standard as required by OCMC 12.24.040.D for the interior pathways within the PUD. Because the PUD was rejected by the Planning Commission, the variance must also be rejected, although the Planning Commission would be willing to grant such a variance if the PUD were to be approved.

CONCLUSION

For all of the above reasons, the Planning Commission concludes that the proposed Planned Unit Development, Water Quality Resource Overlay determination, and Variance requests are **DENIED.**

Application for Land Division and Planned Unit Development
Village at South Rose
(September 7, 2004)

Applicant	Paul Reeder 10893 S. Forest Ridge Lane Oregon City, OR 97045
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	Northwest of South End Road, northeast of Rose Road
Legal Description	Tax Lots 300 (3-1E-1CD) & 1700 (3-1E-12A)
Zoning	Tax Lot 300: Existing R-6/MH Tax Lot 1700: R-10
Site Size	16.02 Acres Tax Lot 300: 6.5 Acres Tax Lot 1700: 9.52 Acres
Proposal	Planned Unit Development and subdivision to create lots for 49 detached single-family residences, and 18 attached single-family residences.

Exhibit 4

Re-Application

The Oregon City Municipal Code Section 17.50.220 prohibits an applicant from refiling the same or substantially similar application within one year of the City's denial of a prior application. The City denied a previous PUD application for 84 lots in October of 2003. The proposed application is not substantially similar to the previous application for the reasons discussed below. The City Code does not define when an application is "substantially similar" to a prior application. Therefore, the decision maker must determine the correct meaning of this terminology. The City must adopt an interpretation that is consistent with the express language, the purpose of the regulation, the underlying policy of the regulation and state law. While this proposal involves development of the same parcel of land there are a number of substantial differences from the prior application. The applicant incorporated these substantial changes in direct response to issues raised during the public process and the decision for the previous application. Those differences are listed below.

Reduction in Lots and Dwelling Units:

The proposed application is not substantially similar to the previous application because it has substantially fewer lots and dwelling units. At the request of the City staff, the applicant initially requested a zone change to a lower density from the R-6/MH district to the R8 district in order to reduce the number of lots required under a PUD to 63 lots based upon the 80% minimum density requirement. Both the applicant and the City staff, however, overlooked the necessity of a comprehensive plan amendment to allow this change in zoning until after the City's repeal of the PUD ordinance. Accordingly, the applicant cannot use the proposed zone change to reduce the number of lots and retain the right to develop the property under the PUD standards which is necessary due to the existence of the substantial water quality resource area on this site upon which the City will not allow any development. The applicant remains steadfast that development of a PUD is an efficient and permitted use of the property especially in light of the recent decision in *Coast Range Conifers, LLC v. State of Oregon*, 189 Or App 531, 76 P3d 1148 (2003), which gives the developer a right to just compensation if he cannot develop the property at the minimum density required under the PUD ordinance. Accordingly, the property must be platted to include 67 lots to meet the 80% density requirement under the zoning in place upon the application date. The original application was for 84 lots and the applicant subsequently agreed to reduce the density to 76 lots. Here the developer is applying for the bare minimum 67 lots that are required by the City standards applicable to this application. In order to further differentiate this application from the prior application, the developer will shadow plat four of the 67 lots by placing a binding restrictive real covenant and equitable servitude on the land for the express benefit of the neighbors to the effect that only 63 dwelling units may be built upon the land for five years from the date of the approval of this application. This combination of density reduction by platting only the minimum number of lots and the restrictive covenant is a substantial difference from the previous application that will assure the neighboring property owners that only 63 dwelling units will be developed on the property for five years, a 17% reduction from the dwelling units expected under the prior application.

Lot Integration and Configuration

An issue of concern expressed in the previous application by the Planning Commission was with the lack of integration and cohesiveness of the proposed development. This application differs substantially from the previous application in response to these concerns in several ways. First, rather than try to separate the detached from attached housing as was proposed in the previous application, the two housing types have been

integrated in each of the three housing areas. The southeasterly housing area is now proposed with 6 attached and 3 detached units. The central housing area is proposed with 10 detached and 4 attached units. The northwesterly housing area is proposed with 36 detached and 8 attached units.

Second, consideration has been taken to better integrate the proposed new homes with the existing urban development on the adjacent "Oaktree" subdivision lying northeasterly of the site. Lots have been enlarged along the common boundary with "Oaktree" subdivision. Smaller lots and attached lots are proposed along Rose Road where parcels across the street, presently outside the City and not developed at urban densities, will likely develop in some form of planned or cluster development as resource areas on those parcels will restrict development on portions of the parcels.

Third, far more rear accessed garage units are now proposed than with the previous application and this application includes rear accessed garages for detached homes as well. Half the lots in the large northwesterly housing area are now proposed to have rear accessed garages (22 of 44 lots) served by an alleyway that was not proposed in the earlier submittal. Overall, nearly 50% of the lots will have rear accessed garages (31 of 67 lots) and this will create an added benefit that there will be only one direct home driveway access along all of the Rose Road frontage. In the *previous* application there were only 14 attached lots that were proposed to have rear accessed garages, and 11 direct driveways accessing Rose Road.

Lastly, to better utilize the land and to allow larger lot sizes, the lots in the central housing area are proposed to have access via a private street. In the *previous* application a public cul-de-sac was proposed.

Open Space, Buffers and Recreation Areas

The proposed application is substantially different because it includes a significant increase in the amount of open and green space. Some of the open space area is resource area where limited intrusion by humans is the intent of the Chapter 17.49. Other open space areas will not have such restrictions and will serve as active recreation areas. New features proposed with this application include a twelve foot buffer strip on the northwest side of the proposed development that will provide a green buffer area between the development and the adjoining parcel (Tax Lot 302), combination recreation area – storm detention areas and a pedestrian bridge between Rose Road and the main recreation area.

The primary active recreation area is proposed to be located in the largest housing area, the northwest housing area, where in the *previous* application it was located in the southeast corner of the central housing area. This 16,000 SF recreation area is centrally located for the entire subdivision site and much closer to the majority of the homesites as opposed to the previous application. In addition, two smaller recreation areas are proposed in areas that will double as storm detention areas.

Additional pathways and a footbridge between Rose Road and main recreation area are proposed. The footbridge and additional pathways provide additional connectivity that was not proposed with the previous application.

Storm Detention

In the hearings on the *previous* application there was much testimony offered by those in opposition to the application about flooding problems in the area. While this proposed development cannot cure drainage problems on upstream parcels or nearby parcels on

different intermittent drainageways, the development will not exacerbate or worsen these problems. This application proposes to detain storm drainage to the City required minimums reducing the 2 year post-developed run-off from the developed portions of the site to the required ½ of the 2 year pre-developed rate and the 25 year post developed run-off to a 10 year pre-developed rate. *In addition,* it is also proposed to go beyond the City required minimums to match the pre-developed run-off rates for both the 50 and 100 year storm events as well. Therefore, there will be reduced peak run-off rates through the 25 storm year event, and no increased peak run-off through the 100 year storm event.

Going beyond the City's minimum requirements means that detention facilities will increase in size. However, the full extent of the volume of these detention areas will rarely be needed and therefore in another difference from the previous application, portions of the detention area that will seldom see standing water will utilized as recreation areas. These combination use areas will be in portions of the detention areas where standing water will only be seen on storm events that occur on an average frequency of 10 years or less.

Site Description

The site is located in the southeastern part of Oregon City, southwest of Partlow Road and northeast of South End Road, with frontage on South End Road and Rose Road.

South End Road is classified as a minor arterial with less than standard right of way and improvements along the site frontage. Rose Road is considered a local street and is barely improved and has less than standard right of way.

The site includes an unoccupied single family dwelling and barn, both of which will be removed.

There are a number of large trees on the site: Trees adjacent to the South End Road and Rose Road rights-of-way will have to be removed for street improvements. As will those in the new street areas. Trees in the open space areas will be left standing. Trees in setback areas of proposed parcels will be left standing, except in development fill areas, until at least home construction begins.

The site is crossed from north to south by two drainage channels, both of which are identified on the South End Basin Master Plan. Jurisdictional wetlands are located in both channels. The remainder of the site is nearly flat, with a slight slope from north to south.

Adjacent properties are occupied by single-family residences on lots in subdivisions to the north and across South End Road. Large tax lots with residences surround the site to the northwest and south.

Village at South Rose: Application for Planned Unit Development

Proposal

The applicant requests a Planned Unit Development to best utilize the site while retaining the drainage channels and wetlands. The proposal includes 49 lots for single-family detached dwellings, and 18 lots for single-family attached residences.

The northwest housing area of the site is proposed for 44 lots with 36 detached and 8 attached single family residences, with an interior street that extends to the northwest and has two points of connection to Rose Road. Two lots will be accessed by a private drive that will also access the detention pond. Twenty-two of the lots will be accessed by an alley. By utilizing an alley only one lot will take direct access from Rose Road.

The area between the stream channels is proposed for 10 lots for single family detached and 4 lots of single family attached residences, arranged around a private street that connects to Rose Road.

The southeasterly housing area adjacent to South End Road is proposed for 6 lots for attached and 3 lots for detached single family residences with access to all lots by a private access off of Rose Road.

The interior public streets are proposed to have a 53 foot right of way with 32 feet of pavement between curbs, a five foot wide planter and five foot sidewalk. A portion of wetland area will have to be filled to accommodate the widening of Rose Road, however mitigation will be provided in wetland areas along the drainage channels. A cut/fill permit application was made with Division of State Lands in May 2003 which is pending approval awaiting the City's final decision. Improvements and right-of-way dedication are required for Rose Road, to allow a "half street" with a minimum pavement width of 26 feet. Private accessways will vary from 20 to 32 feet curb-to-curb and include walkways in some areas.

Access is also proposed from the interior street to the open space surrounding the western stream channel and wetland, as well as from the center private street to the open space surrounding both the east and west stream channels.

Public water and sanitary sewer are available from lines in the streets. Public water will be extended in both Rose Road and interior streets to provide connections for each new lot. Public sewer will be installed on the site to provide connections for each new lot and will be connected to the existing sanitary sewer at a point south of the site in South End Road. Storm water will be collected in a system of pipes and directed to storm detention ponds and pipes located at various points on the site. Storm water will be released to the existing drainageways. Please refer to the preliminary "Utility Plan" (Sheets 3 and 4) for details and locations of proposed facilities.

The planned unit development and subdivision have been designed to satisfy all requirements of the City's Codes, as described in the following narrative.

Required site design review applications for the Open Space and Attached homes are proposed to be done at a later date, once a land use decision on the Planned Unit Development is decided.

Comprehensive Plan Criteria

Portions of the City of Oregon City's Comprehensive Plan Criteria are applicable to the proposed development. Those sections of the Comprehensive Plan that are applicable include the following:

Section "C" Housing
Section "F" Natural Resources and Natural Hazards
Section "G" Growth and Urbanization
Section "I" Community Facilities
Section "J" Parks and Recreation
Section "L" Transportation

The proposed development is consistent to the goals of the Comprehensive Plan as follows:

Housing: Provide for the planning, development, and preservation of a variety of housing types at a range of prices and rents.

A mixture of single family attached and detached dwellings on lots sizes ranging from 3500 SF to 8589 SF is proposed. This goal is met.

Natural Resources: Preserve and manage our scarce natural resources while building a livable (sic) urban environment.

A potential conflict exists regarding the Little Beavercreek drainageway resource. Regarding conflicts, the comprehensive plan states that "Additional single-family uses could be constructed in the vicinity outside of any transition area, if buildings are properly located to minimize any potential impacts." In addition the South Rose Road area as been identified as having a high proportion of Delena Soils.

Proposed lots and public facilities have been located beyond the 50 foot buffers of the water resources that cross the property, except for the Rose Road improvements, storm drainage outfalls for recharge of the wetlands, and pedestrian walkways. In addition a letter from Jim Imbrie, the Geotechnical Engineer, involved with the project has addressed questions regarding the high ground water, and the fact that this is not a detriment to the areas proposed to be developed. Mr. Imbrie explains in his letter that low lying areas, such as wetlands, are a different problem than groundwater emanating from storm runoff.

Water resources are being preserved to the extent possible and buffered beyond that required allowing development beyond the transition area of the water resource. Issues in regards to high ground water and wetland recharge have been addressed.

This goal is met.

Growth and Urbanization: To preserve and enhance the natural and developed character of Oregon City and its urban growth area.

The proposed PUD will preserve the natural features on the property and enhance the urban area by providing residential development consistent with the surrounding area. The two drainageways the cross the parcel are being preserved to the extent possible. In addition 50 foot buffers surround the water resources. The water resources and their buffers are to be enhanced with shrubs and trees as a part of the proposed development.

The proposed development is consistent with the character of the surrounding residential developments.

This goal is met.

Community Facilities: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Policy 5 of this Plan section states that "The City will encourage development on vacant land within the City where urban facilities and services are available or can be provided." The applicant will extend City of Oregon City public facilities, including City of Oregon City water and sewer mains under Rose Road, as well as widening Rose Road. The improved street improvements will include providing sidewalks along one side of the street.

This goal is met.

Parks and Recreation: Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.

As a Planned Unit Development, certain, but unspecified, passive and active recreational uses are required. These recreational uses are to be within the minimum 20% open space requirements of the PUD.

The proposed PUD includes active recreational facilities such as children play areas, a grassy area for a sports area and walking paths that allow for a circular walking loop connecting public sidewalk areas around the proposed development. Passive recreational facilities include several bench observation areas that will allow citizens to sit and observe children play, or view the natural resource areas. (Final recreation elements will be a part of a later site design review application process.)

The proposed facilities will add to the recreation system of the City.

This goal is met.

Transportation: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Appropriate policies of this section include "provision for adequate off-street parking will be mandatory", "new developments will include sidewalks in their design", "sidewalks will be of sufficient width to accommodate pedestrian traffic", "use of additional easement or underground utilities for utility poles will be encouraged". All of these policies will be met as a part of this PUD development. The applicant's Traffic Impact Study prepared by Lancaster Engineering, Inc. demonstrates that the proposed development is consistent with the transportation goal and policies.

This goal is met.

Applicable Criteria and Standards

Applicable criteria and standards of the Oregon City Development Code include the following:

Title 12 Streets, Sidewalks and Public Places
Chapter 12.24 Pedestrian/Bicycle Accessways

Title 16 Land Divisions

Title 17 Zoning
Chapter 17.08 R-10 Zone
Chapter 17.13 R-6/MH Zone
Chapter 17.64 Planned Unit Development
Chapter 17.49 Water Resource Review
Chapter 17.50 Administration and Procedures

Title 17, Chapter 17.62 Site Plan and Design Review, will apply to review of development on the multi-family portion of the project, however no structures are proposed at this time.

Requirements for the Planned Unit Development will be discussed first. Other requirements of Title 17 will follow, with Title 16 requirements considered as a final section of this narrative. Title 12 requirements, pertinent to this application are address in a Supplemental Information packet. Generally, Code provisions are indicated by italics, with the applicant's response in plain text.

Chapter 17.64 Planned Unit Development

17.64.010 Purposes.

A planned unit development ("PUD") is a form of residential land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:
A. To promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land and, in some instances, a more compact, pedestrian-oriented, mixed use urban design. Specifically, this can be accomplished through the PUD process with mixed-use developments. The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole; and
B. To preserve existing natural features and amenities and provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.
C. To protect and enhance public safety on sites with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development.
D. To provide flexibility for dimensional requirements of underlying zones or overlay districts to better achieve the purposes of a PUD.

The applicant proposes a PUD for this project because the natural features require sensitive treatment, for aesthetic and practical reasons. Open spaces around the two drainage channels provide visual relief for the development and adjacent community. Open spaces also promote the natural functions of the drainage channels and associated wetlands.

To retain the stream channels and associated wetlands, the applicant proposes an "efficient and economic use" of the site that includes small lots suitable for detached single family residences and lots suitable for attached single family residences. The housing is clustered on portions of the property outside the stream, wetlands and their associated buffers. The division of parcel by the two stream/wetland areas creates three housing pod areas.

More specifically the criteria of 17.64.010A is met by the following:

1. The site is challenged because the two stream corridors break the parcel into three separate sub-parcels. To integrate the three housing pod areas into a more cohesive whole, the three housing area are connected by the public sidewalk that will be built as part of the Rose Road improvements and by the public walkway on the northwest side of the site. These two connections are separated by only 325 feet, providing good connectivity. To provide any additional pedestrian of public street connections across the wetlands or the associated buffers will provide little benefit, and would negatively impact the water resource.
2. Consideration has been taken to integrate with the existing adjoining City subdivision by placing the largest lots in the subdivision adjacent to that common boundary.
3. The main recreational area has been centrally located and is on the same housing area as the majority of the proposed lots. The main recreational area could feature a sport court or other activity type that will bring together residents of the area, who would otherwise might not mingle if they had separate recreational areas. Nearby, but separated from the main recreational area, will be another recreational area. A satellite active recreational area is proposed on the eastern most housing area.
4. Passive recreational in the form of benches is envisioned on both sides of the open space areas. Bench areas, inter-connected by gravel paths with sidewalks and the pedestrian walkway, will allow different views of the stream and wetland areas and interaction between the residents as they migrate from one area to another.
5. A mixture of lotting patterns and home types is proposed. In the western housing area a block of rear-garage accessed single family detached (14) and attached (8) homes are proposed. In the eastern housing area, 6 rear-accessed single family attached and 3 rear-accessed detached homes are proposed. This mixture of housing and lotting will allow the creation of 28 standard front garage accessed detached homes, 17 rear accessed garage detached homes, 4 standard front accessed attached homes and 14 rear accessed garage attached homes. This mixture will allow for a variety of home facades, creating a more desirable community.

Section 17.64.010B is more specifically met as follows:

1. Existing natural features and amenities, the stream and wetland areas, are preserve and a 50 foot buffer is provided around such areas, except adjacent to Rose Road.
2. Useful common open space is provided in terms of pathways, active recreational areas including sport court, and passive recreational features such as benches. It is also noted that each of the active recreational areas are separated from South End Road or Rose Road by proposed home areas, or open space areas.

3. New neighborhood amenities will be created by the improved access via pathways around the stream and wetland areas. Also, the active recreational areas, while intended for those who live in the PUD, will allow others who live outside the PUD to use them.

Section 17.64.010C is more specifically met as follows:

1. As discussed above the proposed housing is clustered into three areas that lie outside the stream/wetland areas and the associated buffers and are suitable for development.
2. Public safety against natural storm drainage hazard, is enhanced via this development in two ways. First, City engineering requirements require that storm release from a 2 year event be reduced from a natural levels to ½ the 2 year natural release rate. Therefore peak runoff from the 2 year rainfall events are reduced by ½ in the developed areas. Second, the detention facilities will be enlarged beyond what the City requires so that the peak runoff release will not exceed pre-developed runoff rates for any event through a 100-year rainfall event.

Section 17.64.010D is more specifically met as follow:

1. The PUD process provides the flexibility to modify dimensional requirements and uses to allow the purposes articulated in paragraphs A, B, and C to be accomplished and to better achieve the purpose of the PUD.

The PUD purposes are satisfied by the proposed development.

17.64.030 Applicant's option.

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. If the property bears a PUD overlay designation, the property may be developed only in accordance with this chapter. PUD overlay designations will be legislatively applied by the city to residentially zoned land with natural features, physical characteristics, topography, development constraints, or other unique or special circumstances that warrant preservation or otherwise constrain development of the property.

The applicant requests consideration of the project as a PUD. Sixty eight (68) dwellings are proposed, satisfying the threshold standard of a minimum of 80% of the gross density allowed by the underlying zones:

Allowable Gross Density

Tax Lot	Zone Designation	Area	Gross Density
Tax Lot 300	R6/MH	6.5 Acres.	41.6
Tax Lot 1700	R10	9.52 Acres	41.9
Totals		16.02 Acres	83.5 dwellings = 83 dwellings

Note: Density from 17.06.070 Requirements Table: 4.4 dwellings/acre for R10 Zone; 6.4 dwellings/acre for R6/MH Zone.

17.64.040 Permitted uses and basic PUD requirements.

Permitted uses in PUD's include single-family detached and attached dwellings (17.64.040.A.1 & 2). Common open space is also permitted (17.64.040.A.5). No commercial uses are proposed.

Adjustments to dimensional standards are allowed within a PUD, as provided in 17.64.040.C:

C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. However, unless an adjustment is specifically requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.

The application proposes adjustments to dimensional standards for both the R10 and R6/MH Zones. These adjustments are necessary to enable reduced lot sizes, meet density requirements, and accommodate the mix of housing types within the constraints that affect the property, including the natural drainage channels that limits useable area on the site and lack of street stubs from adjacent developments.

Standards and Modifications to Standards

Standard	R10 (17.08.040)	R6/MH	Proposed
Single family detached dwellings: Lot area	10,000 sq. ft.	6800	5,000 sq. ft. minimum (average 5,643 sq. ft.)
Lot width/depth	75 ft./100 ft.	80 ft./ 85 ft.	50 ft./82 ft. minimum
Setbacks:	Front – 25 ft. Side – 10 ft./8 ft. Corner Side – 10 ft. Rear – 20 ft.	Front – 15ft. Side – 5 ft./7 ft. Corner Side – 15 ft. Rear – 10 ft.	Front – 15 ft. – 10 ft.* (Garages – 20 ft.) Side – 7 ft./5 ft. Corner Side – 15 ft. Rear – 20 ft.
Building height	35 ft. maximum	20 ft. maximum	Two stories or 35 ft.
Single family attached dwellings: Lot area			3,500 sq. ft. minimum (average 3,934.1 sq. ft.)
Lot width/depth			35 ft./94 ft. minimum
Setbacks			Front – 15 ft. – 10 ft.* (Garages – 20 ft.) Side – 9 ft./zero Corner side – 15 ft. Rear – 20 ft.

*Ten front yard setbacks are proposed for homes with rear accessed garages.

While it is noted that proposed PUD development will have smaller widths and lot sizes than the adjoining Oaktree subdivision, the minimum size lot adjacent or backing up to the common boundary will be 5211 SF.

D. Open Space and Landscaping. The applicant shall provide at least twenty percent of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than twenty feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

D. Open Space and Landscaping. The proposed open space, excluding the primary detention areas, but including combination detention/recreational areas (1.3%), constitutes 26.0% of the proposed development, exceeding the minimum requirement of 20%. Open space areas, and uses included within the open spaces, are shown on the plans included with the application.

Open Space

Location	Area	Percentage of Site
North Open Space	99,240 sq. ft.	10.5%
South Open Space	73,582 sq. ft.	14.2%
North Detention – Recreation Area	5,502 sq. ft.	0.8%
South Detention – Recreation Area	3,250 sq. ft.	0.5%
Totals	181,574 sq. ft.	26.0%

The proposed open spaces function to protect the natural areas (open channels and wetlands) as well as provide a buffer and visual separation between the housing areas. Open spaces and buffer areas are provided along both of the drainage channels that cross the site. Portions of the open space also provides the residents with active and passive use areas. The 12 foot buffer strip along the northwest boundary of the site provides separation between the development and the residents of Tax Lot 302 northwest of the site on Rose Road, who lie outside the City boundary.

Open space is provided to include active recreational facilities such as children play areas, a grassy area for a sports area and walking paths that allow for a circular walking loop connecting public sidewalk areas around the proposed development.

Passive activities, such as reading or watching others play, can take place at the benches adjacent to the active recreational equipment and spaces. Also, from various

vantage points, residents can simply observe the planted and natural areas, including several bench observation areas that will allow citizens to sit.

The open space areas are proposed to be owned and maintained through a home owners' organization, which will be created through CC&R's recorded with the final plat.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:
1. Water;
2. Sanitary sewer;
3. Stormwater management;
4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;
5. Schools; and
6. Fire and police services.

Adequate capacity of services will be provided in the following manner:

1. A City water main will be constructed in Rose Road to connect to the existing main in South End Road.
2. A sanitary sewer main will be extended along South End Road beginning at its intersection with Filbert, then down Rose Road to serve the site.
3. Stormwater management will be addressed by meeting and exceeding the City's stormwater detention requirements.
4. Traffic system and transportation infrastructure improvements will meet City requirements, including widening and improvement of both Rose Road and South End Road along the site's frontages. In addition, the Transportation study performed by Lancaster Engineering indicates that the development is consistent with the city's transportation requirements and all intersections will perform at acceptable levels of service with the development. To reduce congestion on Rose Road due to backing out movements by future residents, all lots but one will take direct access from either new roadways or alleys created by the proposed development.
5. Adequate school capacity system is available.
6. These parcels are currently served and will continue to be served by Oregon City Police department and Clackamas County Fire District #1. The proposed PUD will have minimum impact on the police and fire services, but will provide additional tax base for such services, if developed.

F. If the applicant elects to guarantee that any particular public service or facility will have adequate capacity, the required capacity shall exist prior to issuance of building permits. The decision maker may require the applicant to provide special or oversized sewer or water lines, roads, streets or other service facilities if necessary to meet standards in the city's facility master plans or to allow for the orderly and efficient provision of public facilities and services. If oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement ordinance and fund availability.

Public services and facilities are proposed as part of the development of the site, as required by 17.64.040.E.

Public water and sanitary sewer will be extended, as necessary, from existing public utility lines to provide a connection to all new lots. Water and sewer mains will be sized in accordance with the City's requirements.

Storm drainage will be managed on the site through a collection and detention system, with measured release to existing drainageways. Concern about high ground water has been addressed in a letter, included as part of this application, dated February 3rd from James D. Imbrie, P.E. of GeoPacific Engineering, Inc. Mr. Imbrie explains in his letter that low lying areas, such as wetlands, are a different problem than groundwater emanating from storm runoff.

A traffic analysis report has been prepared and is included with the application. It finds that all intersections will perform at acceptable levels of service with the development. Although the proposed development will contribute to traffic volumes that may eventually require modifications to the intersections of South End Road with both Warner Parrott Road and Partlow Road, these modifications have been identified as system improvements in the City's Transportation System Plan. The proposed development will contribute to these future improvements through the payment of a system development charge. The system development charge is in addition to frontage improvements and dedications required for the project.

Schools that will serve children from the site include John McLoughlin Elementary School, Gardiner Middle School, and Oregon City High School. The School District Business Manager Ken Rezac, stated in a telephone conversation, that this development may facilitate a boundary adjustment for the Elementary Schools. The Middle Schools are near capacity, but this development would not bring the middle schools to capacity. There would be no capacity issues at the High School level. The School District has the responsibility for managing population increases, and can do so by adding classroom space, moving classrooms, etc. This project would not contribute to the students for at least a year and proposes no more density than allowed in the underlying zoning districts.

Fire and police services are provided by the City and no problem was identified with accommodating the development.

G. Relationship to the Natural and Physical Environment. Streets, buildings and other site elements shall be designed and located to preserve the maximum number of significant trees (i.e., those trees six inches or greater in diameter, measured four feet from the ground), significant natural resources, jurisdictional wetlands, and natural (i.e., natural features)....

The design of the site utilizes the natural features as elements of the overall layout. Detention pond areas are outside the resource buffer areas.

Several trees are identified on the site (see Sheet 2 "Existing Conditions"), however most are located close to the adjacent streets where frontage improvements are required and therefore cannot be preserved.

This requirement is satisfied by the attention to preserving the drainage channels and associated wetlands in open space areas that are larger than minimum requirements.

H. Mixed-use. To ensure development within a PUD contains the correct blend of mixed uses, no more than eighty percent, but at least fifty percent, of the total net developable area shall consist of single-family residential development. Twenty

percent of the net developable area shall consist of residential uses other than single family dwellings....

Detached single family residences are 71.4 % of the total proposed units, while attached family residences units take up the remaining 28.6% of the proposed living units. The detached single family units are 79.6% of the total net developable area, between the 50% minimum and 80% maximum limits for a PUD. Therefore, this requirement is satisfied.

17.64.050 Density bonuses.

No density bonus is being requested as the number of units proposed is less than that permitted.

17.64.060 Initiation of a PUD – Review process

A preapplication conference is required for a PUD and related permits, including subdivision, can be processed concurrently with the PUD.

The applicant met with Tony Konkol of the City and neighbors of the site on November 20, 2003, January 14th , February 7th, and August 16th. In addition the applicant had a pre-application meeting with City staff on May 19th.

17.64.090 Preliminary PUD plan--Required plans.

This section lists plans that are required as part of an application. All required plans are included with the application.

17.64.100 Preliminary PUD plan--Narrative statement.

This section requires a narrative addressing particular issues. The application includes a narrative responding to all applicable requirements. A geotechnical report and traffic impact analysis report are provided with the application. CC&R's will be provided following preliminary approval, so that any required conditions can be included.

17.64.110 Preliminary PUD plan--Tabular information.

This section requires information to be provided in tabular form. Required tables are provided here or as noted, in responses to other sections.

A. Gross area and net developable area, acreage distribution by use, percentage of acreage designated for each dwelling type and for nonresidential uses such as streets, off-street parking, parks, open space and playgrounds;

Gross Site Area

Tax Lot	Area	Percentage of Gross Site
Tax Lot 300	6.5 Ac. (283,307.80 sq. ft.)	40.6%
Tax Lot 1700	9.52 Ac. (414,691.20 sq. ft.)	59.4%
Totals	16.02 Ac. (697,999 sq. ft.)	100%

Land Dedications

Dedication & Purpose	Area	Percentage of Gross Site
Interior streets	66,606 sq. ft.	9.5%
Rose Rd. & South End Rd.	26,443 sq. ft.	3.8%
Total dedications	93,049 sq. ft. (2.07 Acres)	13.3%

Net Site Area

Land Use	Area	Percentage of Net Site
Detached Residential	276,558 sq. ft.	39.6%
Attached Residential	70,814 sq. ft.	10.2%
Dedications	93,049 sq. ft.	13.3%
Open Space	181,574 sq. ft.	26.0%
Detention Pond Only Areas	35,791 sq. ft.	5.1%
Access Tracts	36,157 sq. ft.	5.2%
Buffer Strip	4,056 sq. ft.	0.6%
Totals	697,999 sq. ft.	100%

Density by Dwelling Type

Dwelling Type	Gross Density	Net Density
Single family detached residential		5,643 sq. ft./dwelling (average lot area)
Attached residential		3,934 sq. ft./dwelling (average lot area)
Total	10,418 sq. ft./dwelling	5,184 sq. ft./dwelling

Open Space Dedications: A Table is included in the response to 17.64.040.D.

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

No phasing is proposed.

C. Gross density and net density of the PUD and, where different types of residential units are proposed, the density by dwelling type;

Please refer to the table "Density by Dwelling Type" in the response to Sec. 17.64.110.A.

D. Amount of impervious surface in hillsides and unstable slopes subject to regulation by Chapter 17.44.

No hillsides or unstable slopes subject to Chapter 17.44 have been identified on the site. Please refer to the geotechnical engineering report prepared by GeoPacific Engineering, Inc., included with this application.

17.64.120 Preliminary PUD plan approval criteria.

The decision maker shall approve an application for preliminary PUD plan if the following criteria are met:
A. The proposed preliminary PUD plan is consistent with the purposes and requirements of this chapter set forth in Sections 17.64.010 and 17.64.040, and any applicable goals or policies of the Oregon City comprehensive plan;
B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone, such as Chapters 17.44 or 17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter;
C. Any phasing schedule proposed by the application must be reasonable and shall not exceed five years between approval of the final PUD plan and the filing of the final plat for the last phase. Dedication or preservation of open space or natural features, in a form approved by the city, must be recorded prior to the issuance of building permit(s) for existing tax lots of the first phase of any multi-phase PUD;
D. The applicant has demonstrated that all public services and facilities have adequate capacity to serve the proposed development, or adequate capacity is assured to be available concurrent with development;
E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning.

The applicant believes that all criteria of this section are satisfied, as demonstrated through the narrative and plans submitted as the application. Specifically:

Criterion A: The purposes and requirements of the PUD and the applicable comprehensive plan goals and policies have been satisfied, as discussed in previous sections of this narrative and demonstrated on the plans included with the application. The site design preserves the open drainage channels and wetlands, clusters dwelling types on smaller lots to allow retention of the natural features, and includes a variety of dwelling types.

Criterion B: Requirements of the underlying zoning districts (R-6/MH and R10) are proposed to be adjusted through the PUD process, to allow creation of lots smaller than would otherwise be allowed and setbacks corresponding to reduced lot areas. The requested adjustments are discussed in a preceding section of this narrative.

Requirements of Chapter 17.49 Water Resource Overlay District will be discussed in more detail in a following section of this narrative. Generally, this chapter is satisfied by preservation of the two drainage channels and associated wetlands within the open space areas.

Criterion C: No phasing is proposed. Dedications will be provided in a form satisfactory to the City.

Criterion D: All public services and facilities can be provided to the development. No service have indicated there is inadequate capacity to serve the PUD. Public services and

facilities were discussed in a preceding section of this narrative and details of the utility plan are provided on Sheet 3 of the accompanying plans.

Criterion E: Dimensional requirements for the underlying zones are proposed to be adjusted, as discussed in a preceding section of this narrative. The adjustments are justified by the requirement to accommodate the two drainage channels, which separate the site into clearly defined areas. The limit on available, developable area on the site necessitates smaller lots and reduced setbacks to accommodate building pads of reasonable size on each lot. The applicant believes that the plan, as submitted, represents a balance between preservation of the natural features of the site and an economic, efficient use of the available land in an area where public facilities and services can be provided.

17.64.140 Design review.

Design Review applications will be submitted after approval of the PUD application.

Summary of PUD Requirements

The PUD process provides a means to accommodate a mix of land uses and balance the needs to preserve natural features with the most economic and efficient use of a site. This application demonstrates that all requirements of this Chapter have been, or can be, satisfied. Therefore, because the PUD can be approved, other requirements of the City's Code will be discussed in the remainder of this narrative.

Other Title 17 Requirements

Chapter 17.50.220 Reapplication limited

If an 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 decision.

See discussion at the beginning of the narrative on pages 2 and 3.

Chapter 17.08 R-10 Single Family Dwelling District

R10 uses and dimensional requirements are proposed to be modified through the PUD, as previously discussed. Building heights will not exceed the maximum standard.

Chapter 17.13 R6/MH Single Family Dwelling District

R6/MH uses and dimensional requirements are proposed to be modified through the PUD, as previously discussed. Building heights will not exceed the maximum standard.

Chapter 17.49 Water Resources Overlay District

A Water Resources Report has been prepared by Environmental Technology Consultants, addressing the relevant criteria.

17.49.030 Applicability.

This chapter applies to the proposed development as the drainage channels are identified as resources that require protection.

17.49.050 Water quality resource area standards.

This section require a setback of no less than 15 feet for an open drainage channels and 50 feet from the edge of a delineated wetland (Table 17.49-1). These buffers are identified on the plans and represent the minimum distance, as the water resource features are located within reserved open space areas that meet or exceed the minimum required distances. Fifty foot buffers have been shown around all water resource areas, except those adjacent to Rose Road. Due to City staff recommendations, a paved pathway crosses the resource buffer area. Mitigation buffer area has been added to the buffer area to make up for this paved encroachment into the buffer areas.

The uses proposed for the wetland and buffer areas are those permitted outright, except for the pathway crossing the drainageways and the road and utility improvements along Rose Road, which falls under a provisional uses. The pathway is required to meet the criteria of 17.49.050(H)5.

17.49.050(H)5 Walkways and bike paths:

The code allows for walkways to constructed not closer than 10 feet from the boundary of the protected water feature. For paved walkways the buffer area must be increased to match the paved area. Finally the pathway cannot exceed 12 feet in width.

The pathways are planned to cross the protected water features. While the code does not seem to address directly the issue of pathways crossing the water features, it appears if crossing structure does not require a grading or building permit, such a structure is an outright permitted use (17.49.050(C)2). We believe that a pedestrian bridge structure would be such a structure.

17.49.060 Subdivisions and partitions.

The following provisions apply to this proposal:

A. The purpose of this section is to amend the City regulations governing land divisions to require that new subdivision and partition plats delineate and show the water quality resource area as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section.
B. The standards for land divisions in a water quality resource area overlay district shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that for partitions the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a transfer of density pursuant to Section 17.49.070.
C. Prior to preliminary plat approval, the water quality resource Area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.
D. Prior to final plat approval, ownership of the water quality resource area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
1. Private open space held by the owner or a homeowners association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and

preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the city manager.

Response: The water resource areas, both drainage channel and wetlands, are identified on the maps submitted as part of the application. The applicant proposes to maintain three private open space tracts, to be owned through a future home owners association.

Title 16 Land Divisions
Chapter 16 Subdivisions

The applicant proposes a subdivision to create 67 new lots (4 lots are shadow lots): 45 lots for single family detached dwellings, 18 lots for attached dwellings, and tracts for open space (to include the water resource areas identified through Chapter 17.49) and detention facilities. Some of the requirements for subdivision duplicate requirements previously discussed in response to PUD requirements. These issues will be identified and not discussed here to avoid redundancy.

Chapter 16.08 Subdivisions – Process and Standards

16.08.020 Preapplication review. The Applicant and his representatives met with Tony Konkol of the Oregon City planning staff on May 19, 2004 in a pre-application meeting. The applicant and his representative also met with interested neighbors to discuss the development of this property on November 20, 2003, January 14, 2004, February 7, 2004, and August 16, 2004.

16.08.040 Preliminary subdivision plat—Required plans. The Applicant has submitted plans that show information required in this section.

16.08.050 Preliminary subdivision plat—Narrative statement.

A. Subdivision Description. The Applicant proposes a 67 lot subdivision (4 lots are shadow lots) to accommodate single family dwellings, and attached dwellings. All new lots will have frontage on either a new public street, a new private streets, or on Rose Road and South End Road.

The new public interior streets will have a right of way width of 53 feet, with 32 feet of pavement. Five foot wide sidewalks will be provided on both sides of all new streets, with five foot wide planter strips between sidewalk and curb.

Improvements and right-of-way dedication is also proposed for both Rose Road and South End Road, to complete these facilities to standards identified in the TSP.

Public water, sanitary sewer, and storm sewer are available from lines in the existing streets around the site. Storm water will be collected, detained, and released into existing drainage facilities. For details, please refer to the preliminary "Utility Plan" (Sheet 3).

B. Timely Provision of Public Services and Facilities.

1. Water – discussed in the previous section.

2. Sanitary sewer – discussed in the previous section.

3. Storm sewer and stormwater drainage – discussed in the previous section.

4. Parks and recreation – Oregon City has made provisions for parks and recreational facilities throughout the community. Open space will be part of the proposed development, as required for a PUD. The closest open space with play structures is located at John McLoughlin Elementary School, which is approximately 800 feet from the site or no more than a 0.15 mile walk from most new lots.

5. Traffic and transportation – Construction of new streets will mitigate direct impacts of this development. Based on an earlier 67 lot plan concept the project would have generated an estimated daily traffic volume of 720 new weekday trips, according to the Traffic Analysis. Also, based on the earlier 67 lot concept the project would generate 56 trips during the morning peak hour and 75 trips during the evening peak hour. With the proposed 63 lot plan with 4 shadow lots, the estimate trips would be slightly less. While this project will have an impact on the system as a whole, congestion is increasingly a problem throughout the southeastern part of Oregon City. The Traffic Impact Study prepared by Lancaster Engineering, Inc., submitted as part of this application, does not identify the need for any system level improvements as a result of this subdivision/PUD, but notes that eventually there will be a need for improvements at the intersections of South End Road with Warner Parrott Road and Partlow Road. The revised plan concept will slightly reduce the proposed traffic impacts.

6. Schools – The following schools will serve students from the site and no service deficiencies have been identified:

Elementary – John McLoughlin Elementary School
Middle - Gardiner Middle School
High – Oregon City High School.

7. Fire and police services – These services are provided by the City. No comments from emergency providers have suggested that this development will cause problems.

C. Approval Criteria and Justification for Variances. – No variance is requested. Approval criteria for a land division (Sec. 16.12) are discussed in a following section of this narrative.

D. Geologic Hazards. – No geologic hazard has been identified on this site. Please refer to the geotechnical engineering report prepared by GeoPacific Engineering, Inc., included with the application. City maps have identified a high ground water table in this area. This ground water concern as been further addressed in letters from the geotechnical engineer, professional wetland scientist and the civil engineer involved with this project. . Mr. Imbrie, of GeoPacific Engineering, explains in his letter that low lying areas, such as wetlands, are a different problem than groundwater emanating from storm runoff.

E. Water Resources. – Identified water resources on this site are shown on the plans and discussed in response to Chapter 17.49 in a preceding section of this narrative.

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

subdivision will be provided following approval of the preliminary plan, so that any conditions of approval can be incorporated in the documents.

G. Proposed phasing. – All lots are proposed to be developed at the same time, without phasing, except that the non-exempt housing types and the multi-family site will require additional approval through site plan and design review prior to construction.

H. Overall density of the subdivision/PUD and density by dwelling type for each. – The overall density of the subdivision is one dwelling per 10,418 square feet, based on the original parcel size of 16.02 Acres. Densities for each dwelling type are as follows: Single family detached residences average 5,643 square feet. Attached dwellings average 3,934 square feet.

Chapter 16.12 Minimum Improvements and Design Standards for Land Divisions

16.12.020 Street design – Generally.

The proposed streets are designed to local street standards and are, therefore, appropriate for the development. Adjoining properties to the northeast are already developed with access from other streets. Therefore, the new street is proposed to extend only to the northwest to provide access for adjacent sites.

16.12.030 Street design – Minimum right-of-way.

The proposed streets comply with minimum standards for local streets as provided by this section.

16.12.040 Street design – Reserve strips.

Staff indicated that a reserve strip is desired at the northwesterly end of the proposed new street. However, a buffer is proposed for this location and along the northwesterly boundary of the PUD, to help shield a neighbor from the development. The development code does give the City Engineer the option to request the reserve strip. If before final platting staff reverses opinion on this issue the applicant will follow accordingly.

16.12.040 Street design – Alignment.

The proposed new streets intersect with Rose Road in a "T" configuration.

16.12.060 Street design – Constrained local streets and/or right-of-way.

Local streets are proposed that meet standards of 16.12.030; this section does not apply.

16.12.070 Street design – Intersection angles.

The new streets intersect with Rose Road at a 90 degree angle, in compliance with this standard.

16.12.080 Street design – Additional right-of-way.

Additional right-of-way dedication is required for South End Road and for Rose Road, as noted on the plans.

16.12.090 Street design – Half street.

A half street dedication (an additional 11.5 feet) is proposed, with construction of more than a half street plus 10 feet (26 foot driving surface) to provide an adequate partial street for Rose Road. On South End Road it has been unclear exactly what the future street section and right-of-way dedications are to be, as staff has received different opinions from superiors within the City. What is currently proposed is to match what was decided on a subdivision approved in 2003 across the street from the site. An additional dedication of 10 feet is proposed with improvements along the street frontage having the curb at 26 feet from centerline, a 6 foot planter and 7 foot sidewalk. The applicant is somewhat flexible on the exact dimensions depending upon City review. Please refer to the plans for details.

16.12.100 Street design – cul-de-sac.

Not applicable to this application.

16.12.110 Street design – Private street.

Private streets are proposed. One will provide access to 2 detached dwellings and a detention pond. The another private drive will provide access to 10 detached and 4 attached dwelling lots in the center housing area. A third private access provides access to the garages and small parking area in the southeasterly housing area. In this particular area though all lots will front South End Road or Rose Road.

The access easements will vary in width and function. The northerly private street will have a width of 38.5 feet and length of approximately 150 feet the end of the public rights-of-way. This private drive will have 28 feet of road surface allowing for parking on one side, still providing for a 20 foot emergency vehicle lane, a landscape planter and public sidewalk. The center housing area will have private street with curb-to-curb widths of 32 feet on the portion of roadway perpendicular to Rose Road and 28 feet curb-to-curb on that portion parallel with Rose Road. The intent is to allow parking on both sides of the 32 foot wide section and parking on one side on the 28 foot wide section. A curb tight sidewalk will be provided along one side of the of each leg of the private street. The private street length will be approximately 400 overall and approximately 200 from the "T" intersection proposed.

16.12.120 Street design – Street names.

The new streets are proposed to be named at a later time, subject to City approval.

16.12.130 Street design – Grades and curves.

The proposed streets will be designed to conform to city standards.

16.12.140 Street design – Access control.

The site does abut a minor arterial street and does not propose to take access from that street. Further appropriate measures, such as an access control strip across the property lines fronting South End Road can be shown on the final plat if required by the City.

16.12.150 Street design – Pedestrian and bicycle safety.

Proposed street improvements will be designed to comply with city requirements. Traffic calming measures, in the form of curb extensions at street intersections, are shown on the preliminary plat maps of the application at the recommendation of City staff. Staff has informed the applicant that either curb extensions or a round-about are acceptable traffic calming devices. The applicant has selected the curb extensions as they seem to have worked reasonably well in the Sunnyside Village neighborhood of Clackamas County. The concern with round-abouts on local streets is that the radiuses of the round-abouts are so small that vehicles have trouble turning to make left hand turns. This either causes the vehicle to ride up over the curb of the round about on to generally what is a landscape area, or the drivers short cut the corner by going against traffic. In bigger radius round-abouts, sometimes seen on collectors or arterials, the round about seem to work better.

16.12.160 Street design – Alleys.

An alleyway is proposed on the largest block of lots proposed in this application. The alley will serve 22 lots for rear loaded garages, and will be approximately 550 feet long. The alley is proposed to be a 20 foot wide paved surface, and an easement on the lots that it provides access for.

16.12.170 Street design – Transit.

Tri-Met route 79 serves the South End Road area. A bus stop at the corner of Rose Road and South End Road will need to be adjusted to accommodate the widen street section. Coordination with Tri-Met officials will be done in regards to the new improvements.

16.12.180 Street design – Planter strips.

A planter strip is included in the design for the new public streets. Street trees will be installed per City code at 40' spacing with adjustment as may be required by driveways, and street lights.

16.12.190 Blocks – Generally.

The proposed subdivision will create one new block, bounded by the new interior street and Rose Road. Blocks cannot be created due to existing development that did not extend streets to the site's boundary and natural features.

16.12.200 Blocks – Length.
16.12.210 Blocks – Width.

The block dimensions for this subdivision/PUD are dictated by the locations of existing streets (none are provided from adjacent existing developments), surrounding development, and natural features (drainage channels and wetlands). The "block" created by the new interior street is less than 600 feet long, with a perimeter of approximately 1600 feet.

No block is possible along the north property line, as no street stub was provided from the adjacent subdivision, and no connection is proposed to cross the western drainage channel.

16.12.220 Blocks – Pedestrian and bicycle access.

A pedestrian and bicycle access is proposed to connect the new interior street to Rose Road.

16.12.230 Building sites.

Proposed lots do not meet the requirements of the R-10 or the R-6/MH District. Adjustments to standards are requested and discussed in responses to PUD requirements in a preceding section of this narrative.

16.12.240 Building site – Frontage width requirement.

Each lot has at least 20 feet of frontage on a public street, except for Lots 12 and 13 and Lots 41 through 53 which will access the private drives. Each of these lots will either have pole strips out to the public rights-of-ways or have 20 feet of frontage on the private access tracts.

16.12.250 Building site – Through lots.

No "through" or "double frontage" lots are proposed.

16.12.260 Building site – Lot and parcel side lines.

All lot lines are generally at right angles or radial to the new streets, except for a limited number of lots bounded by wetland buffers or around the cul-de-sac.

16.12.270 Building site – solar access.

The site is not aligned in a north-south or east-west direction, so the new streets and cannot be oriented in a manner that allows new lots also to be oriented for optimum solar access.

16.12.280 Building site – Grading.

A preliminary grading plan in compliance with city requirements is submitted as part of this application. Please refer to Sheet 4 "Grading/Erosion Control Plan."

16.12.290 Building site – Setbacks and building location.

The site has frontage on a minor arterial, however no lot is proposed to have access to South End Road.

16.12.300 Building site – Division of lots.

No lot is capable of further division, as the development is a PUD and can only be developed as approved through this application.

16.12.310 Building site – Protection of trees.

Some trees are located in areas that will not be disturbed by construction of street frontage improvements, and others will obviously be in building footprint areas. The developer has no desire to remove trees, but will be required to do so to satisfy street design requirements. The developer is willing to work with the City to accommodate existing trees, if possible, including hiring a qualified arborist or horticulturist to prepare a site preparation and management program to provide protection to trees. In conjunction with the arborist or horticulturist a grading plan will be prepared to retain what trees are possible to retain considering right-of-way and building locations.

16.12.320 Easements.

Easements for utilities and other features will be provided as required by the city. The final plat will show any easements required by the city and necessary for the development of the subdivision/PUD in compliance with requirements.

16.12.330 Water quality resource areas.

Two drainage channels have been identified on the site and are discussed with relation to requirements of Chapter 17.49, in a preceding section of this narrative and in the Water Resource Report and Addendum.

16.12.340 Minimum Improvements – Procedures.
16.12.350 Minimum improvements – Public facilities and services.
16.12.360 Minimum improvements – Road standards and requirements.
16.12.370 Minimum improvements – Timing requirements.

Improvements will be installed according to the City's requirements.

Supplemental Information

Applicable Criteria and Standards

Chapter 12.24 Pedestrian/Bicycle Accessways

12.24.010 Purpose. Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections within and from new subdivisions and planned developments to residential areas, retail and office areas, industrial parks, transit streets and neighborhood activity centers where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways should only be used in areas where public street options are unavailable, impractical or inappropriate.

Response: Accessways are proposed to connect the three parts of the development with South End Road, providing an alternative connection to the sidewalks along the public streets. The accessways will cross the open space areas and generally follow the site's north boundary.

12.24.030 When required. Except as otherwise provided in this section, pedestrian/bicycle accessways shall be provided in the following situations....

Response: This section identifies specific instances when accessways are required.

12.24.040 Development standards.

A. Entry points shall align wherever practical with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Response: The entry points to accessways do not align with identified crossing points but are, more or less, "mid-block" connectors where public streets are not possible due to adjacent development and identified natural resources.

B. Accessways shall not exceed four hundred feet in length between streets. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. For accessways under two hundred feet in length, a fifteen-foot wide right-of-way with a centered ten-foot wide paved surface.

2. For accessways two hundred to four hundred feet in length, a twenty-foot wide right-of-way with a centered ten-foot wide paved surface.

3. If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least twenty feet with a centered fifteen-foot wide paved surface.

Response: The pathway system in this development is not a typical accessway that provides connections between streets. This pathway system does provide connections between various parts of the development, but also is the means for access to the open space and recreation areas.

The main accessway is located between South End Road and the first single family homesite in the northwesterly housing area. An intermediate connection is proposed approximately half way through this length to access the center housing area. Except for the initial 180 feet which lies adjacent to a proposed parking area and an attached lot, the middle 400 feet which lies between homes in "Oaktree" and proposed homes for this application, and the final 100 feet which lies between a lot and a detention pond/recreation area, the pathway is within the large open space tracts.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Response: Due the drainageway shape of the northerly resource area the pathway cannot be "direct" without increasing the impact of the pathway on the resource. An attempt to balance the sight visibility with landscaping desires within the water resource and buffer area were made. The sight lines of the pathway across the southerly resource area meet the requirements of this section.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of three foot-candles and shall be oriented not to shine upon adjacent residences. Street lighting shall be provided at both entrances and may also be required at intermediate points along the accessway as necessary for safety as determined by the review authority. Lamps shall include a high pressure sodium bulb with an unbreakable lens.

Response: The applicant believes that lighting is appropriate, but that the "three foot candle" requirement for lighting level is far too intrusive for the open space and natural resource area that is also located along the rear property lines of adjacent residences. The Staff appears to agree with this conclusion. The applicant is proposing meeting a

minimum level of 0.5 foot candles, (the new City standard) which are more appropriate for this area.

E. Wherever practicable, accessways shall have a maximum slope of five percent and avoid the use of stairways.

Response: No stairways are proposed and the slope is generally less than 2%.

F. Accessways shall be fenced and screened along adjacent property in residential areas by:

1. A vegetation screen at least forty-eight inches high with an additional four-foot high evergreen vegetation screen; or

2. A minimum five-foot high chain link fence with a row of three- to four-foot high evergreen shrubs or climbers planted along the fence; or

3. If there is an existing fence on private property adjacent to the accessway, a four-foot high evergreen vegetative screen;

4. In satisfying the requirements of this section, evergreen plant materials that grow over four feet in height shall be avoided. All plant materials shall be selected from a list of suitable plant materials, which the city shall maintain;

5. The review authority may waive the requirement for vegetative screening upon demonstration that a vegetative screen is not practicable.

Response: Vegetative screenings will be provided adjacent to existing and proposed lots.

G. Accessways shall be designed to prohibit motorized traffic. Curbs, removal lockable posts and bollards are suggested mechanisms to achieve this.

Response: Bollards are proposed to prohibit vehicle traffic to the pathway system. Bollards at each entry point is proposed.

H. Accessway surfaces shall be paved with all weather materials as approved by the city. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent. Unpaved portions of the accessway, excluding gravel shoulders, shall be planted in an evergreen ground cover. Where the right-of-way is twenty feet or more, a row of approved two-inch minimum caliper trees, of medium size not to exceed twenty-five feet in height at maturity, shall be planted at twenty-foot spacings on one side of the path.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

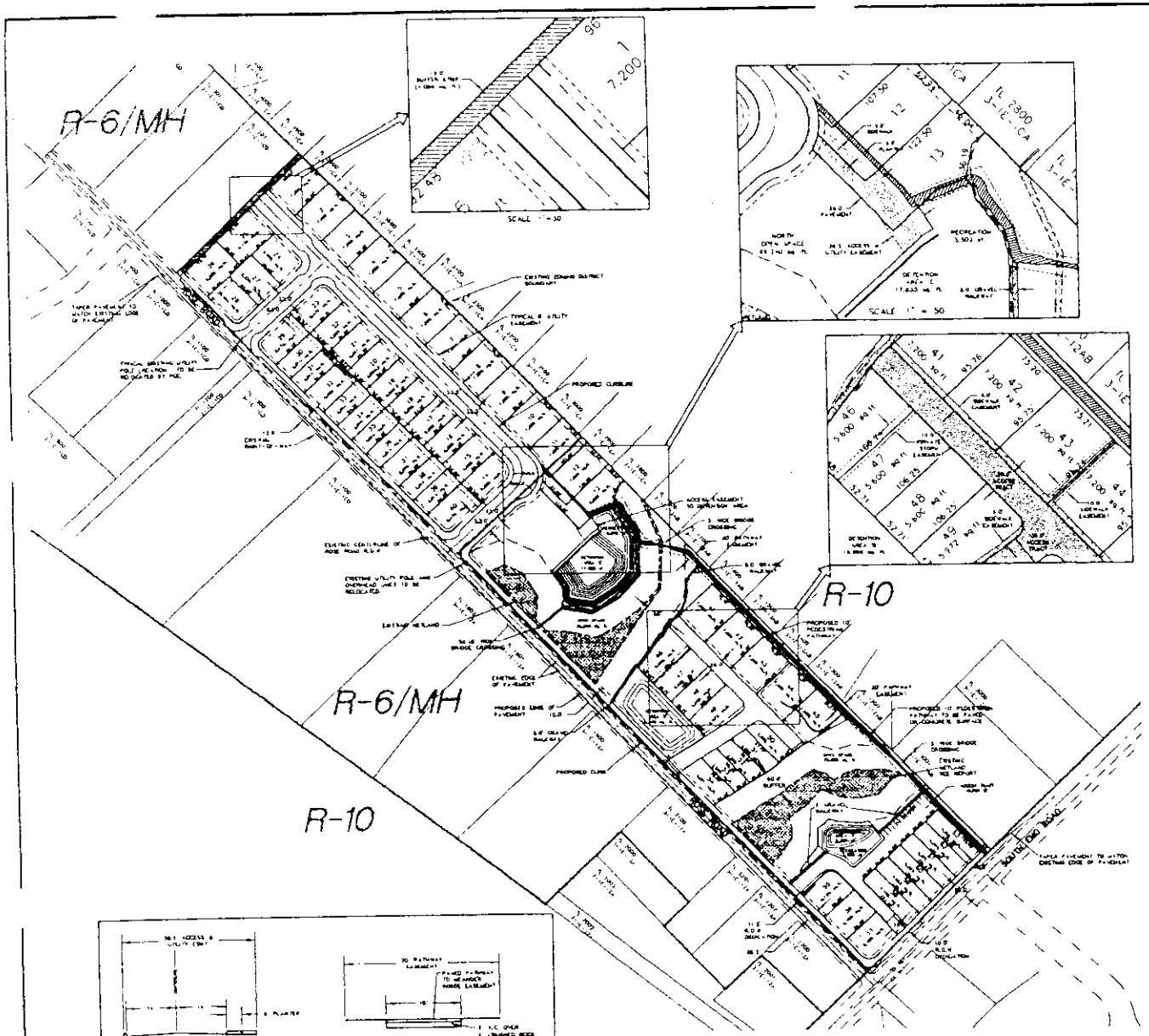
Response: Staff and the applicant are in disagreement of whether the pathways across the natural resource areas (wetlands and buffers) should be gravel or a hard surface such as pavement. Staff has requested that the pathways be paved, which is what is shown on the preliminary plans, to facilitate pedestrians and *bicycles*. The applicant believes bicycles, skateboards and other wheeled transports should not be encouraged in the resource area. It is the applicant's opinion that such wheeled vehicles could use the street system to move from one location to another within the subdivision, as the extra distance needed

for the more circular route should not be a significant disincentive for a wheeled transport.

Landscape requirements of the Paragraph H will be met through the planting of trees and evergreens. A separate site design review process will be required and applied for.

Conclusion

The foregoing narrative describes the proposed land division and PUD. The narrative and plans demonstrate that the proposal is in conformance with the City's applicable criteria and standards. Therefore, the application should be approved as submitted.



PRELIMINARY PLAT
FOR
VILLAGE AT SOUTH ROSE

GRAPHIC SCALE

AREA CALCULATIONS

PROPOSED DENSITY CALCULATIONS

NOTES

Exhibit 5

Site Layout Plan

TYPICAL SECTION

TYPICAL SECTION

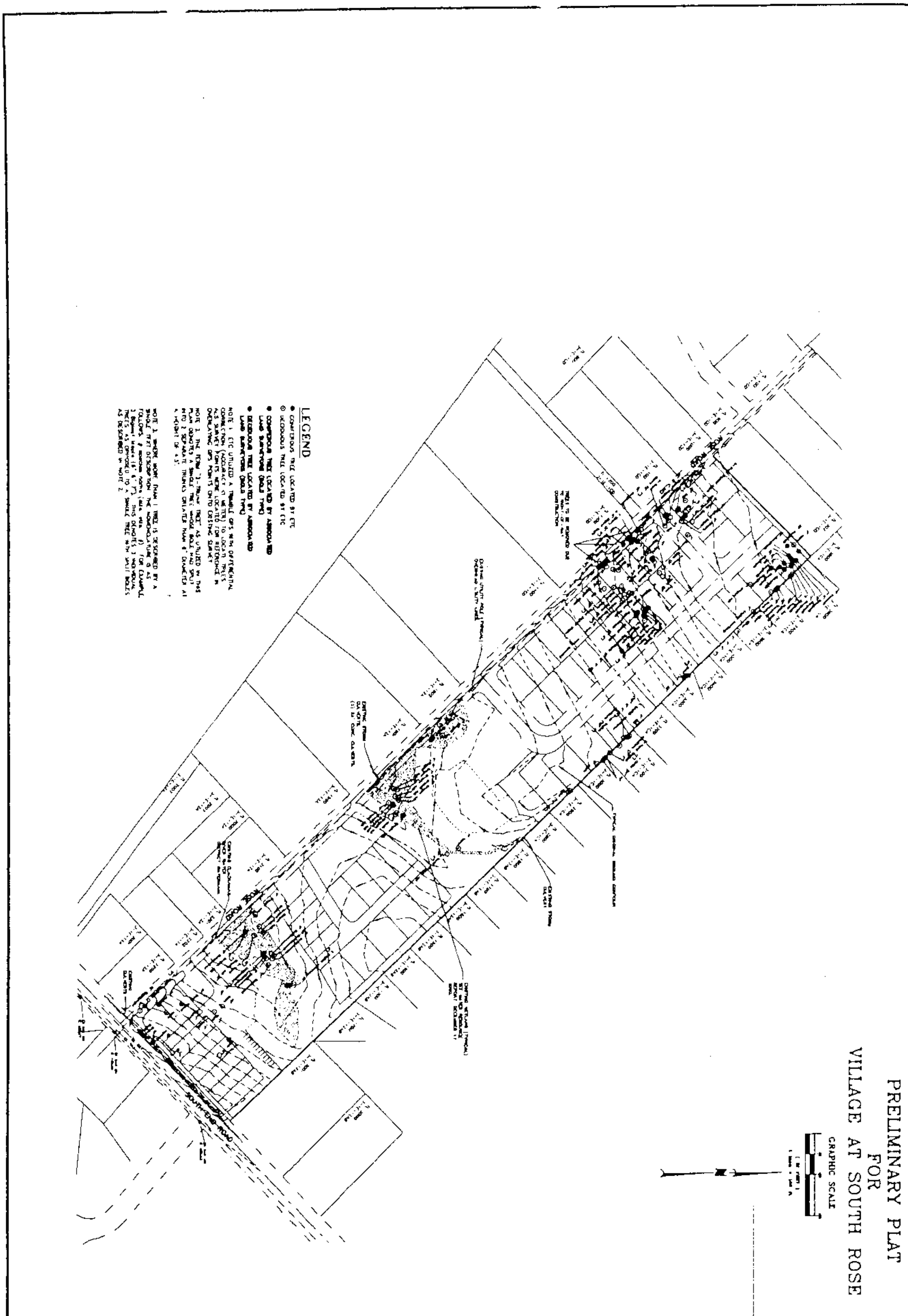
TYPICAL SECTION

TYPICAL SECTION

TYPICAL SECTION

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE Dec 2007
SCALE 1"=100
DRAWN DR
JOB SGL 00-107
SHEET 1
OF 8 SHEETS



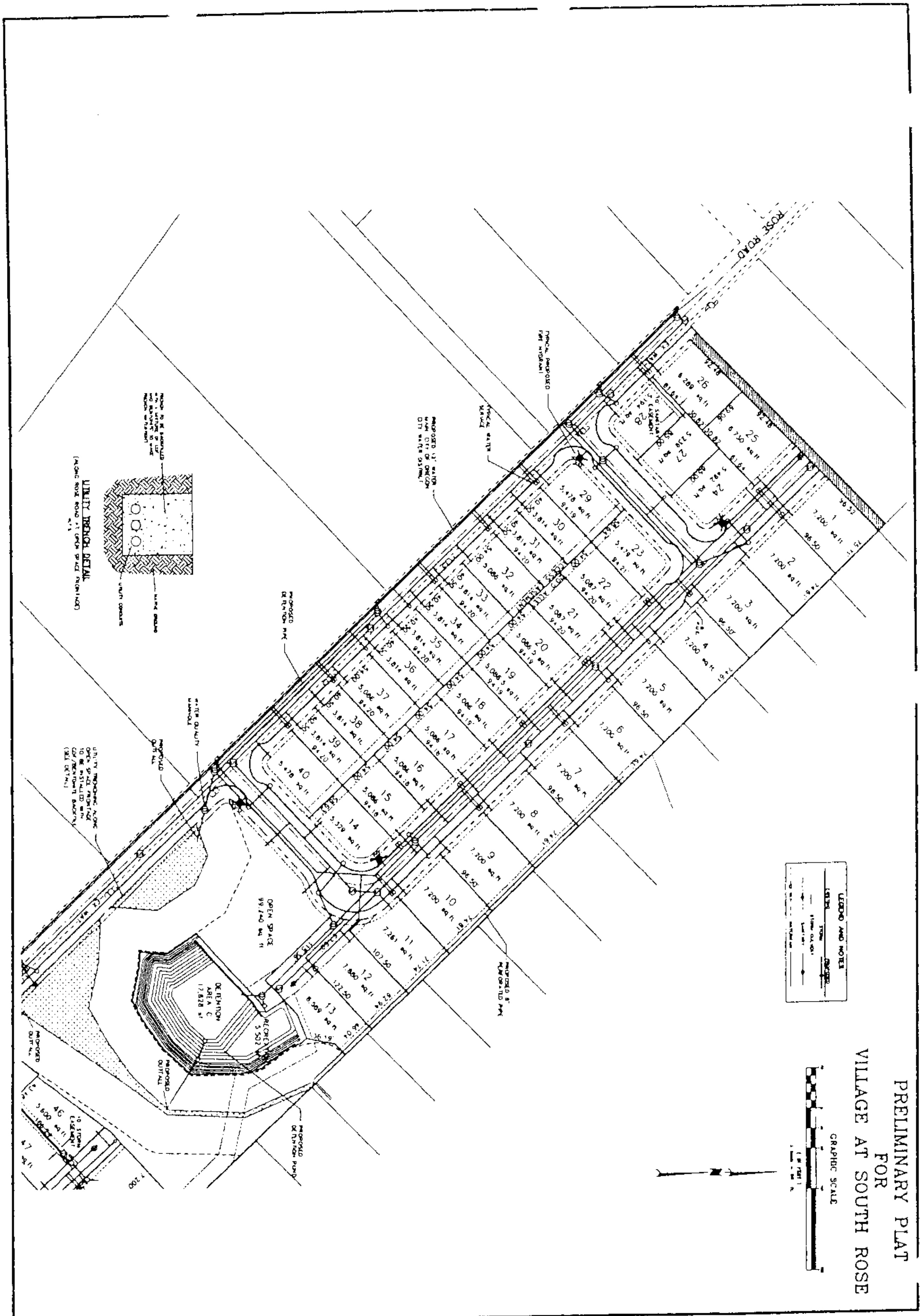
SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

Existing Conditions

VILLAGE AT SOUTH ROSE

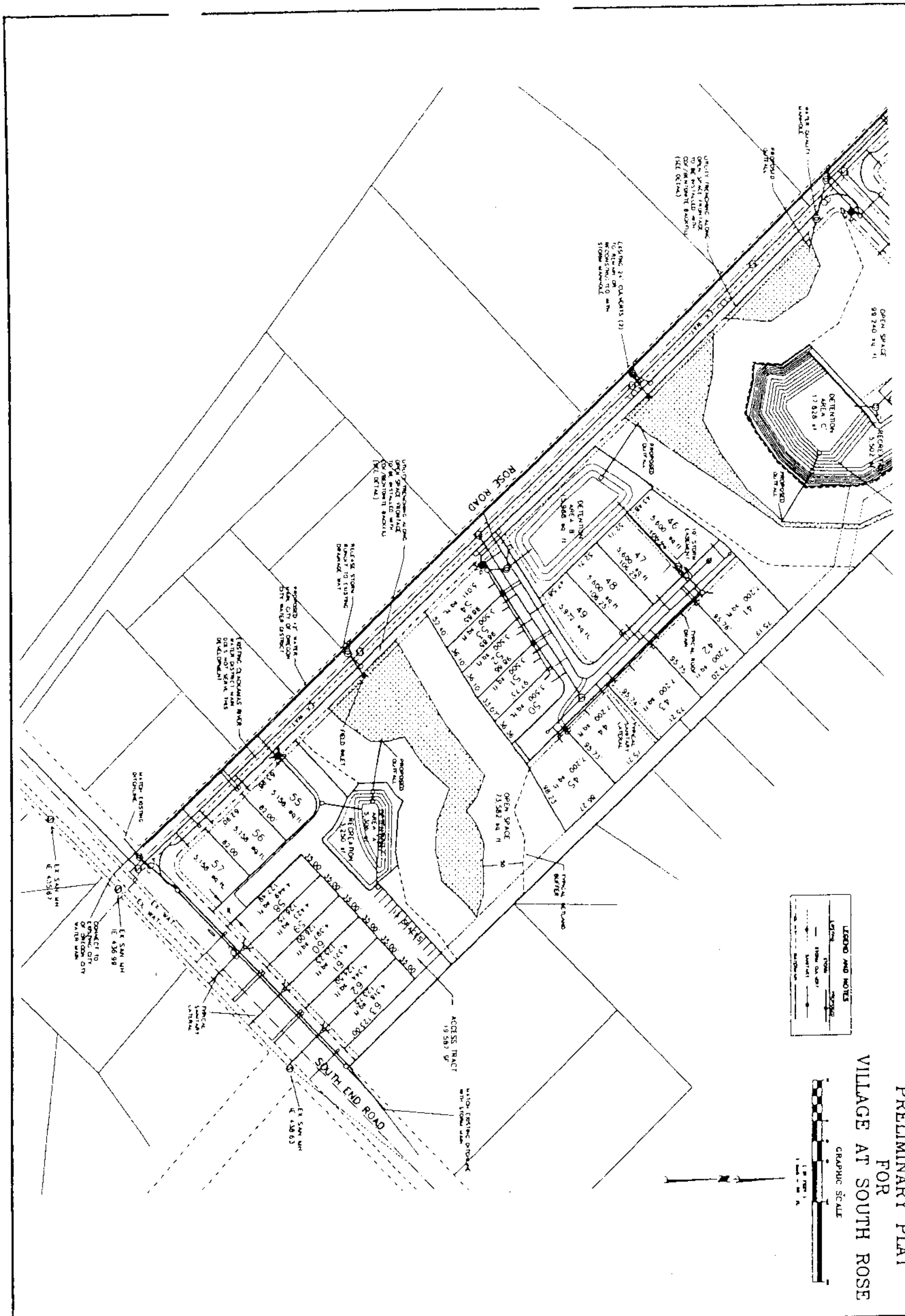
PAUL REEDER

SHEET 2



SISUL ENGINEERING 375 PORTLAND AVENUE GLADSTONE OREGON 97027 (503) 657-0188	Proposed Utility Plan (North)	VILLAGE AT SOUTH ROSE PAUL REEDER

SHEET 3



SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE OREGON 97027
(503) 657-0188

Proposed Utility Plan
(South)

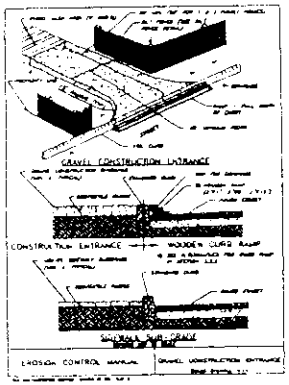
VILLAGE AT SOUTH ROSE

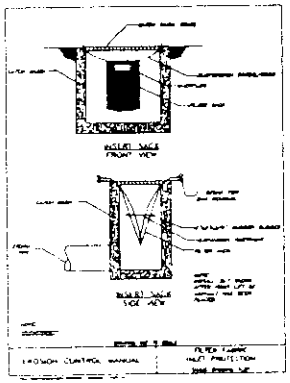
PAUL REEDER

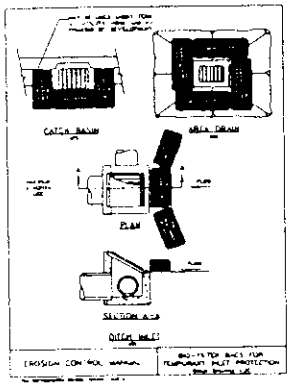
SHEET 4

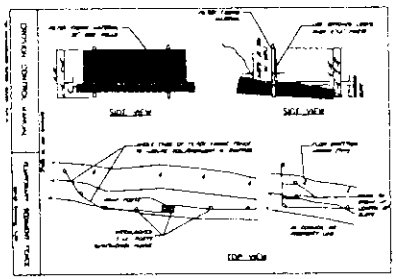
PRELIMINARY PLAT FOR VILLAGE AT SOUTH ROSE

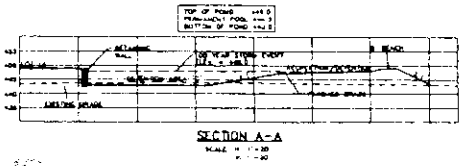
GRAPHIC SCALE

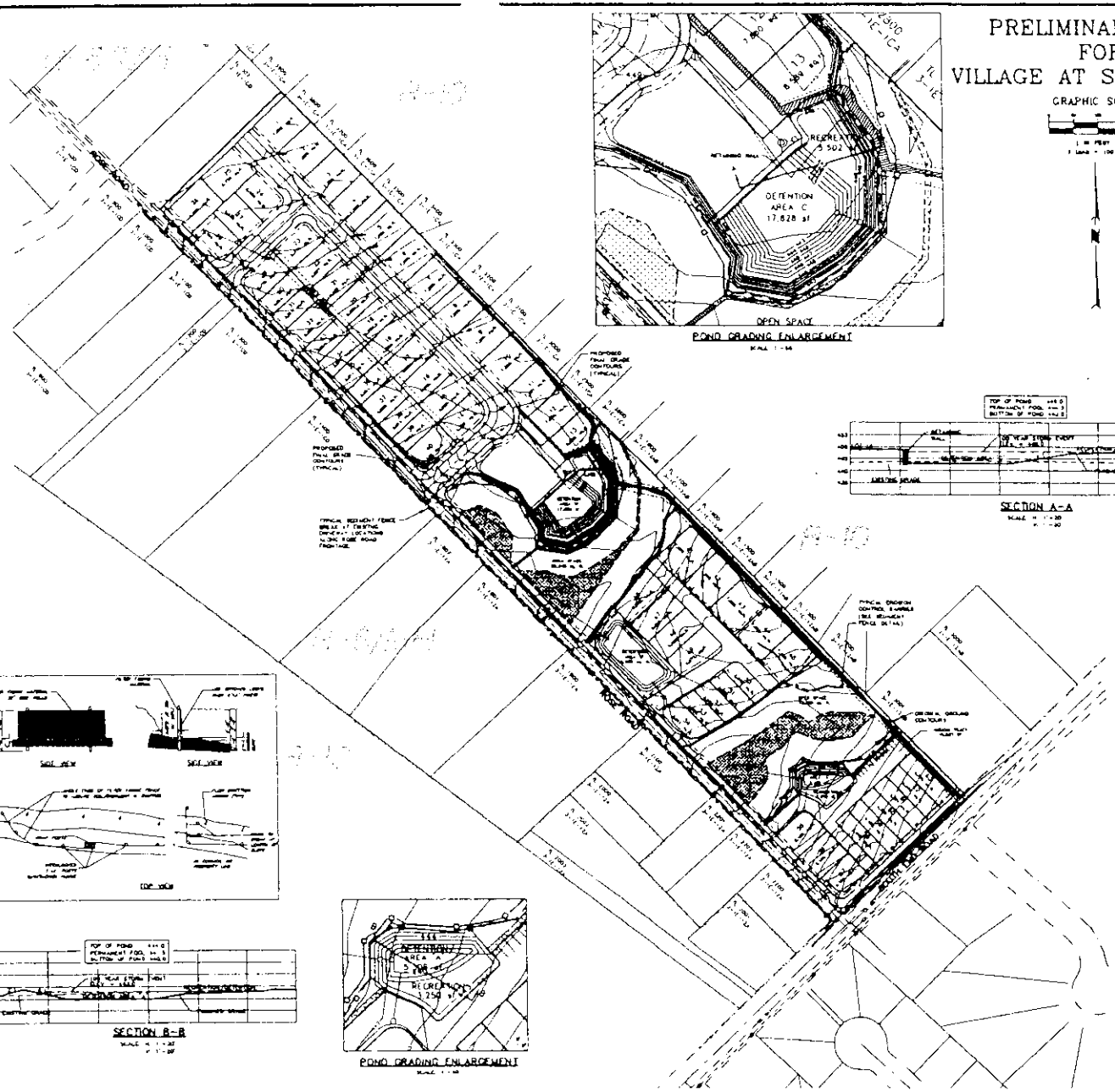












VILLAGE AT SOUTH ROSE

PAUL REEDER

Grading and Erosion Control Plan

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE Dec 2002

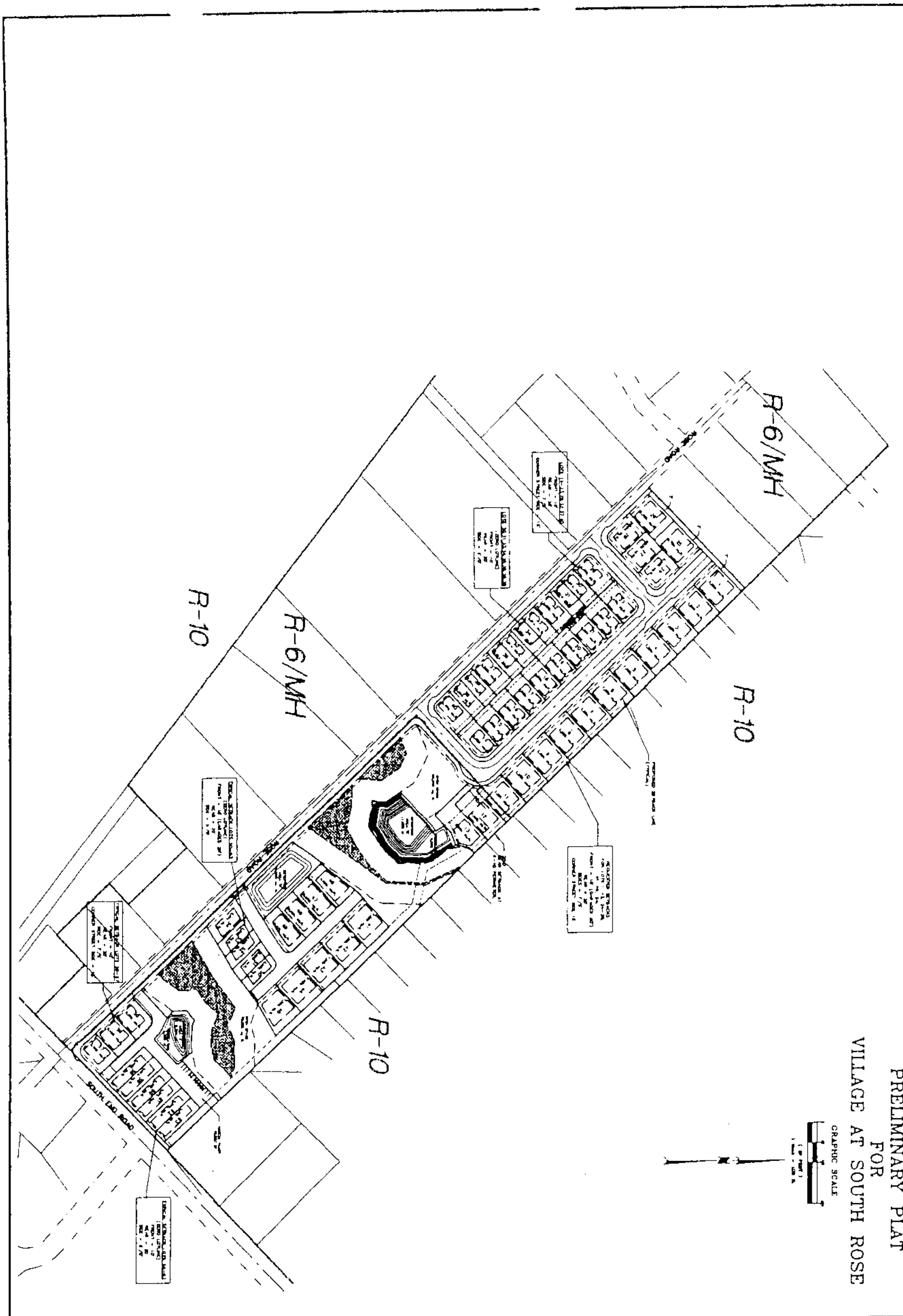
SCALE 1"=100'

DRAWN CH

JOB SCA 00-101

SHEET 5

OF 6 SHEETS



SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

Proposed Setbacks

VILLAGE AT SOUTH ROSE

PAUL REEDER

SHEET 6

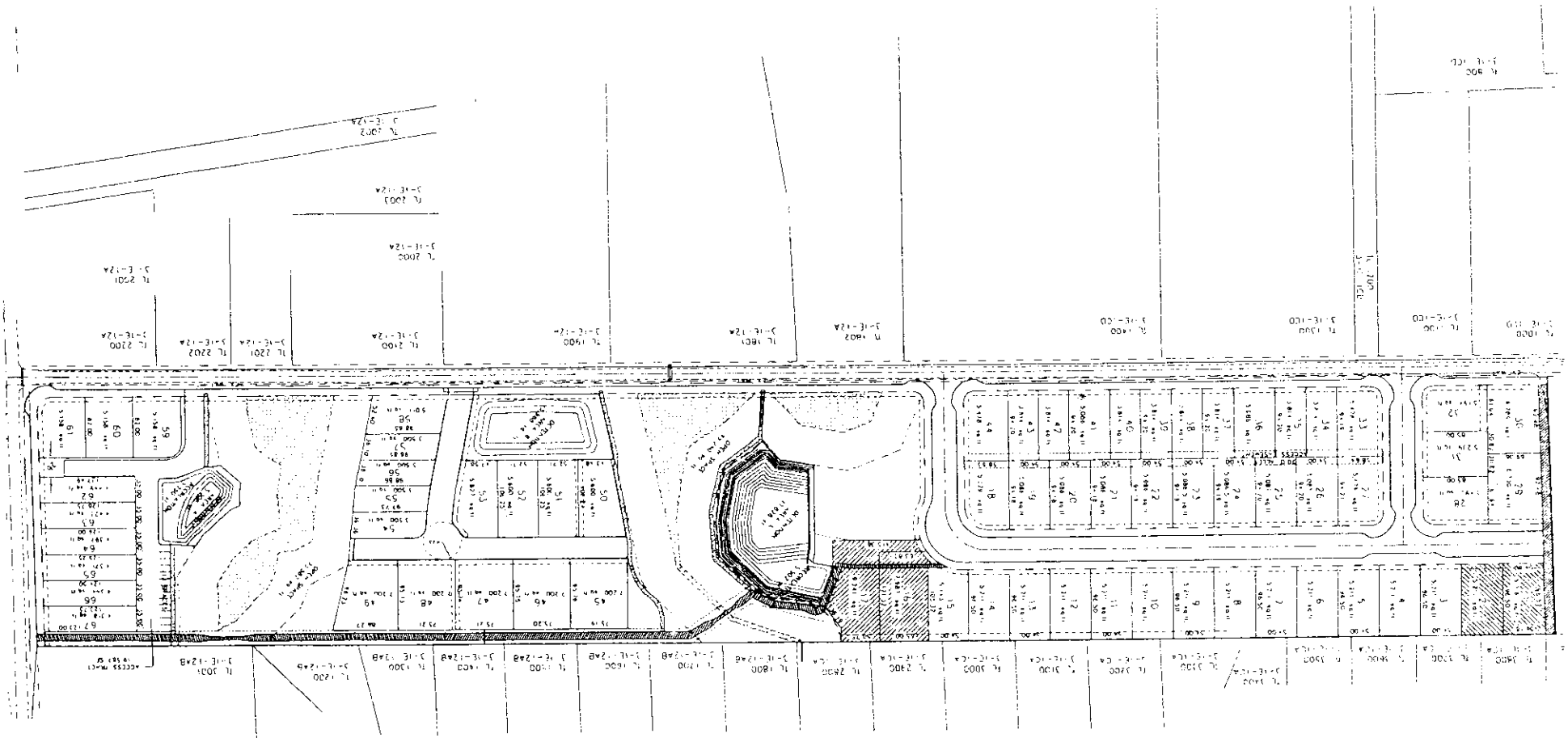


Exhibit 6

VILLAGE AT SOUTH ROSE
TRAFFIC IMPACT STUDY

OREGON CITY, OREGON

PREPARED BY
LANCASTER ENGINEERING

March 2004

Exhibit 7

LANCASTER
engineering

VILLAGE AT SOUTH ROSE

Traffic Impact Study

Oregon City, Oregon

Prepared By

TODD E. MOBLEY, PE

CATRIONA SUMRAIN

February 2004

Union Station, Suite 206 ▪ 800 NW 6th Avenue ▪ Portland, OR 97209 ▪ Phone 503.248.0313 ▪ Fax 503.248.9251

TABLE OF CONTENTS

EXECUTIVE SUMMARY

1. A residential development consisting of 67 single-family detached homes has been proposed on Rose Road northwest of South End Road in Oregon City, Oregon. Access to the site is proposed to South End Road via Rose Road, however future streets will allow access to Lawton Road to the northeast and Shelby Rose Road to the southwest.

2. The proposed development is expected to generate approximately 56 trips during the morning peak hour with 75 total trips generated during the evening peak hour. A weekday total of 720 trips are expected.

3. The intersection of South End Road and Warner Parrott Road is currently operating at an acceptable level of service, although if traffic volumes continue to increase at the same rate they have in recent years, the operation of the intersection will degrade significantly in the near future. The Oregon City TSP identifies a future need for realignment and signalization at the intersection. This improvement is listed as a long-term project (6-20 years), but may be needed much sooner to avoid a failing level of service at the intersection.

4. The remaining study intersections of Partlow Road at South End Road, Warner Milne Road at Leland Avenue/Linn Avenue and South End Road at Rose Road are currently operating at acceptable levels of service and will continue to operate acceptably through development of the site.

5. It is recommended that roadside vegetation be cleared along South End Road at the intersection of Rose Road to achieve sight distances of 445 feet in both directions.

INTRODUCTION

A residential development consisting of 67 single-family detached homes, has been proposed on Rose Road northwest of South End Road in Oregon City, Oregon.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigation measures. The analysis will include trip generation calculations, traffic signal and left-turn lane warrants, level of service calculations, and a discussion of site access.

Detailed information on level of service, traffic counts, trip generation, and level of service is included in the appendix to this report.

LOCATION DESCRIPTION

The site is a long, narrow parcel of predominantly vacant land located along the northeastern side of Rose Road, northwest of South End Road. All access to the site will be from Rose Road or from an internal street network that connects to Rose Road. No direct access is proposed to South End Road. There are future streets that may be built north of the site. These future streets would likely connect to South End Road to the northeast and southwest of the site. Although these futures streets would not have direct access to the site, it would be possible for site traffic as well as traffic currently traveling on Rose Road to use these streets to get to South End Road. A discussion of how much traffic on the future streets is estimated to divert to Rose Road is included in the Connectivity section of this report.

As required by the City of Oregon City, the following intersections were examined in this report:

1. Warner Milne Road at Linn Avenue/Leland Road
2. Warner Parrott Road at South End Road
3. Partlow Road at South End Road
4. Rose Road at South End Road

A vicinity map on page seven shows the site location, the surrounding road network, and the existing lane configurations and traffic control devices at the study area intersections.

Warner Milne Road forms a four-legged intersection with Leland Road, which intersects from the south, and Linn Avenue, which intersects from the north. All three roads are classified by the City of Oregon City as a Minor Arterials. The intersection is controlled by a fully-actuated, eight-phase traffic signal. A short distance west of the intersection, Warner Milne Road becomes Warner-Parrott Road.

Warner-Parrott Road is classified by the City of Oregon City as a Minor Arterial. It is a two-lane roadway with bike lanes, curbs, and sidewalks on both sides of the street. Parking is allowed on the south side of the street only. The posted speed is 30 mph. West of the intersection with South End Road, Warner-Parrott Road becomes Lawton Road, which does not have curbs, sidewalks, or on-street parking. The posted speed on Lawton Road is 25 mph.

South End Road is also classified by the City of Oregon City as a Minor Arterial. It is a two-lane roadway approximately 22 feet in width with graded gravel shoulders. Half-street improvements with curb and sidewalk are in place only adjacent to recently completed devel-

opments. The posted speed near the project site is 35 mph. South End Road forms a four-legged intersection with Warner-Parrott and Lawton Roads. The intersection is controlled by STOP signs on all four approaches.

Partlow Road is classified by the City of Oregon City as a Collector. It is 22 feet in width with no shoulders, curbs, or sidewalks and is controlled by a STOP sign at its intersection with South End Road. The posted speed is 25 mph. Approximately 100 feet northeast of the intersection, Oaktree Avenue intersects South End Road from the northwest, forming an offset fourth leg to the Partlow Road intersection.

Oaktree Avenue is classified as a local street and is a two-lane roadway that is divided by a raised median at the intersection with South End Road. The posted speed is 25 mph.

Rose Road is also a local street that is approximately 16 feet in width. It forms a "T" shaped intersection with South End Road, with traffic on Rose Road controlled by a stop sign.

The nearest transit service to the site is Tri-Met Route 79, *Clackamas Town Center*, which travels on South End Road near the site. Buses arrive on approximately thirty-minute headways with service between Oregon City and Clackamas Town Center. Service runs from about 6:00 AM to about 6:00 PM on weekdays and from about 9:00 AM to about 10:00 PM on weekends. The nearest bus stop is located at Oaktree Avenue.

Manual turning movement counts were made at the study area intersections in January 2004, from 7:00 to 9:00 AM and 4:00 to 6:00 PM. The peak hours were generally from 7:30 to 8:30 AM and from 4:30 to 5:30 PM. The volumes for the morning and evening peak hours are shown in the traffic flow diagrams on pages eight and nine.

GeoPacific Engineering, Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

Revised February 3, 2004

Project No. 02-8100

Paul Reeder
C/o Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Geotechnical Engineering Report
Village At South Rose Development
Oregon City, Oregon

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site grading, foundation design, and construction. This geotechnical study was performed in general accordance with GeoPacific proposal No. P-1668, dated October 23, 2002.

BACKGROUND INFORMATION

Project Information

Location:	Northeast corner of South End Road and Rose Road, Oregon (see Figure 1).
Developer:	Paul Reeder
Engineer:	Sisul Engineering
Jurisdictional Agency:	Oregon City, Oregon

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site is approximately 16.1 acres, located on the east side of Rose Road and the north side of South End Road in Oregon City, Oregon (Figure 1). The south portion of the site is currently developed with a vacant single-family home and a barn, the remaining portions of the site are undeveloped and covered with grass, brush and trees. Two lowland areas are located in the center and south portions of the site. The rectangular shaped property is relatively flat with approximately 17 feet of overall relief. We understand that proposed improvements consist of a mixture of 66 single-family and townhome sites, and one small commercial area in the south portion of the site, with associated driveways, paved parking areas and underground improvements. Two new streets are planned.

Exhibit 9

No detailed plans are currently available, however, we assume that proposed grading will be relatively minor, with cuts and fills assumed to be on the order of 2 to 5 feet maximum and fill up to about 2 feet high. Utilities are assumed at depths of less than 10 feet.

REGIONAL AND LOCAL GEOLOGIC SETTING

The subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The subject site is located within an area of wide spread Boring Lava exposures south and east of Oregon City. These Pliocene-Pleistocene lavas are typically grey and coarse-grained when fresh but weather deeply to reddish-brown and mottled rust and black clayey silt. These residual soils often contain inclusions of large boulders as a result of in-situ spheroidal weathering. Locally, the basal portion of the Boring Lava may contain thick deposits of pyroclastic materials (ash). The Boring is mapped as being underlain progressively by the Troutdale Formation, the Sandy River Mudstone, and the Columbia River Basalt.

SUBSURFACE CONDITIONS

Our site-specific exploration for this report was conducted on December 19, 2002. A total of 10 exploratory test pits were excavated with a small trackhoe to depths of about10 feet, at the approximate locations shown on Figure 2. A GeoPacific geologist evaluated and logged the test pits with regard to soil type, moisture content, relative strength, and groundwater. Logs of the test pits are presented as an attachment to this report. Soil samples were evaluated, described, and classified in general accordance with the Unified Soil Classification System. The following report sections summarize subsurface conditions anticipated at the site, based on our exploration program.

Soils

On-site native materials consist of soil units as described below.

Topsoil: The ground surface is directly underlain by topsoil consisting of dark brown SILT (ML) containing frequent fine organics and fine rootlets. The total thickness of topsoil varies from 10 to 18 inches. Generally, the upper 6 inches is considered highly organic.

Clayey Silt: Underlying the topsoil is red-brown, clayey SILT (ML) forming a clay-enriched B-horizon. In general, the SILT is stiff to very stiff. Pocket penetrometer measurements indicate an unconfined compressive strength of 1.0 to 4.0 tons/ft^2 with an average value of 1.8 tons/ft^2. Total thickness of this layer varies from 1.5 to 5 feet across the site. Test pit TP-1was terminated in this unit.

Clay: Underlying the clayey silt in test pits TP-5 and TP-6 is gray, CLAY (CL). In general, the CLAY is stiff to very stiff. Pocket penetrometer measurements indicate an unconfined compressive strength of about 2.0 tons/ft^2. Both test pits were terminated in this unit at depths of 5 and 6 feet.

Residual Soil: Underlying the clayey silt in the deeper test pits is residual soil (decomposed bedrock) consisting of orange brown and gray silty CLAY (CL) with some occasional boulders. The CLAY is generally stiff to very hard and may effectively be classified as a very soft rock (R1) to soft rock (R2) (see Table 2). Test pits TP-2 through TP-4 and TP-7 through TP-10 were terminated in this unit.

Soil Moisture and Groundwater

Shallow groundwater seeps were observed in test pits TP-1, TP-3, TP-4, TP-5, TP-7and TP-8 at depths ranging from 2 feet to 3.5 feet. It is anticipated that groundwater conditions will vary depending on the

season, local subsurface conditions, changes in site utilization, and other factors. Shallow, perched, runoff often results in the upper few feet in fine-grained native deposits such as those beneath the site, particularly during the wet season. This perched storm-related groundwater is the result of poorly drained soils and not geologic structure-controlled groundwater flow such as springs.

SEISMIC SETTING

At least three potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone, as discussed below.

Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The fault zone extends along the eastern margin of the Portland Hills for a distance of 25 miles, and lies about 2 miles northeast of the subject site. Geomorphic lineaments suggestive of Pleistocene deformation have been identified within the fault zone, but none of the fault segments have been shown to cut Holocene (last 10,000 years) deposits (Balsillie and Benson, 1971; Cornforth and Geomatrix Consultants, 1992). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is judged to be potentially active (Geomatrix Consultants, 1995).

Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 17 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A recent geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek or Newberg Faults (the faults closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner, et al. 1992; Geomatrix Consultants, 1995).

Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). Very little seismicity has occurred on the plate interface in historic time, and as a result, the seismic potential of the Cascadia Subduction Zone is a subject of scientific controversy. The lack of seismicity may be interpreted as a period of quiescent stress buildup between large magnitude earthquakes or as being characteristic of the long-term behavior of the subduction zone. A growing body of geologic evidence, however, strongly suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred siesmogenic portion of the plate interface lies roughly 50 miles west of the Oregon coast and 20 to 40 miles below the ocean surface.

SLOPE STABILITY

The subject site and adjacent area has flat to gently sloping topography, and grades are sufficiently low that development of unstable natural slopes is negligible.

CONCLUSIONS AND RECOMMENDATIONS

Results of this study indicate that the proposed residential development is geotechnically feasible provided that the following recommendations are incorporated in the design and construction phases of the project. Excavation at depths several feet below the ground surface is moderately-difficult and likely to encounter large, residual boulders. Appendix B contains an itemized checklist of soil testing and inspection procedures that are recommended to help guide the project to completion.

Site Preparation

All proposed structure, parking and driveway areas to receive fill should first be cleared of vegetation and any loose debris or undocumented fill encountered in the vicinity of the previous residence. All debris from clearing should be removed from the site. Any existing subsurface structures (tile drains, old utility lines, septic leach fields, etc.) beneath proposed structures and pavements should be removed and the excavations backfilled with engineered fill.

Following site clearing, organic-rich topsoil should then be stripped. We anticipate that the depth of stripping will range from about 6 to 18 inches, with an average depth of unsuitable soil removal of about 8 inches. The final depth of stripping removal will be determined on the basis of a site inspection after the initial stripping has been performed. Stripped topsoil should preferably be hauled offsite or stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

In construction areas during dry weather operations, once stripping is approved, the area should be overexcavated a depth of 12 inches and the exposed subgrade allowed to extensively aerate before the soil is replaced and compacted. Exposed subgrade soils should be evaluated by the geotechnical engineer prior to replacement. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition or over-excavated and replaced with engineered fill, as described below. Actual depth of overexcavation depend upon the conditions exposed at the time, and should be reevaluated by GeoPacific at the time of construction.

Rough Grading

All grading for the proposed development should be performed as engineered grading in accordance with Appendix 33 of the 1997 Uniform Building Code (UBC), as modified herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Imported fill material must be approved by the geotechnical engineer prior to its arrival on site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent (Appendix A). On-site soils will most likely be very wet of optimum; therefore, we anticipate that aeration of native soil will be necessary for compaction operations performed during mid to late summer. This work should be performed before extensive utility work begins so that the required overexcavation and recompaction is not limited by newly placed utilities.

Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd^3, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Earthwork is usually performed in the summer months, generally mid-June to mid-October, when warm dry weather facilitates proper moisture conditioning of soils. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications.

Erosion Control Considerations

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly covering or re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

Excavating Conditions and Trench Backfill

We anticipate that on-site soils can be excavated to depths anticipated for this project (up to 10 feet) using conventional heavy equipment such as scrapers and trackhoes. Many large residual boulders should be anticipated below several feet depth. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Heath Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type A Soil and temporary excavation side slope inclinations as steep as 3/4H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that structural trench backfill be compacted to at least 95% of the maximum dry density obtained by Standard Proctor (AASHTO T-99), or equivalent. Initial backfill lift thicknesses for ¾"-0 crushed aggregate backfill may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

Pavement Sections

Based on our experience with similar soils, we used a resilient modulus of 6,000 pci for design purposes. Table 1 presents our recommended minimum pavement section for dry-weather construction. This design was formulated using the Crushed Base Equivalent method, and a traffic index of 4.0. This Traffic Index is typically used as representative of light-duty residential streets.

Table 1 - Recommended Minimum Dry-Weather Pavement Section

Material Layer	Minimum Thickness (inches)	Compaction Standard
Asphaltic Concrete (AC)	3	91% (bottom lift)/ 92% (top lift) of Rice Density AASHTO T-209
Crushed Aggregate Base (¾"-0 leveling coarse)	2	95% of Modified Proctor ASTM D1557
Crushed Aggregate Base 1 ½"-0	8	95% of Modified Proctor ASTM D1557

Sufficient density testing should be performed to verify compaction of pavement section materials. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

Any localized areas of soft soil subgrade in pavement areas discovered during construction should be ripped or tilled, moisture conditioned, and recompacted in-place to at least 95% of ASTM D698 or equivalent. In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving. If pavement areas are to be constructed during wet weather, GeoPacific should review the subgrade at the time of construction so that condition specific recommendations can be provided. Wet-weather pavement construction is likely to require soil amendment, or geotextile fabric and an increase in base rock thickness.

Anticipated Foundations

The subject site is suitable for shallow foundations bearing on stiff, native soil or engineered fill. Foundation design, construction, and setback requirements should conform to Chapter 18 of the UBC and Oregon Structural Specialty Code (OSSC). For protection against frost heave, spread footings should be embedded at a minimum depth of 18 inches below exterior grade. Minimum footing widths should be determined by the project architect/engineer in accordance with applicable codes.

The recommended allowable soil bearing pressure is 1,500 lbs/ft^2 for footings on stiff native soil and engineered fill. A maximum column load of 35 kips is recommende, subject to a geotechnical engineers review. For heavier loads or any masonry walls or chimneys, the geotechnical engineer should be consulted. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.45 (no factor of safety included). For footings founded on engineered fill, the maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively.

Footing excavations should penetrate through any loose, uncompacted soil to bear on engineered fill that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars.

The above recommendations apply to foundations constructed under dry weather conditions. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season will require placement of an estimated 12 to 24 inch thick layer of compacted crushed aggregate.

Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Drainage

Perimeter footing drains may by necessary around building foundations. Perimeter drains should consist of a minimum 3-inch diameter ADS Highway Grade (or equivalent), perforated, plastic pipe enveloped in a minimum of 1 ft^3 per lineal foot of 2"- ½", open, graded gravel (drain rock) wrapped with geotextile (Mirafi 140N or equivalent). A minimum 0.5% fall should be maintained throughout all subdrains and non-perforated pipe outlets. Footing drains are for mitigating the detrimental effects of water on foundations only and will not eliminate all potential sources of water entering the crawlspace.

Our recommendations regarding drainage are for house construction incorporating raised wood floors and conventional spread footing foundations. If buildings will incorporate basements, underground storage tanks or slab-on-grade floors, GeoPacific should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. Surface water drainage should be directed away from structures, and, if possible, roof-drain water should be carried to the street or discharged to the storm drain system.

Seismic Design

The project site lies within Seismic Zone 3, as defined in Chapter 16, Division IV of the 1997 Uniform Building Code (UBC). Seismic Zone 3 includes the western portion of Oregon, and represents an area of relatively high seismic risk. For comparison, much of California and southern Alaska are defined as Seismic Zone 4, which is an area of highest seismic risk. Consequently, moderate levels of earthquake shaking should be anticipated during the design life of the proposed improvements, and the structures should be designed to resist earthquake loading in accordance with the methodology described in the 1997 UBC. Based on the subsurface conditions we observed during our exploration program, UBC Soil Type S_c may be assumed for the site. The corresponding seismic factors may be used in developing a normalized response spectra for the assumed UBC Soil Type.

In our opinion, the potential for liquefaction or liquefaction-related ground failure at the subject site is very low and no special mitigating measures are recommended.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the client and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, express or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

REGISTERED PROFESSIONAL ENGINEER
14743
OREGON
JAN. 23, 1990
JAMES D. IMBRIE
Expires: 6/30

Kirk L. Warner, R.G.
Senior Geologist

James D. Imbrie, P.E.
Principal Engineer

Attachments: References
Checklist of Recommended Geotechnical Testing and Observations
Figure 1 – Site Location Map
Figure 2 – Site Plan
Logs of Test Pits TP-1 – TP-10

GeoPacific Engineering, Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

February 3, 2004

Project No. 02-8100

Tom Sisul
Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Added Discussion on Groundwater Concerns from Neighboring Residents
Village At South Rose Development
Oregon City, Oregon

Reference: GeoPacific Engineering Inc., Geotechnical Engineering Report, Village at South Rose Development, Project No. 02-8100, revised February 3, 2004.

This brief letter is for the specific purpose of discussing groundwater concerns generated from neighboring residents to the subject proposed development. From our attendance at the Planning Commission hearing and an informal neighborhood meeting we noted the following voiced concerns which related to our work: 1) that the geotechnical report was performed during a dry winter and therefore would not have identified the degree of groundwater problems in the area, 2) that groundwater or wet soils within the proposed development could adversely affect drainage concerns on adjoining properties.

In our opinion, the concerns expressed by the neighbors continually confuse the issue of groundwater emanating from below with perched, shallow groundwater originating from storm runoff. The 1979 Geology and Geologic Hazards Study by Schlicker and Finlayson identifies the area has having wet soils and/or a high water table; this is the study that primarily helped modify Oregon City's development code to require that groundwater concerns be addressed. This regionally mapped wet soils condition is predominantly created by storm runoff during the wet season due to the impermeable clay soils derived from the Boring Lava Formation and slow draining topography of the Oregon City plain. Such shallow, perched groundwater is a lesser geotechnical issue than seeps or springs created from groundwater emanating from below due to geologic structural control of groundwater flow. The effects of shallow perched groundwater are most pronounced in low-lying areas which are currently mapped as wetlands and stay wet for longer periods, perhaps year round. At the time of the 1979 report, areas of severe concern such as low-lying wetlands and drainages could still be developed. This report served as a warning for those attempting to develop in low-lying areas that localized development sites may have more severe problems than the average site in the region and that specific types of constructed systems may experience water related difficulties. The report specifically addresses concerns relating to hydrostatic pressures on basement walls, underground storage tanks, and poor performance of septic systems. We do not believe that any of these constructed systems are currently proposed at Rose Vista nor are any of the low-lying areas available for development.

Our geotechnical investigation report discusses "Shallow, perched, runoff often results in the upper few feet in fine-grained native deposits such as those beneath the site, particularly during the wet season." We also made recommendations for perimeter footing drains for homes utilizing raised wood floors even though these homes are located in the upland areas and would incorporate positive drainage and low point drains in the crawlspaces. No further recommendations are being made to mitigate the effects of

the slow draining soils in the area. We cannot change the fundamental drainage characteristics of the poorly drained soils, nor can we alter the climate in the region: therefore the residents of past, presently proposed, and future developments will have lawns that are soggy during the wet season.

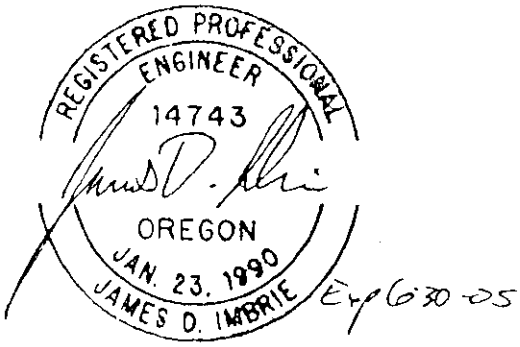
Since the wet soils in the vicinity are primarily created by slow surface runoff and are well known to GeoPacific Engineering Inc. and city staff of Oregon City, little would be learned by waiting perhaps years and excavating test pits in the wettest winter. Differentiation between seeps, springs, or a groundwater table from below and shallow, perched runoff during severe wet weather would be extremely difficult, if not impossible and such restraints for investigation timing are unnecessary. Therefore, the concerns regarding the weather at the time of our investigation are not valid. If we had concluded that there was no shallow perched runoff in the upper few feet of soils at the site at any time of the year no matter what the weather, then there may have been a valid concern regarding the timing of our field explorations. In our opinion, the testimony by the neighbors supported our conclusions regarding the wet soil conditions being related to storm runoff only.

Since the wet soils are related to surface runoff, the concern in the upland areas of the site becomes a storm water runoff design issue. If the storm water design is appropriate, then adverse effects to adjoining properties should not occur. In our opinion, the existing surrounding developments are experiencing drainage problems precisely because they did not incorporate the storm water control elements that this development is required to adhere to. Lacking these elements, the existing developments likely have created adverse impacts on themselves and surrounding properties, including Village at South Rose, which the Civil Engineering design for Village at South Rose may now be compensating for or correcting as much as is feasible.

We trust this discussion was enlightening and helpful. Please call if you have any questions.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



James D. Imbrie, P.E.
Principal Engineer

DAVID EVANS
AND ASSOCIATES INC.

August 13, 2004

Mr. Tony Konkol
City of Oregon City
PO Box 351
Oregon City, OR 97045

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY – VILLAGE AT SOUTH ROSE – PAUL REEDER– PD04-02

Dear Mr. Konkol:

In response to your request, I have reviewed the Traffic Impact Study (TIS) for the Village at South Rose Planned Unit Development (PUD). The TIS was prepared under the direction of Todd Mobley, PE of Lancaster Engineering. The TIS is dated March 2004.

The TIS describes a proposal to construct 67 detached, single-family homes on the northwest side of South End Road adjacent to S. Rose Road. The principal connection from the development would be to S. Rose Road, which connects to South End Road. Potential exists for future street connections to the north and west.

Overall

I find the TIS to be adequate for the city to evaluate impacts of the proposed development. I concur with the conclusion that there will be minor impacts due to the traffic generated by the development. It does put pressure on the transportation system and helps to advance the need for planned improvements at South End Road and Warner Parrott Road.

Comments

1. ***Study Area.*** The study addresses the appropriate intersections.

2. ***Traffic Counts.*** The traffic counts were obtained at various dates and appear reasonable.

3. ***Trip Generation.*** The TIS uses reasonable trip rates taken from ITE *Trip Generation* for the residential component of the PUD.

4. ***Trip Distribution.*** The trip distribution was based on recent counts seems reasonable.

5. ***Traffic Growth.*** The TIS has a good discussion of recent trends in traffic due to development and uses an appropriately high assumption for traffic growth to account for recent and approved developments.

6. ***Analysis.*** The traffic analysis appears to have been performed using appropriate assumptions and tools. The principal site access, S. Rose Road and South End Road, was found to operate acceptably. The intersection of South End Road and Warner Parrott Road is expected to deteriorate in its operation. This four-way stop-controlled intersection is predicted to deteriorate from LOS D to F during the PM peak hour for the poorest approach. This degradation is due to a combination of high traffic growth rates and this development. It is worth noting that the overall intersection LOS is still predicted to be LOS D during the PM peak hour under background 2005 conditions. As a signalized intersection, this intersection is predicted to operate at LOS B during the AM peak hour and C during the PM peak hour. Like other developments in the south part of Oregon City, this development is putting pressure on the transportation system that will justify the improvements shown in the TSP, including the planned improvement and signalization of South End Road and Warner Parrott Road.

7. ***Turn Lanes.*** The report concludes a left-turn lane from South End Road at S. Rose Road is not needed in the near future. Designation of South End Road as a minor arterial would provide for a future turn lane.

8. ***Crash Information.*** The crash information was not provided. Crash data for South End Road from south of S. Rose Road to the intersection of South End Road and Warner Parrott Road should be analyzed.

9. ***Pedestrian and Bicycle Facilities.*** The report provides a good overview of pedestrian and bicycle facilities and discussed routes to schools. The project narrative that accompanied the TIS states that curb, gutter, and sidewalks to city standards will be constructed for all streets and street frontages.

10. ***Recommendations.*** The engineer recommends removal and maintenance of vegetation along South End Road near S. Rose Road to provide adequate sight distance. I concur with that recommendation. He concludes that no other mitigation measures are required. I concur with that conclusion.

Conclusion and Recommendations

I find the TIS generally meets City requirements and find that the development proposal does not require off-site mitigation measures to address transportation impacts of the development. The only deficiency that needs to be remedied is the absence of a crash analysis. A crash analysis can be provided as a supplement.

If you need any further information concerning this review, please call me at 503-223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

John Replinger, PE
Senior Transportation Engineer

JGRE:pao
o:\project\o\orct0009\correspo\technical reviews\2004\pd04-02.doc

FAXED 8-17-04

CLACKAMAS COUNTY FIRE DISTRICT #1 • FIRE PREVENTION DIVISION
2930 SE OAK GROVE BLVD • MILWAUKIE OR 97267
OFFICE (503) 742-2660 • FAX (503) 742-2860

Fax Memorandum

To: **Tony Konkol**, Senior Planner, City of Oregon City Planning Dept

From: Mace Childs, Deputy Fire Marshal, Clackamas County Fire District #1

Date: 8/17/2004

Re: **PD-04-02; Village at South Rose**

This review is based upon the Fire Code as adopted through resolution by the City of Oregon City and Clackamas County Fire District #1 Board of Directors. The proponent must comply with all applicable Fire Code requirements. The following items are commonly required for this type of proposal:

1) An approved turnaround is required at the end of access road to lots 58-63.

2) Fire flows for attached homes are calculated based on the entire attached footprint. Up to 3,000 gallons per minute may be required depending on construction type and fire sprinkler protection.

Exhibit 12

CITY OF OREGON CITY - PLANNING DIVISION

PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL

July 27, 2004

IN-HOUSE DISTRIBUTION

- ☑ BUILDING OFFICIAL
- ☑ ENGINEERING MANAGER
- ☑ FIRE CHIEF
- ☑ PUBLIC WORKS- OPERATIONS
- ☑ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☐ PARKS MANAGER
- ☐ ADDRESSING
- ☑ POLICE Application, Site Plan

TRAFFIC ENGINEER

- ☑ John Replinger @ DEA

MAIL-OUT DISTRIBUTION

- ☑ CICC
- ☑ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☑ N.A. LAND USE CHAIR
- ☑ CLACKAMAS COUNTY - Joe Merek
- ☑ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☑ SCHOOL DIST 62 Application, Site Plan
- ☑ TRI-MET Application, Site Plan
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

ETURN COMMENTS TO: Tony Konkol, Senior Planner

OMMENTS DUE BY: August 10, 2004

EARING DATE: August 23rd, 2004 – Planning Commission
September 15th, 2004 – City Commission

EARING BODY: ___Staff Review; **TYPE IV - XX** PC; ____CC

N REFERENCE TO-

ILE & TYPE: ZC 04-03, PD 04-02, & WR 04-12

LANNER: Tony Konkol, Senior Planner

PPLICANT: Paul Reeder

EQUEST: 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).

OCATION: 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-1CD 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.

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

___ The proposal does not conflict with our interests.

___ The proposal would not conflict our interests if the changes noted below are included.

___✓ The proposal conflicts with our interests for the reasons stated below.

____ The following items are missing and are needed for review:

I Traffic Impact Study lacks analysis of South End & S. 2nd St as well as HWY 99E and S. 2nd

Signed John M. Lum 8/12/04

Title Operations Manager

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MA

Exhibit 13

MEMORANDUM
City of Oregon City

DATE: July 29, 2004

TO: John Lewis, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number ZC 04-03; PD 04-02; WR 04-12

Name/Address: 19093 South End Road & 18879 Rose Road
Proposed 67+ dwelling units on 9.39 acres aka Village @ South Rose

---

Water:

Existing Water Main Size = 12"

Existing Location = along South End Road (See attached map)

Upsizing required? Yes X No Size Required See Water Master Plan inch

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: South End Road

To: farthest corner fronting project along Rose Rd & loop thru subdivision

New line size = 8" DI

Backflow Preventor required? Yes X No After any irrigation meters.

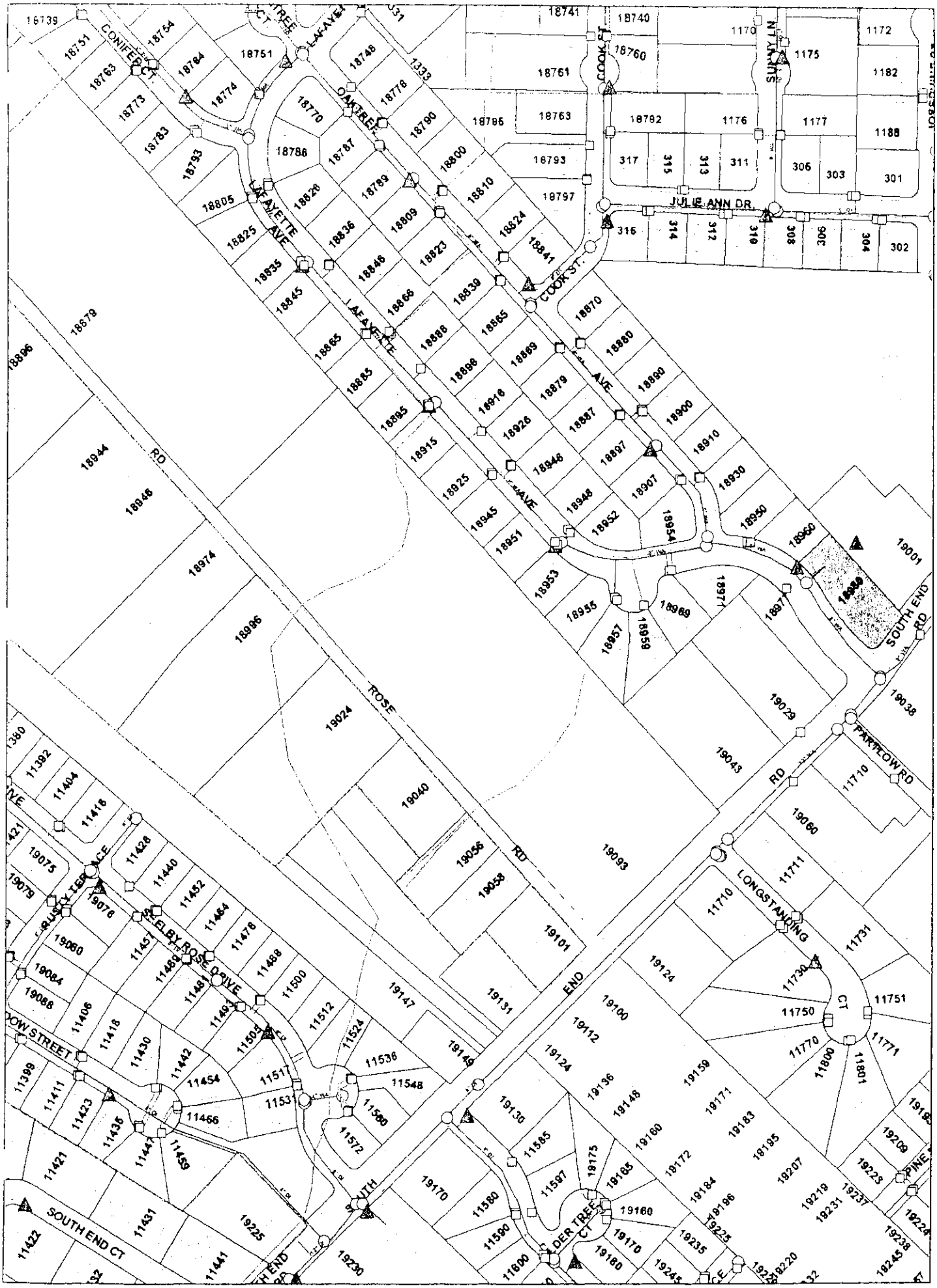
Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes X No

Easements Required? Yes → No
See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 7/29/04
Consult Water Master Plan.
Water comments have been made on sheet #4. The proposed plan sheet shows a new 12" water main installed along Rose Road. An 8" DI is common, is there another need for the water main upsize? Fire hydrants should be installed on the same side of the road as the water main, not across the street. Keep the proposed water main separate from the existing OC water system until the PSI & BAT tests passes. A new fire hydrant should be installed along South End Road. See attached water map for details.


CONIFER CT
LAFAYETTE AVE
OAKTREE
COOK ST.
SUNNYLN
JULIE ANN DR.
ROSE RD
SOUTH END RD
PARKLOW RD
LONGSTANDING CT
SELBY ROSE DRIVE
SOUTH END CT
OAKTREE CT
PINE

MEMORANDUM
City of Oregon City

DATE: 5-Aug-04
TO: John Lewis, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC 04-03, PD 04-02, and WR 04-12
NAME: 19093 South End Road

Streets:

Classification:

Major Arterial _____ Minor Arterial X South En

Collector _____ Local X Rose Rd.

Additional Right Of Way Required? Yes X _____ No _____

Jurisdiction:

City X _____ County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes X So. End No _____

Transit Street? Yes X So. End No _____ Line No= _____

See Department additional comments No _____ Yes X _____ Initial P.I. _____

1. Private streets are discouraged by city.

Tony Konkol

F[illegible]m: Ken Rezac [rezack@orecity.k12.or.us]
S[illegible]: Monday, August 09, 2004 11:17 AM
To: Tony Konkol
Cc: Ron Stewart
Subject: ZC 40-03, PD 04-02, & WR 04-12 and ZC 04-02, & TP 04-13

Tony:
The combination of these two applications will undoubtedly necessitate an boundary change at the elementary level. While this is never a pleasant task for the parents involved, it is not impossible.
Thank you

Exhibit 14

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 the neighbors on Rose Road. We would like to make four points for the record.

1) We support the proposed zone change on Tax Lot 300 from R-6 MH to R-8, as that zoning designation is more in line with the existing neighborhood.
2) We are of the opinion that the new application does not significantly vary from the previous one filed less than one year ago. The overall density of the development is not significantly different, with most of the lot sizes still significantly smaller than those in the surrounding area. While the lot sizes across the edge of the property facing Lafayette were increased, with the density required for the PUD, this necessitated the lot sizes facing Rose Road to be decreased, moving the problem from one side of the development to the other.
3) The information provided at this time leaves us feeling that, while the detention ponds have evidently been increased in size, water remains an issue with most of the questions asked at the first hearing still unanswered. We understand that more information may follow; however at this time, with the lack of information, we feel the water issues remain substantially similar to the previous application.
4) The concerns of the neighborhood regarding the volume of traffic on a dead-end road remain essentially the same as before. The estimated volume of traffic is now 720 trips per day, an 11% decrease from the previous application. Because this number still represents an approximate 620% increase in traffic, we feel that this does not represent a significant change. As a further example, in the new proposal, the evening peak hour trip total drops less than 10% from the previous application, while still increasing by 73% from the existing level. This does not represent a substantial change from the previous application.

Thank you for your attention to our concerns. We look forward to the staff report and the opportunity to further discuss this application with the Planning Commission.

Kathleen Galligan
18996 S Rose Road
Oregon City, OR 97045

Exhibit 15

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.

The issues appear to me to remain the same. The overall density of the development has not significantly changed, it has been shifted from the Lafayette side to the Rose Road side. The traffic and parking problems have not changed. This remains a dead end road and there are concerns regarding emergency vehicles being able negotiate as well as those residents at the end of the road being able to evacuate in an emergency. The water issue remains a major concern. The proposed solutions dealing with detention ponds appear to satisfy the requirements of the project however those solutions compromise the problems of the residents on the north and south of the development.

Thank you for your consideration.

Penny and Ed Burton
18799 S. Rose Road
Oregon City, OR

Exhibit 16

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City,OR 97045

Sep 2, 2004

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

We submitted a letter on 8/13/04 expressing our concerns about the subject pending land use application based on information we had been provided up to that date. We have since received additional information which we believe is pertinent to this application that should be added to our previous comments.

On Aug 16,2004 the applicant/developer met with many of the property owners surrounding the proposed development to explain the proposed development plans and answer residents questions.At that meeting the following information was provided:

1. The finished grade of some lots will be raised 4 to 5 feet.We were told this was necessary to provide proper drainage from these lots.
It appears the true purpose is to raise the lots up above the swampy area near the edge of the wetland area so as to make them buildable.This will change the natural drainage pattern and cause the storm water to flow where it would not naturally flow.

2. Mr. Reeder stated that "Rose Road would be raised a couple of feet in some places".
The applicant proposed raising Rose Road in a previous application which the Planning Commission denied due to the adverse effect it would have on properties on the south side of Rose Road.Most of the properties on the south side of Rose Road slope towards the subject property. Raising the grade of Rose Road would cause more water to flow onto properties on the south side exacerbating the existing wet soil conditions.

3. Due to the high water table, geotechnical conditions and slow draining characteristics of the soil in this area, storm water from all gutters and drains will be piped to detention ponds.Mr. Reeder stated the homes to be built will be from 1600 to 2000 sq ft plus garages.Each home will avg 1800 sq ft + gar 600sq ft = 2400 sq ft per home site.63 homes X 2400 sq ft =151,200 sq ft (3.47 ac)Additionally,93,049 sq ft (2.14 ac)will be dedicated to streets and roads which will drain to the detention ponds or wetlands drainage channels.This will result in 151,200 sq ft + 93,049 sq ft = 244,249 sq ft(5.61 ac) total surfaces which will collect and drain storm water from the development This water will not be allowed to permeate the soil strata and recharge the ground water/water resource.

Given: 1 sq ft = 144 sq in 1 cu in = .00433 gal

244,249 sq ft X 144 =35,171,856 sq in X .00433 = 152,294 gal per each inch of rain received.

The avg annual rainfall in this area is 38 inches which means approx 155,294 X 38 = 5,787,172 gallons of water will be collected and drained to area streams and rivers which will contribute to

Exhibit 17

the increase in stream and river temperatures to the detriment of fish and wildlife. After development, water will then be piped back to the development to to make the development habitable placing additional unnecessary burden on the city's water supply.

This appears to be gross mismanagement of our natural resources and counterproductive to efforts to conserve, restore and manage the state limited water resources by:

- The State of Oregon
- The Regional Water Providers Consortium
- The South Fork Water Board
- The Oregon City Natural Resources Committee

We depend on a well for our water source. We have water rights to use this underground water obtained in 1947 when our family purchased this property.Water levels in wells in this area have declined as a result of development in the south end area. We believe disposal of this large amount of water without recharging the ground water will cause a further decline in the underground water supply and jeopardize our water source.

What will be the long term affect on the ecology and environment of this area?

We believe this proposal does not meet:
Goal 5- "To protect natural resources and conserve scenic and historic areas and open spaces to promote a healthy environment and natural landscape that contributes to Oregon's livability".
Goal 6- " To maintain and improve the quality of the air, water, and land resources of the state".

We believe this proposal violates the requirements of Oregon State water quality standards to conserve and restore this resource and maintain the high quality of Oregon's ground water resource for present and future uses.
Oregon Revised Statutes

468B.155 State goal to prevent ground water contamination. The Legislative Assembly declares that it is the goal of the people of the State of Oregon to prevent contamination of Oregon's ground water resource while striving to conserve and restore this resource and to maintain the high quality of Oregon's ground water resource for present and future uses. [Formerly 468.692]

Note: See note under 468B.150.

468B.160 Ground water management and use policy. In order to achieve the goal set forth in ORS 468B.155, the Legislative Assembly establishes the following policies to control the management and use of the ground water resource of this state and to guide any activity that may affect the ground water resource of Oregon:

(1) Public education programs and research and demonstration projects shall be established in order to increase the awareness of the citizens of this state of the vulnerability of ground water to contamination and ways to protect this important resource.

(2) All state agencies' rules and programs affecting ground water shall be consistent with the overall intent of the goal set forth in ORS 468B.155.

(3) Statewide programs to identify and characterize ground water quality shall be conducted.

(4) Programs to prevent ground water quality degradation through the use of the best practicable management practices shall be established.

(5) Ground water contamination levels shall be used to trigger specific governmental actions designed to prevent those levels from being exceeded or to restore ground water quality to at least those levels.

(6) All ground water of the state shall be protected for both existing and future beneficial uses so that the state may continue to provide for whatever beneficial uses the natural water quality allows. [Formerly 468.693]

WATER RESOURCES ADMINISTRATION

536.220 Policy on water resources generally. (1) The Legislative Assembly recognizes and declares that:

(a) The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof are in large part dependent upon a proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority.

536.241 Policy on water supply. (1) The Legislative Assembly finds that the availability of an adequate water supply is essential to the continued health and safety of all Oregonians.

(2) The Legislative Assembly declares that it is the policy of the State of Oregon to ensure a water supply sufficient to meet the needs of existing and future beneficial uses of water, and to adequately manage the state's water resources. Further, in recognition of this policy, the Legislative Assembly declares that the planning and management of the water resources of this state shall be conducted in a consistent and coordinated manner. [1999 c.984 §2]

This lack of ground water recharging can be mitigated by reducing the density of the proposed development to allow more open space for water to infiltrate the substrata and replenish the underground water resource thereby reducing the quanity of this essential resource being drained away and wasted.

There is no shortage of developable/buildable land in the Oregon City area and not all vacant land is equally developable. Some properties such as this have constraints which limit the development potential due the lands carrying capacity.A reduction in density by 40 to 50% would be more appropriate development for this property and would conserve more of the essential limited water resource while not having a significant negative affect on housing availability in the Oregon City area.

4. Upon reviewing the proposal narrative we noted that the applicant proposes to put sidewalks and planter strips on ONLY one side of the private streets in the center portion of the development.

These streets will not conform to the streets in other developments around Oregon City.

This is a very unique, fragile property with a limited carrying capacity for development. A lower density conventional development would better conserve the City's natural beauty,natural water

resource,visual character and livability without adversely affecting the surrounding properties and natural resource areas and be more compatible, suitable and acceptable to area homeowners.

Thankyou,

John P. & Phyllis Dinges
18896 S. Rose Road
Oregon City,Or 97045

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City,OR 97045

Aug13,2004

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

Contrary to what some people might think, we are not against development of the vacant property on the north side of S.Rose Road (Reeder Property).We would like to see any development be compatible with the size and development pattern of the surrounding properties and not overload the carrying capacity of the land.Hopefully any development would compliment and enhance the liveability and character of the area and not have an adverse affect on surrounding properties.

1.The proposal does not appear to be substantially different from the previous application.This appears to be an attempt to circumvent the "No reapplication for one year" requirement of OCMC 17.50.220.
The applicant demonstates an attitude that as long as his development plans meet City Land Development requirements he should be able to do whatever the city code allows without public review and approval of his intentions. If that were the case, there would be no need for a city planning commission and all development decisions would be made by the planning department staff.

2.ZC 04-03- We have no objection to the Requested Zone Change. We had previously asked that the zoning be changed to R-10 but the Planning Commission felt R-8 would be appropriate.

3.WR 04-12- We have concerns about the proposed storm water system, ground water flows, ground water recharging and protection of the Water Quality Resource Area.
The Water Resources Report and the Geo Technical Engineering reports fully substantiate testimony given by area residents before the Planning Commission regarding the high water table and soggy lawns in the area.To make the area developable the Geo Technical Report recommends:
For construction during dry weather conditions-

- Vegitation be removed
- Topsoil be stripped to a depth of 6 to 18 inches
- Area should be overexcavated to a depth of 12 inches and the exposed sub grade allowed to aerate(dryout)before the soil is replaced and compacted.

I spoke with a soils engineer about this procedure. The engineer's first words were " Wow, this must be some very wet soil".The engineer explained that overexcavation meant to remove the top 12 inches of the substrata to permit the lower strata to dry out. The engineer said the purpose was to provide a stable base on which to build. The engineer said this was a rather extreme measure requiring movement of a large amount of soil and then the replacement and compacting.

How long will this subsurface soil conditoning last? 1 year? 5 years? 10 years?. What happens when the 12 inches that was dried out to permit development again becomes saturated and

Exhibit 18

compacted again? Will the surface and high ground water problems return? Who will be held liable for damages?Where will the developer and construction contractors that did the work be? This sounds like Florida swamp construction.OTAK called this area a "Virtual Swamp".

The higher density proposed for the development will increase the amount of impermeable surfaces and reduce the natural retention storage capacity and retention of storm waters.

Previous development proposals called for excavated foundations resulting in a final grade approximately two feet higher than the present grade. This would probably result in more water flowing off of the development towards adjacent properties to the northeast and southwest exacerbating the existing water problems on those properties.Also, development of this property will result in the generation of contaminates such as oils,greases,household hazardous materials,chemicals from pesticides and herbicides,nutrients from fertilizers and pet wastes which will be transported by the surface runoff.Several of the properties on the south side of Rose Road are dependent on wells for their water supply.The ground water in this area moves horizontally and permeates the sub strata very slowly to recharge the aquafer/water resource.How long will it be before the water resource becomes contaminated and the wells unuseable? This is a major concern of the Oregon State DEQ.

The culvert draining the southerly wetland is too small to handle the present winter flow of storm water.Water regularly overflows Rose Road in this area during heavy winter rains. I do not find any proposal to replace the 16 inch culvert with a larger size.

4.PD 04-02- Planned Unit Development.We do not feel a PUD as submitted is appropriate for this property.
This proposal attempts to address the density issue objected to previously by proposing more appropriate sized lots consistent with the larger sized lots on some of the adjacent properties. Lot size is increased,density decreased, on the northeasterly side of the development adjacent to the Oak Tree subdivision properties developed on 10,000 square foot lots but density is increased with additional lots added on the southwesterly side facing Rose Road where existing properties are zoned R-10 and developed on 1/3rd to 4 acre lots.
The northwest end of the proposed development is approximately 500 feet from the Urban Growth Boundary (UGB). This property should be developed as transitional housing to provide a proper transition from developed to undeveloped areas.Lower density transitional development would be more compatible with the lower density developed properties surrounding this property. The proposed lot sizes would have a significant adverse affect on the adjacent properties and the liveability and character of the area. It just wouldn't fit in.

Open space is still insufficient and not integrated into the development. Open spaces are still placed wherever they could fit in and are not located so as to provide easy and convenient access for the residents. The main recreation area has been moved to the southeasterly corner of the westerly portion of the development. The narrative states the size of the recreational area to be 16,000 square feet, but the map shows the size as 5,502 square feet. There is adjoining open space which may or may not be useable during the winter months due to standing water. The recreation area is over 1000 feet from dwellings at the northwest end of the development and will not be visable from the dwellings along Rose Road.

The center portion of the development has no recreation area. It would be appropriate that a

centrally located play area be placed in this part of the development.

The recreation area in the south end of the development appears to be adaquate, however, vehicles entering/departing the parking area will drive between the recreation area and the dwellings.This could cause some safety concerns.

The installation of gravel pathways in the development is questionable for use by disabled residents.OCMC 17.62.050.A.20 states-"Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable Federal and State requirements". We think covering the pathways with an impermeable surface would be more suitable and practicle.

Traffic will still be a problem. The slight decrease in overall density will have a negligible affect on the traffic concerns of the present Rose Road residents. There are currently 22 developed residences along Rose Road. The proposed development would add an additional 67 residences for a total of 89 residences served by Rose Road.It is common and not unusual for rural/outlying residences to have 2 or more vehicles. Some current residents have 3 or more vehicles.This would result in 178 vehicles (89x2)using Rose Road for ingress/egress. In addition, some current residences provide daily child care services resulting in additional traffic on the road during the morning and evening peak drive times.
The applicants Traffic Study is somewhat misleading.The estimated trip generation calculations show the traffic generated by the proposed development. The stated trip projections for the AM peak hour is 56,for the evening peak hour 75. When the existing traffic volumes are included , the AM peak hour becomes 73, the evening peak hour 95. The existing volume is based on their traffic count data. Having only one ingress/egress route is sure to cause some problems regardless of traffic studies done.
I spoke with people in the Metro Planning Dept about this issue. They expressed concern and are looking into it.

The cul-de-sac that was proposed for the center portion of the development has been replaced with private streets without provision for turning a vehicle around. This will require vehicles to backup to turn around.This will create a dangerous condition and it will only be a matter of time until a child or person is backed over and seriously injured or killed.

Development of these properties as proposed will not conserve the City's natural beauty, visual character and liveability. The proposed development would adversely affect the surrounding properties and natural resource areas. A lower density conventional development would be much more compatible, suitable and acceptable to the area homeowners.

We shall be looking forward to hearing other peoples opinions at the Aug 23 Planning Commission Meeting.

Thankyou,

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

Tony Konkol

From: Jim & Martha Kosel [Jimarthak@spiretech.com]

Sent: Sunday, August 15, 2004 6:55 PM

To: Tony Konkol

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

Hi Tony,

Re the above files, have you included the new watershed council being formed which includes Beaver Creek? This is being funded by a Metro grant through County Soil and Water.

Whatever happens here will impact downstream, an area that is part of OC's urban growth area, and may have far reaching future impacts on OC.

Jim

Exhibit 19

Tony Konkol

From: Pratt, Rett [PrattR@CTT com]
Sent: Thursday, August 12, 2004 5:00 PM
To: Tony Konkol
Subject: Rose Rd.

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

Tony,

I am writing regarding the above referenced application for Rose Road.

My main concern is and has always been that this seems to be far too many lots for a dead end road. When you consider that the traffic from the subdivision across the street (Lienert Farm) has the right of way when exiting towards Oregon City I see a real traffic jam in the morning hours of the weekdays. Lienert Farm has other ways of exiting but coming out Rose Rd. makes the most sense unless those folks work out towards the Canby area, in that case they would most probably exit out the back of their subdivision and take the road that is just south of Rose Rd. to get to work. The Lienert Farms folks wait would not be nearly as long as ours when turning towards Oregon City, further incentive for them to come straight out Rose to South End.

I don't know if there are standards or requirements for a maximum number of homes on a dead end road but I sincerely hope that the City uses common sense in this matter.

Thank you for your consideration,

Rett Pratt
18907 S. Deer Lane
Oregon City, OR 97045

Exhibit 20

CITY OF OREGON CITY - PLANNING DIVISION

PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL

July 27, 2004

N-HOUSE DISTRIBUTION
- ✓ BUILDING OFFICIAL
- ✓ ENGINEERING MANAGER
- ✓ FIRE CHIEF
- ✓ PUBLIC WORKS- OPERATIONS
- ✓ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- TECHNICAL SERVICES (GIS)
- PARKS MANAGER
- ADDRESSING
- ✓ POLICE Application, Site Plan

RAFFIC ENGINEER
- ✓ John Replinger @ DEA

MAIL-OUT DISTRIBUTION
- ☑ CICC
- ☑ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☑ N.A. LAND USE CHAIR
- ☑ CLACKAMAS COUNTY - Joe Merek
- ☑ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☑ SCHOOL DIST 62 Application, Site Plan
- ☑ TRI-MET Application, Site Plan
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RECEIVED
CITY OF OREGON CITY
04 AUG 10 PM 3:56

ETURN COMMENTS TO: Tony Konkol, Senior Planner

OMMENTS DUE BY: August 10, 2004

EARING DATE: August 23rd, 2004 – Planning Commission
September 15th, 2004 – City Commission

EARING BODY: ___Staff Review; __TYPE IV - XX__PC; ____CC

REFERENCE TO-

LE . TYPE: ZC 04-03, PD 04-02, & WR 04-12

ANNER: Tony Konkol, Senior Planner

PPLICANT: Paul Reeder

EQUEST: 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).

OCATION: 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-1CD 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.

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

___ The proposal does not conflict with our interests.

___ The proposal would not conflict our interests if the changes noted below are included.

✓ The proposal conflicts with our interests for the reasons stated below.

____ The following items are missing and are needed for review:

Signed Kathy Hogan

Title Land Use Hazel [illegible] Thistle Hill Farm NA

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAT

Exhibit 21

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City, OR 97045

Aug 10,2004

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

1. The proposal does not appear to be substantially different from the previous application. This appears to be an attempt to circumvent the one year reapplication requirement of OCMC 17.50.220.

2.The proposal only partially proposes appropriately sized lots consistent with the larger lots on adjacent properties.Lot size is increased ,density decreased, on the northeastly side of the westerly portion of the development adjacent to the Oak Tree subdivision properties developed on 10,000 square foot lots,but density was increased with additional lots on the southwesterly side facing S.Rose Road where the existing properties are zoned R-10 and developed on 1 to 4 acre lots.The northwest end of the proposed develoment is approximately 300 feet from the Urban Growth Boundary (UGB). This area should be developed as a transitional area from a developed to an undeveloped area. The proposed lot sizes will have a significant affect on adjacent properties and the liveability and visual character of the area.

3.Open space is insufficient and is not integrated into the development. It is still placed wherever it could fit and is not located in a manner that provides easy and convenient access for the residents.The installation of gravel pathways in the development is questionable for use by disabled residents.OCMC 17.62.050, A.20 states: Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable Federal and State requirements.

4.Concerns about the proposed storm water system, ground water flows, groundwater recharging and protection of the Water Quality Resource Area.The higher density will increase the amount of impermeable surfaces and reduce the natural retention storage capacity and retention of storm waters.Previous development was proposed to have excavated foundations resulting in a final grade approximately two feet higher than present grade. This will probably result in more water flowing off the site towards properties to the northeast and southwest exacerbating the water problems presently existing on those properties. Several of the developed properties on the south side of Rose Road are dependent on wells for their water supply.The ground water in this area moves horizontally and permeates into the substrata very slowly to recharge the ground water and water resource.The impermeable barrier proposed to be placed along the north side of Rose Road on the southwesterly side of the development may limit the flow of water off the site at the expense of depleting or limiting the water available to recharge the water bearing substrated which supplies the wells in the area.

5.Traffic will still be a problem. The slight decease in overall development density will have a negligible affect on the traffic concerns of residents along S.Rose Road.There are currently 22 developed residences along Rose Road.The proposed development would add an additional 67 residences for a total of 89 residences. It is common and and not unusual for residences to have two or more vehicles.Some current residences have 3 or more vehicles.This would result in 178 vehicles (2x89) using Rose Road for ingress/egress.In addition, some current residences provide Child Day Care services resulting in additional traffic on the Road during the morning and evening drive times.Having only one ingress/egress to the area is sure to cause some problems regardless of traffic studies previously done.
The cul de sac that was planned in the center portion of the development has been replaced by private streets without provision for turning a vehicle around. This will require vehicles to back up to turn around. This will create a dangerous condition and it will only be a matter of time until a child or person is backed over and seriously injured or killed.

6.Development of these properties as proposed by the applicant will not conserve the City's natural beauty, visual character and liveability.The proposed development would adversely affect the surrounding community and natural resource areas.A conventional development would be much more compatable and suitable for these properties.

Kathy Hogan
Land Use Representative
Hazel Grove/Westling Farms N.A.

Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

EUGENE L. GRANT
Direct (503) 778-5427
genegrant@dwt.com

SUITE 2300
1300 SW FIFTH AVENUE
PORTLAND, OR 97201-5682

TEL (503) 241-2300
FAX (503) 778-5499
www.dwt.com

August 2, 2004

TO THE PERSONS LISTED ON THE ATTACHED

Re: Invitation to August 16, 2004 meeting regarding Paul Reeder PUD Application

Dear Neighbors:

As you probably recall, this firm represents Paul Reeder with respect to his development of the Village at South Rose PUD on Rose Road. The Oregon City Planning Commission will hold a public hearing on Mr. Reeder's second application for this project on August 23, 2004. Mr. Reeder has made significant changes to the project in response to your input and concerns offered during the City's review of the first application and at open house meetings conducted over the past several months.

Mr. Reeder would like to meet with you again on Monday, August 16, 2004, at 7:00 p.m. at Clackamas Community College, Room 101, Pauling Center, 19600 SW Mollala Avenue, Oregon City, Oregon 97045 so that he can show you the significant changes that he has made to the project based on your input at the last open house meeting. Mr. Reeder sincerely hopes that all of you can join us for this meeting. For your convenience, we have attached a map.

Very truly yours,

Davis Wright Tremaine LLP

Eugene L. Grant

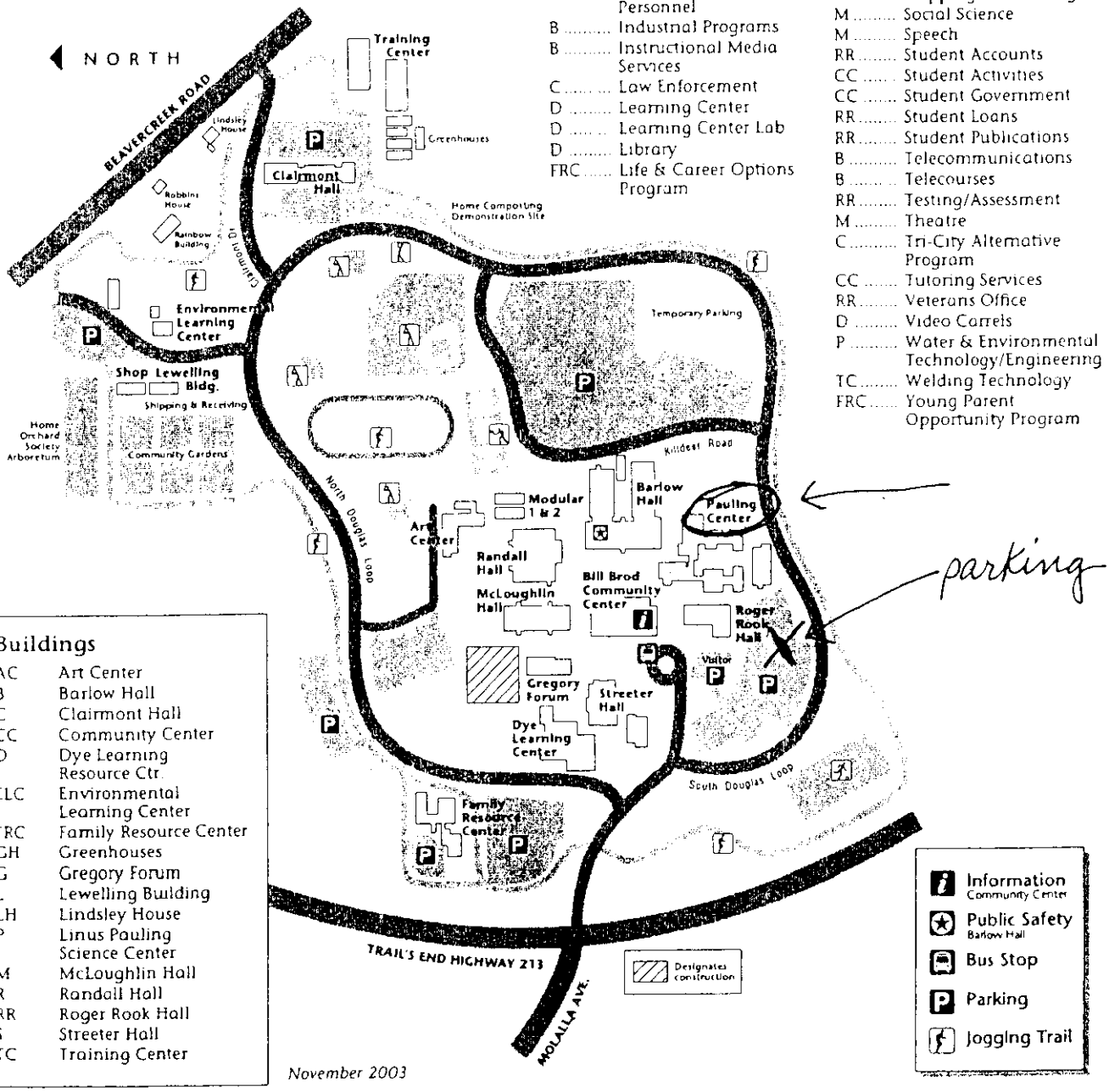
ELG:mg
Enclosure
cc: Paul Reeder
Tom Sisul

Exhibit 22

Campus Map

Departments & Offices

B ..... Administration
RR ..... Admissions & Registration
TC ..... Apprenticeship Program
AC ..... Art
CC ..... Advising/Counseling
R ..... Athletics
B ..... Automotive
M ..... Bookstore
TC ..... Building Construction Technology
B ..... Building Trades
M ..... Business Administration
B ..... Business Office
M ..... Business Technology
CC ..... Cafeteria
B ..... Campus Services
CC ..... Career Planning
FRC ..... Child Care Center
RR ..... The Clackamas Print Newspaper
CC ..... College Publications
S ..... Computer Lab
S ..... Computer Science
CC ..... Cooperative Work Experience
CC ..... Counseling/Advising
C ..... Criminal Justice
B ..... Deans
CC ..... Disabled Student Services
B ..... Drafting Technology
L ..... Duplication Service
FRC ..... Education & Human Services
S ..... English
D ..... English as a Second Language
RR ..... Enrollment Services Center
ELC ..... Environmental Learning Center
RR ..... Financial Aid
CC ..... Food Service
B ..... Foreign Languages
B ..... Foundation Office
D ..... GED/ABE
CC ..... Graduation Evaluation
R ..... Gym
B ..... Health Sciences
C ..... Horticulture
B ..... Human Resources/ Personnel
B ..... Industrial Programs
B ..... Instructional Media Services
C ..... Law Enforcement
D ..... Learning Center
D ..... Learning Center Lab
D ..... Library
FRC ..... Life & Career Options Program
M ..... Mail Services
B ..... Manufacturing Technology
S ..... Math
S ..... Math/Computer Lab
B ..... Media Services
L ..... Motor Pool
R ..... Music
B ..... Nursing/Health Sciences
B ..... Occupational Skills
P ..... Pauling Center Gallery
B ..... Personnel
R ..... Physical Education
B ..... President's Office
B ..... Public Affairs
B ..... Public Safety Office
L ..... Purchasing
P ..... Science
L ..... Shipping & Receiving
M ..... Social Science
M ..... Speech
RR ..... Student Accounts
CC ..... Student Activities
CC ..... Student Government
RR ..... Student Loans
RR ..... Student Publications
B ..... Telecommunications
B ..... Telecourses
RR ..... Testing/Assessment
M ..... Theatre
C ..... Tri-City Alternative Program
CC ..... Tutoring Services
RR ..... Veterans Office
D ..... Video Carrels
P ..... Water & Environmental Technology/Engineering
TC ..... Welding Technology
FRC ..... Young Parent Opportunity Program



Buildings

AC Art Center
B Barlow Hall
C Clairmont Hall
CC Community Center
D Dye Learning Resource Ctr.
ELC Environmental Learning Center
FRC Family Resource Center
GH Greenhouses
G Gregory Forum
L Lewelling Building
LH Lindsley House
P Linus Pauling Science Center
M McLoughlin Hall
R Randall Hall
RR Roger Rook Hall
S Streeter Hall
TC Training Center

Information Community Center
Public Safety Barlow Hall
Bus Stop
Parking
Jogging Trail

November 2003

Tony Konkol

From: Grant, Gene [genegrant@dwt.com]
Sent: Thursday, August 26, 2004 3:38 PM
To: Tony Konkol; Bill Kabeiseman
Cc: 'tomsisul@sisulengineering.com'; Sieminski, Jason; Connors, Mike
Subject: RE: Narrative change for the zoning problem on the Paul Reeder application

Tony

I will send you the revised layout as an email attachment this afternoon. If this message will be sufficient please consider this message a formal request to withdraw the zone change amendment. The continuance to December 17th is also acceptable. Just let me know if you need Paul Reeder to sign something confirming on the zone change withdrawal and the continuance. I have asked Doug Johnson in Tom Sisul's office to get you a set of full size plans for the 67 lot layout by Monday and I expect to have the revised application narrative to you by Monday as well. My associate Jason will send a letter to the neighbors explaining the change and notifying them of a meeting with Paul Reeder during the week of September 20th to give them a chance to discuss the change in the layout with the developer. You will be welcome to attend the meeting if you wish, but I will certainly understand if you do not want to attend.

Thanks,

Gene Grant
Davis Wright Tremaine LLP
Suite 2300
1300 SW 5th Ave.
Portland OR 97201

Office 503 778 5427
Cell 503 709 9698
Fax 503 778 5299
Email genegrant@dwt.com

-----Original Message-----
From: Tony Konkol [mailto:tkonkol@ci.oregon-city.or.us]
Sent: Thursday, August 26, 2004 2:22 PM
To: Grant, Gene; Bill Kabeiseman
Cc: tomsisul@sisulengineering.com; Sieminski, Jason; Connors, Mike
Subject: RE: Narrative change for the zoning problem on the Paul Reeder application

Hello Gene,

The PC hearing date of 9/27 at 7pm is correct. Concerning the 120-day rule, an extension from October 30th to December 17th would allow sufficient time to process and notice an appeal of this application should it be necessary.

I have not seen the revised layout of the subdivision. .

When will the zone change request by withdrawn and is a meeting with the neighbors scheduled to discuss this change?

Tony

Exhibit 23

-----Original Message-----
From: Grant, Gene [mailto:genegrant@dwt.com]
Sent: Thursday, August 26, 2004 1:55 PM
To: Tony Konkol; Bill Kabeiseman
Cc: 'Tom Sisul (tomsisul@sisulengineering.com)'; Sieminski, Jason; Connors, Mike
Subject: RE: Narrative change for the zoning problem on the Paul Reeder application

Bill and Tony

I just received a hard copy of Tom Sisul's revised 67 lot layout for the Paul Redder application for the Village at Rose Road. I wanted to make sure that both of you have received this new layout and have everything you need before I leave on vacation for two weeks, so that you can proceed with the preparation of the staff report and otherwise prepare for the hearing before the planning commission. I also want to be sure that I have the right hearing date and time on my calendar for the matter. I have it down as Monday September 27th at 7PM at the City Hall. Please reply today to let me know if this is all correct and we are ready to proceed with staff support for the hearing of the application on that date

Thanks,

Gene Grant
Davis Wright Tremaine LLP
Suite 2300
1300 SW 5th Ave.
Portland OR 97201

Office 503 778 5427
Cell 503 709 9698
Fax 503 778 5299
Email genegrant@dwt.com

-----Original Message-----
From: Grant, Gene
Sent: Tuesday, August 24, 2004 6:07 AM
To: 'Tom Sisul (tomsisul@sisulengineering.com)'; 'Tony Konkol (tkonkol@ci.oregon-city.or.us)'; 'billkab@gsblaw.com'
Subject: Narrative change for the zoning problem on the Paul Reeder application

Gentlemen,

Sorry for the delay in getting back to you. Following is the beginning of the narrative I would recommend we use in the application:

> The Oregon City Municipal Code Section 17.50.220 prohibits an application within one year of a prior application that is a substantially similar application. The proposed application is not substantially similar to the previous application for the reasons discussed below. The City Code does not define when an application is "substantially similar" to a prior application. Therefore the decision maker must determine the correct meaning of this terminology. The decision maker cannot decide that this term means anything the decision maker wants. The courts will overturn a decision that is clearly wrong such as a meaning that is inconsistent with the express language and purpose of the regulation or that violates the underlying policy of the regulation and state law. While this proposal involves development of the same parcel of land there are a

number of substantial differences from the prior application. Those differences are listed below

Reduction in Lots and Dwelling Units

At the request of the City staff, the applicant initially requested a zone change to a lower density from the R6MH district to the R8 district in order to reduce the number of lots required under a PUD to 63 lots based upon the 80% minimum density requirement. Both the applicant and the City staff, however, overlooked the necessity of a comprehensive plan amendment to allow this change in zoning until after the City's repeal of the PUD ordinance. Accordingly it is now impossible for the applicant to apply for the necessary comprehensive plan change without losing the right to develop the property under the PUD standards which is unacceptable to the applicant due to the existence of the substantial water quality resource area on this site upon which the City will not allow any development. Accordingly, the property must be platted to include 67 lots to meet the 80% density requirement under the zoning in place upon the application date. The original application was for 84 lots and the applicant subsequently agreed to reduce the density to 76 lots. Here the developer is applying for the bare minimum 67 lots that are required by the City standards applicable to this application. In order to further differentiate this application from the prior application, the developer will shadow plat four of the 67 lots by placing a binding restrictive real covenant and equitable servitude on the land for the express benefit of the neighbors to the effect that only 63 dwelling units may be built upon the land for five years from the date of the approval of this application. This combination of density reduction by platting only the minimum number of lots and the restrictive covenant is a substantial difference from the previous application that will assure the neighboring property owners only 63 dwelling units on the property for five years, a 17% reduction from the dwelling units expected under the prior application.

There are many conforming changes that will be necessary throughout the narrative to make it consistent with the above, and if Tom Sisul will reply with a Word version of the narrative attached, I will mark it up to show all the changes. The above portion should be enough for the City to proceed with preparation of the staff report at the same time as we are revising the rest of the application. To avoid delay, I am sending this to everyone at the same time, so it will be subject to client review and approval, but I have discussed this with Paul Reeder previously and expect him to approve the wording.

By this message I am requesting that Tom Sisul fax this message on to Paul Reeder for his review.

Please let me know if you have any questions or concerns.

Thanks,

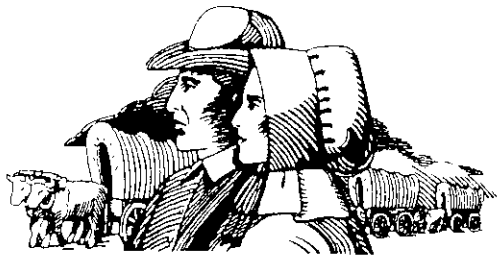
Gene Grant
Davis Wright Tremaine LLP
Suite 2300
1300 SW 5th Ave.
Portland OR 97201

Office 503 778 5427
Cell 503 709 9698
Fax 503 778 5299
Email genegrant@dwt com

CITY OF OREGON CITY

Land Use Decision

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



NOTICE OF TYPE III LAND USE DECISION
File No AP 03-06 (Appeal of Planning Files PD 03-01 and WR 03-01)
DATE OF DECISION: October 1, 2003

APPLICANT: Paul Reeder
10893 Forest Ridge Lane
Oregon City, OR 97045

REPRESENTATIVE: Sisul Engineering, Inc.
Tom Sisul
375 Portland Avenue
Gladstone, OR 97027

Davis Wright Tremaine LLP
Eugene L. Grant
1300 SW 5th Avenue, Ste. 2300
Portland, OR 97201-5630

REQUEST: The applicant is requesting approval of a 76-unit Planned Unit Development and a Water Resource Overlay District determination and mitigation plan.

LOCATION: The 2 subject sites are located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700.

CONTACT: Tony Konkol, Associate Planner

DECISION: On October 1, 2003, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the Commission concluded that the Planning Commission was correct and that the criteria for the approval of a Planned Unit Development and Water Resource Determination had not been met. Accordingly, the City Commission entered a final order affirming and adopting as its own the Findings of Fact, Conclusions of Law and Final Order of the Planning Commission in File Numbers PD 03-01, WR 03-01, and VR 03-11 with the following paragraph to be added at page 4 of the Planning Commissions Final Order immediately preceding the discussion of 17.64.010(B):

This criterion requires a finding that the proposed PUD facilitates the "efficient and economic use of land." The Commission interprets this standard as including consideration of whether the proposed PUD results in an "integrated urban community" that operates as a "cohesive whole." This proposed PUD creates three separate development areas that are neither an integrated urban community, nor a cohesive whole. The City Commission concludes that this criterion is not met.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

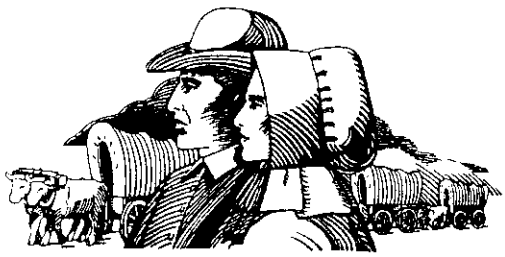
The application, decision, and supporting documents are available for inspection at the Oregon City Planning Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documer

Exhibit 24

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



Complete: July 2, 2004
120-Day: October 30, 2004
Extended to: December 17, 2004

FILE NO.: WR 04-12

APPLICATION TYPE: Type III

HEARING DATE: September 27, 2004
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Paul Reeder
10893 Forest Ridge Lane
Oregon City, OR 97045

REPRESENTATIVE: Sisul Engineering, Inc. – Tom Sisul
375 Portland Avenue
Gladstone, OR 97027

REQUEST: The applicant is requesting a Water Resource Determination and mitigation approval in association with a 67-lot Planned Unit Development (PD 04-02).

LOCATION: The 2 subject sites are located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).

REVIEWER: Tony Konkol, Senior Planner
Dean Norlin, Senior Engineer

RECOMMENDATION: Approval with conditions

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. Notice of appeal of any Type II, Type III or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS DECISION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

BACKGROUND:

The applicant applied for a Zone Change from R-10 Single-Family to R-8 Single-Familyand a 41 – lot Planned Unit Develop for tax lot 1700 on September 3, 1998. This request has unanimously denied by the Planning Commission following a public hearing on April 26, 1999.

Tax Lot 300, which has a Comprehensive Plan Designation of Low Density Residential/Manufactured Housing (LR/MH), was amended from Low Density Residential (LR) to Low Density Residential/Manufactured Housing per City Ordinance 92-1029.

Tax lot 300 was annexed into the City of Oregon City (Planning File AN 99-03) following a public hearing on May 19, 1999. The staff report incorrectly identifies the Comprehensive Plan designation of the tax lot as LR rather than LR/MH. The only applicable zoning designation for the LR/MH Land Use is R-6/MH, which is the current zoning designation of the property.

The applicant applied for a 76-unit PUD (PD 03-01) and a Water Resource Overlay District (WR 03-01) determination and mitigation plan approval on January 14th, 2003. In addition, the applicant requested a variance from the lighting standards for a proposed walkway to be constructed as a part of the development (WR 03-11). This request has denied by the Planning Commission following a public hearing on August 25, 2003. The Findings of Fact are included as exhibit 2. The decision of the Planning Commission was affirmed by the City Commission on appeal at the October 1, 2003 City Commission hearing (Exhibit 3).

On June 3, 2004 the applicant applied for a zone change of Tax Lot 300 from R-6/MH to R-8 single-family. The applicant withdrew this application when it was discovered that a Comprehensive Plan amendment from LR/MH to LR was necessary to approve the zone change. The PUD process was removed from the Oregon City Municipal Code on June 18th, 2004, precluding the option of the applicant to withdraw the application and reapply with the Comprehensive Plan amendment and retain the ability to process a PUD on the site.

BASIC FACTS:

1. **Location.** The development is located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).

2. **Existing Conditions.** The 16.02-acre site comprises two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700 contains an old vacated home and tax lot 300 is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

   The site is identified within the Oregon City Water Resource Overlay District and identified within a Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon.

3. **Zoning and surrounding Land Uses.** Tax lot 1700 is zoned R-10 Single-Family Dwelling District. Tax Lot 300 is zoned R-6/MH Single-Family/Manufactured Home Dwelling District.
   - **North:** Directly north of a majority of the site is the Oaktree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling.
   - **South:** Directly south of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing.

West: The property to the west of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing.

East: South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.

4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 67 dwelling units (49 detached single-family lots and 18 attached single-family dwellings), of which 4 have been identified to be platted but remain vacant for a minimum of 5 years (Exhibit 4). Access to the site would be from Rose Road at 4 locations, including 2 private streets and a public loop road. The applicant has proposed full street improvements on the loop road. The applicant has proposed ½ street improvements to city standards for Rose Road and South End Road. The 1st private street is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the attached housing units at the front of the site along South End Road.

The PUD includes open space in two tracts, both containing a Water Quality Resource Area (WQRA), and the utilization of the overflow areas of the two storm ponds, representing 26.0% of the gross area of the site (Exhibits 5, 6 and 7). The applicant has proposed to increase the area of existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road within the vegetated corridor. The applicant has generally kept out of the water resource and developed around them except for a portion of the pedestrian accessways and the necessary improvements to Rose Road. This encroachment is allowed with mitigation. The applicant is reminded that they must also meet the City of Oregon City's Municipal Code chapter 17.49 Water Resource requirements in addition to DSL's requirements.

5. **Comments.** Notice of this proposal was posted on the site and sent to property owners within three hundred feet of the subject property and various City departments and other agencies on July 27, 2004. The Planning Commission Hearing was advertised in the Oregonian on July 30th, 2004 requesting comments.

Comments have been received from the following:
Kathleen Galligan of 18996 Rose Road, Oregon City, Oregon 97045 (Exhibit 8);
Penny and Ed Burton of 18799 Rose Road, Oregon City, Oregon 97045 (Exhibit 9);
John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 10);
John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 11);
James Kosel of 11466 Finnegan's Way, Oregon City, Oregon 97045 (Exhibit 12);
Rett Pratt of 18907 Deer Lane, Oregon City, Oregon 97045 (Exhibit 13); and
Kathy Hogan – Hazel Grove/Westling Farm Neighborhood Association (Exhibit 14).

The comments received were incorporated into the analysis and findings sections below.

DECISION-MAKING CRITERIA:

Oregon City Municipal Code Standards and Requirements

Chapter 17.49 Water Resource Overlay District

Chapter 17.50 Administration and Procedures (See PD 04-02)

ANALYSIS AND FINDINGS:

Chapter 17.49 WR Water Resource Overlay District

****The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over tax lots 300 and 1700****

17.49.030 Applicability.

A. This chapter shall apply to development in the water quality resource area overlay district, which may also be referred to as the "Water Resources Overlay District" in this code. The overlay zone restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with Table 17.49-2, Standards for Restoring Marginal Existing Vegetated Corridors.

C. These standards are in addition to any other applicable standards of this code.

1. Applications for subdivisions, partitions and planned developments shall demonstrate compliance with these standards as part of the review proceedings for those developments;

2. Applications for development other than those described in subdivision 1 of this subsection shall demonstrate compliance with these standards as part of a land use review or limited land use review process as established in Chapter 17.50.

Finding: This section of the code applies to the subject site as described above in 17.49.030.C.1.

17.49.040 Administration.

A. This chapter establishes a water quality resource area overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

Finding: The City's Water Quality Resource Area Overlay District is over the subject site. A stream and two drainage courses and associated jurisdictional wetlands have been identified on the site.

1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.

Finding: The Oregon City Local Wetland Inventory was used as a source to the City Water Quality Resource District Map and identifies two wetlands on the site (Exhibit 15).

2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the city. If the protected water feature is not located on the subject property and access to the water feature is denied, then existing data may be used to delineate the boundary of the water quality resource area.

Finding: The wetland delineation was performed in 1997 by Rita Mroczek and was approved by the Oregon Division of State Lands on March 24, 1998. In accordance with Oregon Division of State Lands regulations, approved delineations are valid for a 5-year period. Environmental Technology Consultants was contracted to perform the water resource investigation by Sisul Engineering, the agent for the applicant. Field investigations were performed on October 28, November 8, and November 21, 2002 to reinvestigate the wetland boundaries as per the criteria outlined in OAR 141-090-0045, in the event that the project construction extends beyond the 5-year valid period (ending March 24, 2003). The applicant complies with this section.

3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area.

Finding: This application concurs with the City map and determination that this chapter is applicable and that subject site is within the Water Quality Resource Area. The applicant has indicated that the resource is jurisdictional water. The applicant has proposed to fill a portion of the wetland and develop a pedestrian walkway within the Water Quality Resource Area. The standards for development of this chapter are applicable.

a. Applicants for a determination under this section shall submit a site plan meeting the following requirements:

Finding: The applicant has not requested a determination that development of the site will not occur within the delineated Water Quality Resource Area. The standards for development of this chapter are applicable.

4. Compliance with Federal and State Requirements.
a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the city engineer.
Finding: The applicant has indicated that the initial approval from the Oregon Division of State Lands expired on March 24, 2003. The applicant shall submit a revised mitigation plan to DSL for approval.

This criterion is not met. DSL concurrence will be necessary prior to the issuance of a grading permit on the site. See Conditions of approval 1 and 2.

b. The requirements of this chapter apply only to water quality resource areas within the water quality resource area overlay district. If, in the course of a development review, evidence suggests that a property outside the District may contain a Title 3 wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review.
Findings: The criterion does not apply.

17.49.050 Water quality resource area standards.
This section applies to water quality resource areas within the water quality resource area overlay district.

A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of water quality resource areas.

B. The water quality resource area is the vegetated corridor and the protected water feature. The width of the vegetated corridor is specified in Table 17.49-1. At least three slope measurements along the water feature, at no more than fifty-foot increments, shall be made for each property for which development is proposed. Depending on the slope measurements, the width of the vegetated corridor may vary.

Table 17.49-1
WIDTH OF VEGETATED CORRIDOR

Protected Water Feature Type (see definitions)	*Slope Adjacent to Protected Water Feature*	*Starting Point for Measurements from Water Feature*	*Width of Vegetated Corridor (see Note 1)*
Anadromous fish-bearing streams	*Any slope*	*• Edge of bankfull flow*	*200 feet*
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	*< 25 percent*	*• Edge of bankfull flow*	*15 feet*
All other protected water features	*< 25 percent*	*• Edge of bankfull flow • Delineated edge of Title 3 wetland*	*50 feet*
	≥ 25 percent for 150 feet or more (see Note 2)		*200 feet*
	≥ 25 percent for less than 150 feet (see Note 2)		*Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.*

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

Findings: The applicant provided a Water Resources Report and addendums, Exhibits 5-7, which identify the jurisdictional water ways on the subject site and that the water resource is not identified by the Fish and Wildlife section of the Oregon City Comprehensive Plan nor Oregon Department of Fish and Wildlife as an anadramous fish-bearing stream. The applicant has proposed a 50-foot vegetated corridor around the delineated wetlands and the drainage ditch entering the north wetland on the site. The applicant has met this requirement as proposed.

C. Uses Permitted Outright.
1. Stream, wetland, riparian and upland enhancement or restoration projects; and farming practices as defined in ORS 30.930 and farm uses, excluding buildings and structures, as defined in ORS 215.203;
2. Placement of structures that do not require a grading or building permit;
3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

Findings: The applicant has not proposed an outright permitted use.

D. Uses Under Prescribed Conditions.
1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.
2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.
3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.

Findings: The applicant has not proposed a use under the prescribed conditions category.

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:
1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;
2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;
3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;
4. New public or private utility facility construction;
5. Walkways and bike paths (see subsection (H)(5) of this section);
6. New stormwater pre-treatment facilities (see subsection (H)(6);
7. Widening an existing road adjacent to or running parallel to a water quality resource area;
8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.

Findings: This project includes items 1, 4, 5, 6, and 7. Findings regarding compliance with Subsections G and H are outlined below.

F. Prohibited Uses.
1. Any new development, other than that listed in subsections C, D and E;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

Findings: The applicant has not proposed a prohibited use.

G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.

1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.

Findings: The applicant has provided a topographic map of the site showing the delineation of the water quality resource area (Exhibit 5, Figure 1 of 6). This criterion is met.

2. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six inches diameter at a height of four feet, natural or historic drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the water quality resource area;

Findings: The Existing Conditions Plan, Sheet 2 of 6, was included in the PUD application (Exhibit 4).

3. Location of Title 3 wetlands.

Findings: A wetland delineation using the Division of State Lands process (Exhibit 5) revealed the wetland areas within the project site. The delineation was completed by a professional wetland scientist from Environmental Technology Consultants. This criterion is met.

4. An inventory and location of existing debris and nuisance plants;

Findings: The location of the nuisance plants are shown on Figures 2 and 3 of 6 included in the water resource report from Environmental Technology Consultants (Exhibit 5). This criterion is met.

5. An assessment of the existing condition of the water quality resource area in accordance with Table 17.49-2;

Findings: The assessment of the existing condition of the water quality resource area is provided on pages 3 – 6 of exhibit 5. This criterion is met.

6. An inventory of vegetation, including percentage ground and canopy coverage;

Findings: The applicant has indicated that the overall character of the southern Vegetated Corridor is approximately 5% tree canopy; 25% shrub coverage, which is primarily non-native; and 90% groundcover. The northern Vegetated Corridor is approximately 15% tree canopy; 50% shrub coverage, which is primarily non-native; and 80% groundcover. This criterion is met.

7. An analysis of the impacts the proposed development may have on the water quality resource area.

Findings: The assessment of the existing condition of the water quality resource area is provided on pages 7 – 8 of exhibit 5. This criterion is met.

8. An analysis of the impacts the proposed development will have on the water quality of affected water resources, taking into account relevant natural features and characteristics of the water quality resource area;

Findings: The applicant provided an analysis of the impacts the proposed development will have on the water quality of the affected water resources (Pages 8 – 13, Exhibit 5). This criterion is met.

9. An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;

Findings: The applicant has prepared a mitigation plan (Pages 14 – 18, Exhibit 5) to address the impacts to wildlife habitat, hydrologic control, water quality, primary production, and screening for each of the impacts identified in the Impact Analysis section of the report. The applicant has added additional area to the vegetated corridors, will collect groundwater intercepted by utility trenches and pipe the water to the wetlands, will remove the invasive species from the site, and has prepared a thorough wetland and vegetated corridor enhancement planting plan for the site. This criterion is met.

10. The water resources report shall be prepared by one or more qualified professionals including a wetlands biologist or hydrologist whose credentials are presented in the report;

Findings: The water resource report was prepared by Richard Bublitz, a Professional Wetland Scientist, and David Waterman, both with Environmental Technology Consultants. This criterion is met.

11. Alternatives analysis demonstrating that:
a. No practicable alternatives to the requested development exist that will not disturb the water quality resource area,

Findings: As part of the PUD development, the applicant is required to provide connectivity between cul-de-sacs and the development. The two existing water resource areas on the site extend the complete width of the site, limiting the ability to provide the required connectivity without disturbing the water quality resource area.

The oversized detention / recreation areas where located to minimize the encroachment into the vegetated corridor and the applicant has proposed proper mitigation and replacement as allowed in the Water Resource Overlay District.

The applicant has indicated that where impacts are necessary for the replacement of Rose Road, they have been minimized by limiting encroachment beyond the proposed rights-of-way to the minimum necessary to install franchise utilities and to construct fill slopes for the raised roadway (Pages 20 – 21, Exhibit 5). This criterion is met.

b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,

Findings: The water resource report indicates, and staff concurs, that the development of the pathway, storm detention system and the expansion of Rose Road in the water quality resource areas are limited to the area necessary to allow for the proposed use. This criterion is met.

c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,

Findings: The applicant has proposed to restore the vegetated corridor with 509 total trees and 988 shrubs and the wetlands with 155 trees and 885 shrubs. The trees will be planted at an average spacing of 15 feet and the shrubs will be planted at an average spacing of 8 feet. The planting has been designed so that the vegetated corridor will meet the "good" condition as defined in the Water Quality Resource Area Overlay District.

The applicant has proposed to replace the areas being removed by the expansion of Rose Road, the encroachment of the detention pond and the development of the pedestrian accessway. The applicant has proposed a mitigation plan that includes wetland and vegetative corridor plantings. The Rose Road improvements will remove approximately 7,561 square feet of wetlands. The proposed expansion of Rose Road will fill the existing connection of the small northerly wetland lobe to the larger northern wetland. The applicant has proposed to re-establish the wetland connection that will be filled with the Rose Road expansion. This criterion is met.

d. It will be consistent with a water quality resource area mitigation plan,

Findings: The mitigation plan has been addressed above. This criterion is met.

e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,

Findings: The rationale behind the alternative selected is addressed in 11a on pages 20 – 21 of exhibit 5. The impacts to the resource have been minimized and a mitigation plan has been designed to achieve an increase in the net functions and values of the resource area. This criterion is met.

f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:
i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed, and
ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation, and
iii. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable;

Findings: The rationale behind the alternative selected is addressed in 11a on pages 20 – 21 of exhibit 5. The impacts to the resource have been minimized and a mitigation plan has been designed to achieve an increase in the net functions and values of the resource area. This criterion is met.

12. A water quality resource area mitigation plan shall be prepared by a registered professional engineer, landscape architect, biologist, or other person trained or certified to determine that the vegetated corridor meets the requirements of Table 17.49-2 and shall contain the following information:
a. A description of adverse impacts that will be caused as a result of development,

Findings: The adverse impacts that will be caused as a result of the development include a loss of natural hydrologic conditions, a potential increase in materials associated with residential uses to the water quality area and the filling of the existing wetland. A detailed description was provided by the applicant on pages 7 – 13 of exhibit 5. This criterion is met.

b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,

Findings: The mitigation requirements of Table 17.49-2 requires the use of non-nuisance plantings from the Oregon City native plant list, removal of debris and noxious materials, removal of non-native species, vegetation of disturbed and bare areas and planting and seeding for 100% coverage. The applicant has proposed a mitigation plan that will meet this standard (Pages 14 – 18, Exhibit 5). This criterion is met.

c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,

Findings: The owner and applicant's names were provided in the application. The contractor(s) for the water resource area improvements will be identified at the time of the construction permit issuance.

d. A map showing where the specific mitigation activities will occur,

Findings: The applicant has provided this information (Figures 5 and 6, Exhibit 5).

e. A maintenance program assuring plant survival for a minimum of three years,

Findings: The applicant has provided a maintenance program assuring plant survival for a minimum of three years (Page 22, Exhibit 5).

f. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan.

Findings: The applicant has proposed a preliminary implementation schedule that identifies the mitigation, mitigation maintenance, monitoring, and reporting (Pages 22– 23, Exhibit 5). This criterion is met.

H. Development Standards. Applications for provisional uses in the water quality resource area shall satisfy the following standards:

1. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 17.49-2.

Findings: The project will include restoration and maintenance in accordance with the approved mitigation plan and specification in Table 17.49-2. This criterion is met.

2. Existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area. Trees in the water quality resource area shall not be used as anchors for stabilizing construction equipment.

Findings: The applicant has proposed mitigation techniques to be followed during construction on the site (Page 8, Exhibit 5). This criterion is met.

3. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated during the next planting season. Nuisance plants, as identified in the Oregon City nuisance plant list, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Removed nuisance plants shall be replaced with plants from Oregon City's native plant list by the next planting season.

Findings: The applicant has proposed mitigation techniques to be followed during construction on the site (Page 8, Exhibit 5). This criterion is met.

4. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed in subsection E of this section. Such markings shall be maintained until construction is complete.

Findings: The applicant has proposed mitigation techniques to be followed during construction on the site (Page 8, Exhibit 5). This criterion is met.

5. Walkways and bike paths:
a. A gravel, earthen, tree bark product, or equivalent walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of fifty percent of the trail may be within thirty feet of the protected water feature.

Findings: The applicant has not proposed a walkway or bike path under this criterion.

b. A paved walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the water quality resource area must be increased by a distance equal to the width of the paved path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of twenty-five percent of the trail may be within thirty feet of the protected water feature; and

Findings: The applicant has proposed a paved walkway that will cross the protected water feature. The applicant has indicated that a small pre-fabricated bridge will cross each water quality resource area, and the footers will be placed beyond the jurisdictional limits of the wetlands/waters. The pathway through the southernmost water quality resource area does not cross the jurisdictional wetland as proposed. The pathway through the northernmost water quality resource area will cross the jurisdictional wetland. The asphalt pathway shall not be constructed closer than ten feet from the boundary of the protected water feature. The footings of the bridge required to cross the wetland may be placed within ten feet of the boundary of the protected water feature, however; the footings shall not be placed within the jurisdictional limits of the wetland.The applicant has increased the width of the water quality resource area greater than the pathway area placed within the vegetated corridor (Pages 12 – 13, Exhibit 5). This criterion is met.

c. A walkway or bike path shall not exceed twelve feet in width.

Findings: The applicant has proposed an asphalt path less than 12 feet in width. This criterion is met.

6. Stormwater quantity control and quality control facilities.

a. Except for flood control facilities designated by adopted Oregon City stormwater master plans, the stormwater quantity control and quality control facility may encroach a maximum of twenty-five feet into the outside boundary of the water quality resource area of a protected water feature, (maximum allowable encroachment to be proportionally reduced for applicable intermittent stream vegetated corridor).

Findings: The applicant has proposed a storm water facility that will encroach 8 feet into the vegetated corridor, impacting 516 square feet of vegetated corridor.

b. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.

Findings: The area of encroachment has been replaced by an equal area to the water quality resource area on the property (Page 11, Exhibit 5). This criterion is met.

c. All stormwater shall be collected on-site and passed through a treatment facility, such as a detention/composting facility or filter as approved by the city engineer in consultation with planning staff, prior to being discharged into the water quality resource area.

Findings: This site is located in the South End Drainage Basin as designated in the City's Drainage Master Plan. The South End Drainage Basin drains to Little Beaver Creek, Beaver Creek, and ultimately the Willamette River above the falls. The Willamette River is an anadromous salmon-bearing stream. Drainage impacts from the site are significant.

There are two existing drainage swales and wetlands running across the site approximately 400-feet and 880-feet away from South End Road. These drainage areas are depicted in the South End Basin Master Plans as to be retained as open channel drainage swales. The applicant proposes to not disturb these areas and provide 50-foot buffers around the wetland areas. Both of these drainage swales cross Rose Road via a culvert under the road and follow an existing open drainage swale, which converge into a single drainage ditch, which drains to the Southridge Meadows Subdivision Drainage System. There currently is flooding problems along the properties southwest of Rose Road. The Southridge Meadows drainage system appears to be adequately sized to receive the drainage.

This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology Hazards of North Western Clackamas County that indicates the proposed project site is located in a Wet Soils-High Water Table. The applicant has submitted a Geotechnical Engineering Report for Village at South Rose by James D. Imbrie P.E. and Kirk L. Warner, P.G.; with GeoPacific Engineering, Inc. The report is dated February 3, 2004 (Exhibit 6). An addendum providing additional discussion of the groundwater

concerns from the neighboring residents was provided and is dated also dated February 3, 2004 (Exhibit 7). It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. This criterion is met.

d. The water quality resource area shall not be subject to a significant negative impact as a result of changes to existing hydrologic connections.

Findings: The applicant has prepared a mitigation plan to ensure that the water quality resource area shall not be subject to a significant negative impact as a result of changes to existing hydrologic connections. This criterion is met.

7. Additions, Alterations, Rehabilitation and Replacement of lawful structures.

a. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of this title (Chapter 17.58).

Findings: The existing roadway, Rose Road, is not a nonconforming use. This criterion is not applicable.

b. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to and will have no greater material adverse impact on the protected water feature than the existing structures, roadways, driveways, accessory uses and development.

Findings: This criterion is addressed in section 11.f above.

8. Off-Site Mitigation

a. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

i. As close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable;

ii. Within the watershed where the development will take place or as otherwise specified by the city in an approved wetland mitigation bank.

b. In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction has been placed on the property where the mitigation is to occur is required.

Findings: The applicant has not proposed off-site mitigation. This criterion is not applicable.

l. Vegetated Corridor Width Reduction. A reduction in the width of the vegetated corridor required by Table 17.49-1 may be allowed as part of a Type III proceeding under the following conditions:

Findings: This applicant has not proposed to reduce the vegetated corridor. This criterion is not applicable.

1. On slopes that are greater than or equal to twenty-five percent for less than one hundred fifty feet, a maximum reduction of twenty-five feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that the slope is stable.

Findings: The applicant has not proposed to reduce the vegetated corridor width. This criterion is not applicable.

2. On an anadromous fish-bearing stream, the two hundred foot vegetated corridor may be reduced if the following criteria are met:

a. The existing condition of the vegetated corridor is primarily developed with commercial, industrial or residential uses or is significantly degraded with less than twenty-five percent vegetative cover.

b. A decrease is necessary to accomplish the purposes of the proposal and no practicable alternative is available.

c. *Decreasing the width of the vegetated corridor will not adversely affect the water resource functional values. The functional values of a water resource include, but are not limited to, the following: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; groundwater recharge and discharge; erosion control; historical and archaeological and aesthetic value; and recreation.*

d. *Improvements will be made to the remaining vegetated corridor pursuant to the mitigation requirements of the section on Degraded Existing Vegetation Corridor in Table 17.49-2 of this chapter. The applicant must demonstrate that the improvements will increase the functional values of the water resource.*

e. *A proposal to enhance a vegetated corridor shall not be used as justification to reduce an otherwise functional standard corridor width.*

f. *In no case may the reduced corridor be less than otherwise would be required by Table 17.49-1 for a non-anadromous fish-bearing stream.*

Findings: The applicant has not proposed to reduce the vegetated corridor width. This criterion is not applicable.

17.49.060 Subdivision and partitions.

A. The purpose of this section is to amend the City regulations governing land divisions to require that new subdivisions and partitions plats delineate and show the water quality resource area as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this sections.

Findings: The applicant shall comply with subsection (D) below.

B. The standards for land divisions in a water quality resource area overlay district shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that for partitions the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a transfer of density pursuant to Section 17.49.070.

Findings: The applicant has not proposed a partition. This criterion does not apply.

C. Prior to preliminary plat approval, the water quality resource area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.

Findings: The applicant has proposed a Planned Unit Development on the site. The applicant has identified the tract as private open space.

D. Prior to final plat approval, ownership of the water quality resource area tract shall be identified to distinguish if from lots intended for sale.

Findings: The applicant has proposed a Planned Unit Development on the site. The applicant has identified the tract as private open space. The applicant shall identify the ownership of the tract prior to final plat approval.

17.49.070 Density Transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.

B. Development applications for subdivisions that request a density transfer shall be proposed as part of a planned unit development and shall comply with Chapter 17.64.

Findings: The applicant has proposed a Planned Unit Development on the site and shall comply with Chapter 17.64.

C. Development applications for partitions that request a density transfer shall:

Findings: The applicant has proposed a Planned Unit Development on the site. This criterion is not applicable.

D. 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.

Findings: The City does not currently have minimum density requirements. This criterion is not applicable.

17.49.090 Map Administration.

A. The purpose of this section is to provide a process for amending the water quality and flood management areas map to add wetlands and correct the location of protected water features and the water quality resource area overlay district if the protected water feature does not exist or is outside the water quality resource area overlay district

Findings: City staff handles modifications to water resource boundaries relying on the applicant's Water Resource Report findings and maps to establish minor modifications to the boundary. A significant error would be processed under this Map Amendment process. In this case, staff finds that the mapped resource area compared to the reported resource locations involve minor modification to the boundary.

B. Map corrections shall be processed pursuant to the requirements of Chapter 17.68.

Findings: This criterion does not apply.

1. Within ninety days of receiving information establishing an error in the existence or location of a protected water feature, the city shall provide notice to interested parties of a public hearing at which the city will review the information.
2. The city shall amend the water quality and flood management areas map if the information demonstrates:
a. That a protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of the amendment of Title 3 of the Functional Plan (June 18, 1998); or
b. That the protected water feature does not exist or is outside the water quality resource area overlay district.

Findings: This criterion does not apply.

C. Modification of the water quality resource area overlay district. To modify the water quality resource area overlay district, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature and water quality resource area by:
1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and
2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and
3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and
4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and
5. Stabilizing slopes adjacent to the protected water feature.

Findings: This criterion does not apply.

D. Adding Title 3 Wetlands.
1. Within ninety days of receiving evidence that a wetland meets any of one of the criteria in this section, the city shall provide notice to interested parties of a public hearing at which the city will review the evidence.
2. A wetland and its vegetated corridor shall be included in the water quality resource area overlay district if the wetland meets any one of the following criteria:
a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has sixty percent or greater vegetated cover, and is over one-quarter acre in size; or the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

b. The wetland is in the flood management area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).

Findings: This criterion does not apply.

STAFF RECOMMENDATION:
Based on the analysis and finding as described above, staff recommends that the proposed application for the Water Quality Resource Area can be approved with the attached Conditions of Approval.

EXHIBITS:
1. Vicinity map
2. Findings of Fact, Conclusions of Law and Final Order – PD 03-01, WR 03-01 and VR 03-11
3. Appeal 03-06 City Commission Notice of Decision and Final Order, October 1, 2003
4. Applicant's Site Plans
5. Water Resources Report, dated may 4, 2004
6. Geotechnical Engineering Report, February 3, 2004 (Full Report on File)
7. Added Discussion on Groundwater Concerns from Neighboring Residents, February 3, 2004
8. Kathleen Galligan, 18996 Rose Road, Oregon City, Oregon 97045
9. Penny and Ed Burton, 18799 Rose Road, Oregon City, Oregon 97045
10. John and Phyllis Dinges, 18896 Rose Road, Oregon City, Oregon 97045, September 2, 2004
11. John and Phyllis Dinges, 18896 Rose Road, Oregon City, Oregon 97045, August 13, 2004
12. Jim and Martha Kosel, August 15, 2004
13. Rett Pratt, 18907 Deer Lane, Oregon City, Oregon 97045, August 12, 2004
14. Hazel Grove / Westling Farm Neighborhood Association, August 10, 2004
15. Oregon City Local Wetland Inventory

Conditions of Approval
Planning File WR 04-12
September 20, 2004

1. The applicant shall process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit, or to revoke a permit that has been issued for this project.

2. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

Exhibit 1

BEFORE THE OREGON CITY PLANNING COMMISSION

In the Matter of a Request for a Planned Unit Development, Water Quality Resource Determination and Variance Request filed by Paul Reeder; Oregon City File Nos. PD 03-01, WR 03-01 and VR 03-11.	))))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Exhibit 2

INTRODUCTION

This matter came before the Oregon City Planning Commission on August 25, 2003, for a public hearing of an application for a Planned Unit Development ("PUD"), Water Resource determination and variance. The applicant requested a 76-unit PUD (PD 03-01) and a Water Resource Overlay District (WR 03-01) determination and mitigation plan approval. In addition, the applicant requested a variance from the lighting standards for a proposed walkway to be constructed as a part of the development (WR 03-11). After reviewing the Staff report as well as the testimony, evidence and arguments put forth by the applicant and other participants in the public hearing, the Planning Commission finds that the criteria for a PUD, Water Resource determination and variance have not been met and, therefore, **DENIES** the requests.

Facts

The 16.02-acre site is comprised of two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700, which is zoned R-10 Single-Family, contains an old vacated home and tax lot 300, which is zoned R-6/Manufactured Home, is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek. The site is identified within the Oregon City Water Resource Overlay District and identified within a Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon.

The applicant requested the preliminary approval of a PUD consisting of 76 dwelling units (52 detached single-family lots and 24 attached single-family dwellings). Access to the site would be from Rose Road at 4 locations, including 2 cul-de-sacs and a loop road. The applicant proposed full street improvements on the 2nd cul-de-sac and loop road. The 1st cul-de-sac was proposed as a private access tract. The applicant also proposed ½ street improvements for Rose Road and South End Road.

The PUD proposed open space in two tracts, both containing a Water Quality Resource Area (WQRA), representing 24.8% of the gross area of the site. The applicant proposed to increase the area of existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road and a paved bicycle/pedestrian accessway within the vegetated corridor and across the identified resource (WR 03-01).

Directly north of a majority of the site is the Oak Tree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling. South of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing. West of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing. South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.

CRITERIA

OCMC 17.64.120 provides the grounds for reviewing PUD applications. As part of the PUD approval criteria, the applicant is responsible to comply with the Water Resource Overlay District criteria of section 17.49 of the OCMC. Finally, the criteria for variances are contained in OCMC 17.60. The application is rejected because of its failure to meet the following criteria:

17.64.010 Purpose.

A planned unit development ("PUD") is a form of residential land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:

A. To promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land and, in some instances, a more compact, pedestrian-oriented, mixed use urban design. Specifically, this can be accomplished through the PUD process with mixed-use developments. The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole;

The applicant has proposed to create three distinctive neighborhoods on the site separated by the wetland/open space areas and linked by a pedestrian/bicycle accessway. The Planning Commission determined that the proposed layout, which generally separates the attached and detached housing into separated neighborhoods and has located the open space in the un-

developable areas of the site next to the Water Quality Resource Area (WQRA) without consideration of the proximity of the open space to the remainder of the site and does not provide or create an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole. The Planning Commission determined that the open space was not designed as a functioning part of the development but was rather placed wherever it could fit with no effort to make the area an integrated part of the development or community. As a result of the placement of the open space, too many units were created in the western portion of the property, creating an unacceptably dense development near the edge of the urban growth boundary. The Planning Commission concluded that this criterion was not met.

B. To preserve existing natural features and amenities and provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.

The applicant has proposed to provide a mixture of passive and active open space on the site. The open space, including the water quality resource protection area, comprises 24.8% of the total site area. The active open space represents approximately 13.5% of the open space and is to be developed with a jungle gym, basketball court, open field, sand box, and tetherball. The passive open space is the WQRA and undeveloped pathways to sitting areas near the edge of the WQRA. The Planning Commission determined that the open space is insufficient for the size of the proposed development, is not located in a manner that provides easy and convenient access for the residents, and does not provide useful common open space nor does it create new neighborhood amenities for the residents of the PUD. The Planning Commission concludes that this criterion was not met.

C. To protect and enhance public safety on sites with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development.

The applicant has proposed to collect the subsurface water associated with the high water table in a system of channels and release the water into the on-site wetlands. The Planning Commission determined that the applicant had not adequately addressed the potential impacts to

the proposed housing located on top of the high water table nor methods to alleviate the high ground water on a majority of the site.

Testimony and pictures were presented to the Planning Commission at the hearing on behalf of the surrounding neighbors concerning the existing flooding problems in the area that have increased as subdivisions have been developed to the north of the subject site. The testimony of the neighbors representative stressed a concern that the existing flooding problems that exist have not been addressed or acknowledged in the planning of the PUD and that the applicant has not fully demonstrated how the flooding, high water table, and storm water will be addressed on the property to ensure the existing flooding issues are not increased.

Based on the testimony of surrounding neighbors and the lack of data from the applicant, the Planning Commission determined that the applicant had not adequately addressed existing flooding concerns that occur on the site and across Rose Road onto neighboring properties nor the potential impacts and mitigation/prevention methods to alleviate the flooding issue and potential flooding issues associated with the increased impervious area that would be created and the increased groundwater run-off. The Planning Commission concluded that this criterion was not met.

Chapter 17.64.040 Permitted uses and basic PUD requirements.

> *C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. However, unless an adjustment is specifically requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.*

The applicant has proposed the following modifications to the R-10 and R-6/MH zoning districts in order to maximize the number of housing units located on the site:

Standard	R-10	R-6/MH	Proposed Detached Housing Lots	Proposed Attached Housing Lots
Lot Area	10,000 sf	6,800 sf	5,000 sf	3,500 sf
Lot Width	75 ft min	80 ft min	44 ft min	35 ft min
Lot Depth	100 ft min	85 ft min	92 ft min	82 ft min
Setbacks				
Front	25 ft.	15 ft.	15 ft. (20 ft. Garage)	15 ft. (20 ft. Garage)
Side	10 / 8 ft	7 / 5 ft	7 / 5 ft	0 / 9 ft
Corner	20 ft.	15 ft	15 ft.	15 ft.
Rear	20 ft.	10 ft	20 ft.	20 ft.
Building Height	35 ft.	20 ft.	35 ft.	35 ft.

The adjacent properties to the north, located in the Oak Tree Terrace subdivision, and east of the subject site have a minimum lot size of 10,000 square feet. The properties to the south and west of the subject site are currently outside the city limits and are under the Clackamas County zoning designation of FU-10. The Planning Commission determined that the proposed lots sizes have a significant adverse affect on the adjacent properties. The minimum lot sizes of 5,000 and 3,500 square feet are the minimum allowed under the PUD ordinance. The Planning Commission determined that proposal has not provided appropriately sized lots consistent with the larger lots of the adjacent properties. The PUD requires that the applicant provide 80% of the density allowed in the underlying zone. The applicant has proposed 90% of the density allowed in the underlying zone at the expense of compatibility with surrounding land uses and lot sizes and adequate on-site open space/recreation to accommodate the proposed development. The Planning Commission concludes that this criterion was not met.

D. Open Space and Landscaping. The applicant shall provide at least twenty percent of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than twenty feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for

the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

The discussion regarding the criteria in 17.64.010.B and 17.64.040.C also applies to this criterion. For the reasons discussed above, the Planning Commission concluded that this criterion was not met.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

3. Storm water management;

The applicant has not adequately addressed how the storm system will function in a high ground water table and how the existing water resource/wetlands will be maintained/recharged. There was considerable evidence from neighboring property owners, which the Planning Commission believes, that the high ground water and storm water problems in this area are considerable and that the proposed method of handling storm water has not been demonstrated to be adequate. The applicant's proposed system does not appear to take into account the existing problems, as detailed by the public testimony at the hearing. The studies relied on by the applicant are over five years old and, in the Planning Commission's view, are not as reliable as current testimony from residents who live in the vicinity and experience the difficulty caused by the storm water problems and high ground water. The Planning Commission therefore concludes that this criterion was not met.

4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;

The applicant proposes that all traffic from this site exit onto Rose Road, a dead end local street. Although the City's traffic regulations require this, the development of this PUD will present a problem on Rose Road because of the dense nature of the westerly portion of the property. As noted previously, because of the location of the open space resources, the housing at the west end will be denser than the surrounding properties and will contribute to excessive traffic

on the local road. Therefore, the Planning Commission concludes that this criterion has not been met.

Consistency with the Comprehensive Plan

Natural Resources/Natural Hazards: Preserve and manage our scarce natural resources while building a liveable urban environment.

The applicant has proposed to capture existing subsurface water in trenches and direct the water to the existing wetlands and to provide storm water retention and detention in four underground tanks and two above ground storm ponds and release the storm water into the wetlands per Oregon City storm water design standards.

The Planning Commission determines that the applicant has not adequately demonstrated that the proposed storm system will preserve the wetlands on the site nor alleviate the high ground water on the site to help provide a livable urban environment. The applicant has not demonstrated that the natural retention storage capacity will be preserved or that the proposed development will maintain the existing water flows into the existing wetland. The testimony of the neighboring residents, which the Planning Commission believes, demonstrates current significant issues with water flow in the area, related to both the storm water runoff and high water table. The applicant's explanation of the adequacy of its development to handle these flows was not adequate to demonstrate that this development will preserve the wetlands affected by the proposed PUD.

7. *South Rose Road area: (3-1E-1, tl 2000, 3-1E-1CD, 3-1E-12B) Description: This area is shown on the SCS maps as having a high proportion of Delena Soils. There is also evidence of wet soils/high water table in this area. Determinations will be required for any development in this area.*

The applicant has not addressed how the high ground water affect the function of the detention ponds, such as special construction requirements, storage volume, and pond function nor how the site will be designed to allow development on the site without future flooding to the new housing nor have the affects/relationship of the high water table and on site wetlands been adequately demonstrated and protected to prevent the wetland from being negatively impacted.

17.64.120.B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone, such as Chapter 17.44 or 17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter;

Consistency with the Water Quality Resource Area Overlay District

Chapter 17.49 Water Quality Resource Area

This response addresses Section 17.64.120.B of the PUD and Section 17.49 – Water Resource Overlay District concerning the denial of File WR 03-01.

The applicant has proposed to protect the delineated water resource located on the property by complying with the criteria of the Oregon City Municipal Code, Chapter 17.49 – Water Resource Overlay District, which implements the goals and policies of the Comprehensive Plan. The applicant has proposed to develop a Planned Unit Development on the subject site, which includes the designation and preservation of open space, the incorporation of the natural water resource feature in the site design, providing resource restoration and creation, and the preservation of the natural retention storage capacity of the land.

The Planning Commission has determined that the applicant has not supplied adequate information required to protect the water resource areas and the 50-foot vegetated corridor buffers. Based on the testimony and evidence presented by neighboring residents, which the Planning Commission believes, the applicant has not demonstrated that the natural retention storage capacity will be preserved or that the proposed development will maintain the existing water flows into the existing wetland. The applicant has not addressed how the high ground water affects the function of the detention ponds, such as special construction requirements, storage volume, and pond function. The applicant has indicated that the mitigation plan primarily consists of vegetation enhancements. The applicant has not demonstrated that the proposed mitigation/storm water facility design would provide an equivalent quantity of water to replenish the wetlands for the natural runoff that will be directed to the storm water facilities. It appears this will negatively impact the existing wetlands on the site and downstream due to a reduction of natural water flows and potentially resulting in the reduction of the size of the existing wetlands and loss of existing wetland vegetation on the site. The proposed mitigation plan appears to be inadequate to prevent a negative impact to the existing Water Quality Resource Area.

The applicant has not adequately addressed the impacts and feasible mitigation that is necessary to maintain the current hydrology and runoff levels into the wetland areas and the impacts to the we' soils - high water table located on the site. The applicant's mitigation plan does not provide sufficient information concerning the adverse impacts associated with development on the wet soils - high water table. The applicant has not indicated the impacts of developing on the wet soils – high water table nor the relationship of the wet soils – high water table and the on site wetlands.

17.64.120.E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning. (Ord. 00-1005 §11, 2000: Ord. 97-1024 §1(part), 1997)

This criterion is addressed in section 17.64.040.C above. The Planning Commission concluded that this criterion was not met.

CHAPTER 17.60 - VARIANCES

The variance request was to reduce the minimum 3-foot candle pathway lighting standard as required by OCMC 12.24.040.D for the interior pathways within the PUD. Because the PUD was rejected by the Planning Commission, the variance must also be rejected, although the Planning Commission would be willing to grant such a variance if the PUD were to be approved.

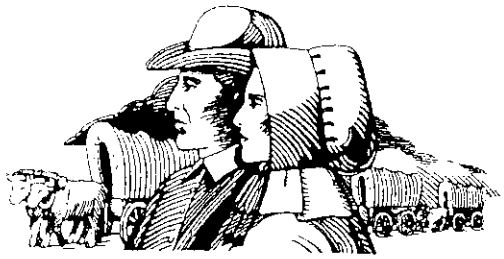
CONCLUSION

For all of the above reasons, the Planning Commission concludes that the proposed Planned Unit Development, Water Quality Resource Overlay determination, and Variance requests are **DENIED.**

CITY OF OREGON CITY

Land Use Decision

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



NOTICE OF TYPE III LAND USE DECISION
File No. AP 03-06 (Appeal of Planning Files PD 03-01 and WR 03-01)
DATE OF DECISION: October 1, 2003

APPLICANT: Paul Reeder
10893 Forest Ridge Lane
Oregon City, OR 97045

REPRESENTATIVE:

Sisul Engineering, Inc.
Tom Sisul
375 Portland Avenue
Gladstone, OR 97027

Davis Wright Tremaine LLP
Eugene L. Grant
1300 SW 5th Avenue, Ste. 2300
Portland, OR 97201-5630

REQUEST: The applicant is requesting approval of a 76-unit Planned Unit Development and a Water Resource Overlay District determination and mitigation plan.

LOCATION: The 2 subject sites are located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700.

CONTACT: Tony Konkol, Associate Planner

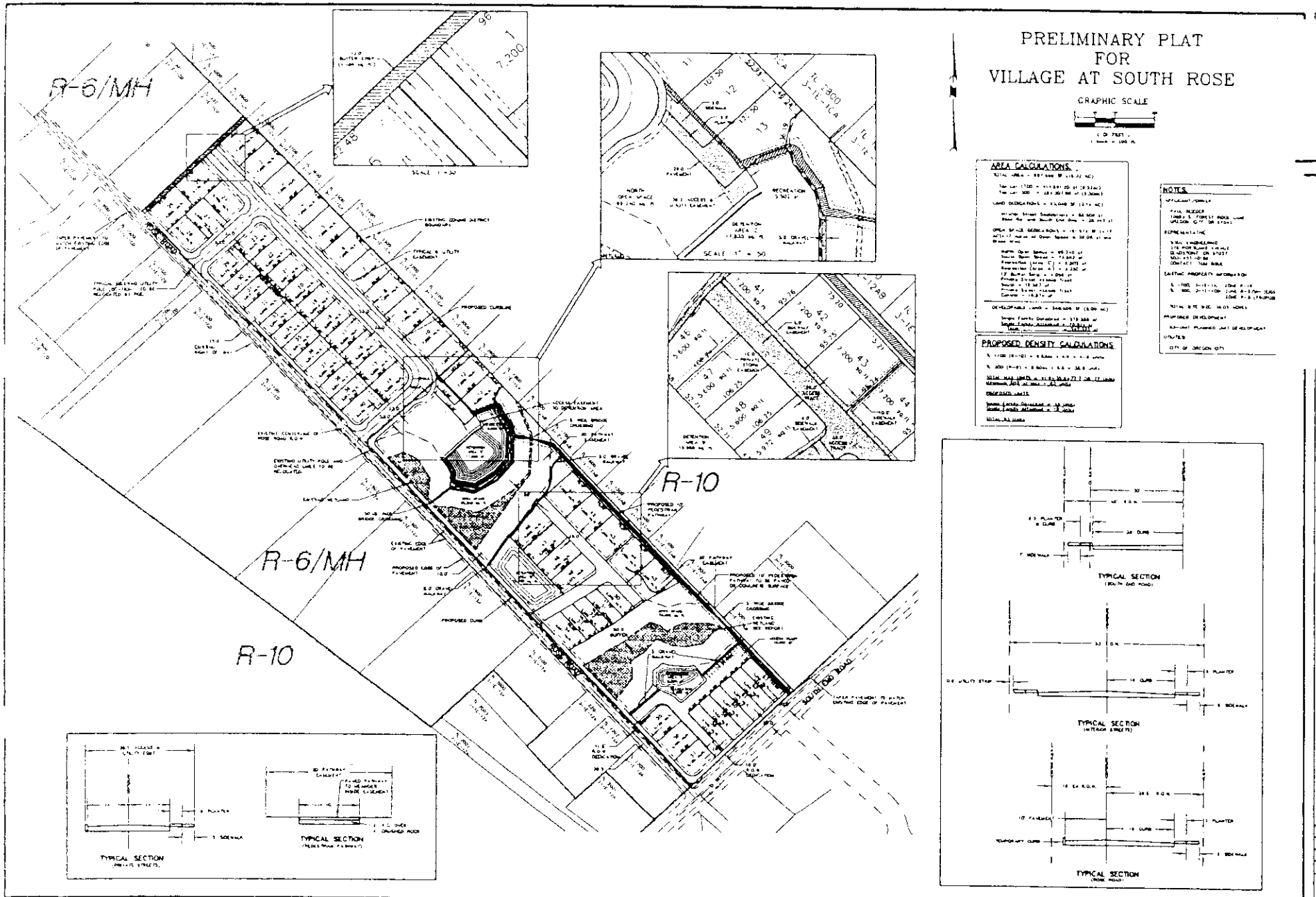
DECISION: On October 1, 2003, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the Commission concluded that the Planning Commission was correct and that the criteria for the approval of a Planned Unit Development and Water Resource Determination had not been met. Accordingly, the City Commission entered a final order affirming and adopting as its own the Findings of Fact, Conclusions of Law and Final Order of the Planning Commission in File Numbers PD 03-01, WR 03-01, and VR 03-11 with the following paragraph to be added at page 4 of the Planning Commissions Final Order immediately preceding the discussion of 17.64.010(B):

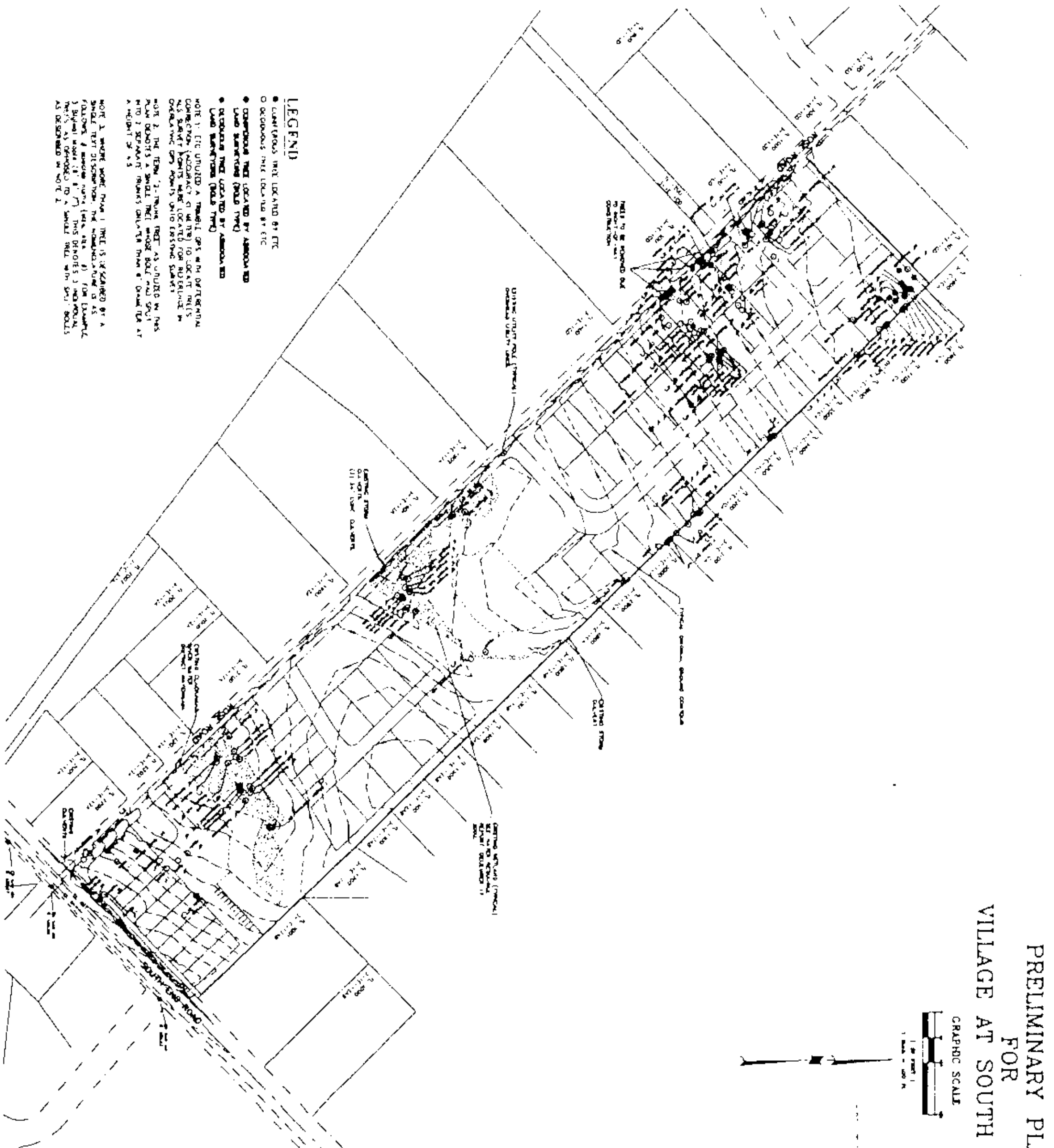
This criterion requires a finding that the proposed PUD facilitates the "efficient and economic use of land." The Commission interprets this standard as including consideration of whether the proposed PUD results in an "integrated urban community" that operates as a "cohesive whole." This proposed PUD creates three separate development areas that are neither an integrated urban community, nor a cohesive whole. The City Commission concludes that this criterion is not met.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

The application, decision, and supporting documents are available for inspection at the Oregon City Pla
Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these do

Exhibit 3


PRELIMINARY PLAT
FOR
VILLAGE AT SOUTH ROSE
GRAPHIC SCALE
AREA CALCULATIONS
PROPOSED DENSITY CALCULATIONS
NOTES
R-6/MH
R-10
R-6/MH
R-10
SOUTH ROSE ROAD
TYPICAL SECTION
TYPICAL SECTION
TYPICAL SECTION
TYPICAL SECTION
TYPICAL SECTION
Exhibit 4
Site Layout Plan
SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188
DATE Dec 2002
SCALE 1"=100'
DRAWN DR
JOB SCL 00-107
SHEET 1
OF 6 SHEETS



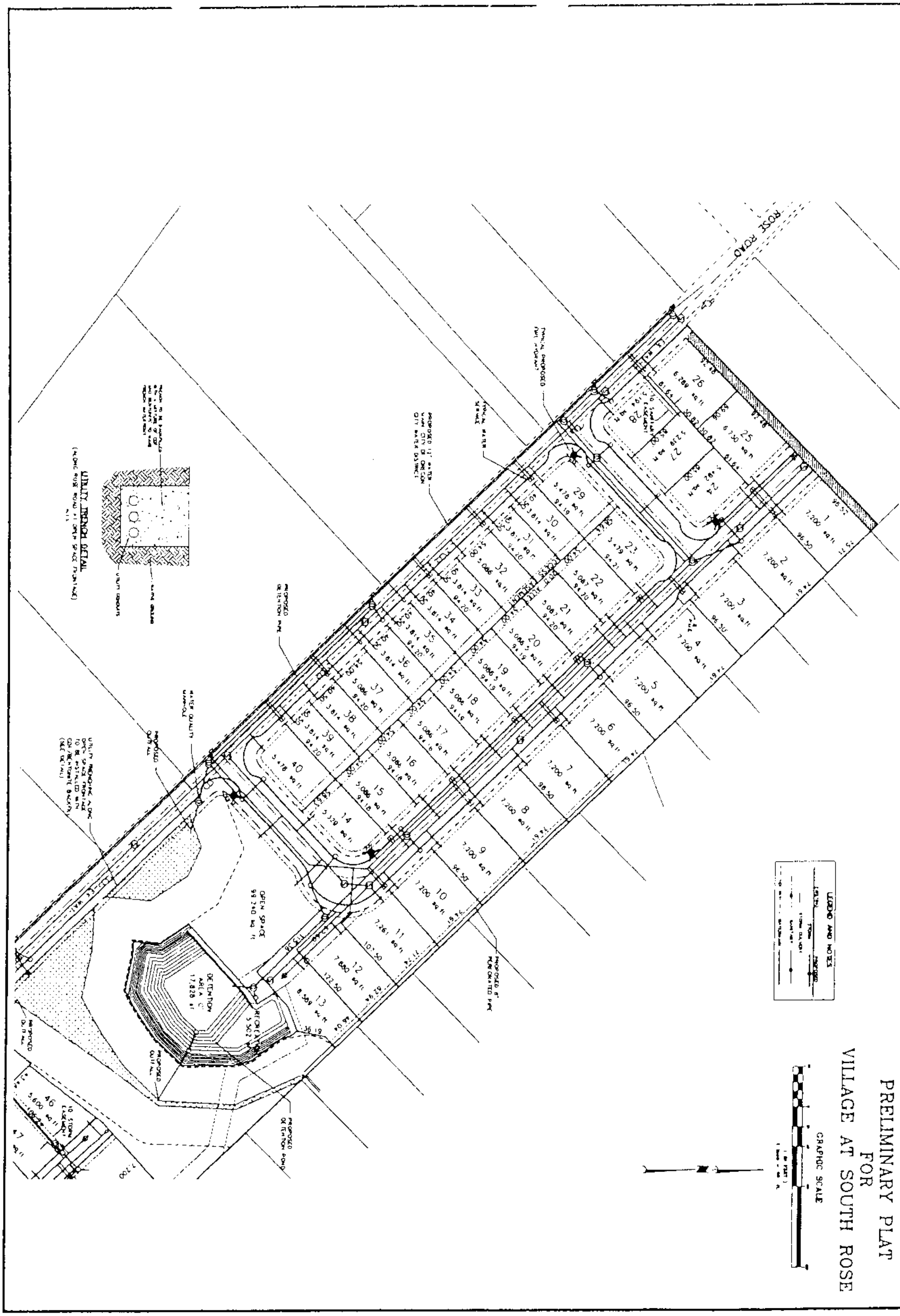
SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE OREGON 97027
(503) 657-0188

Existing Conditions

VILLAGE AT SOUTH ROSE

PAUL REEDER

SHEET 2



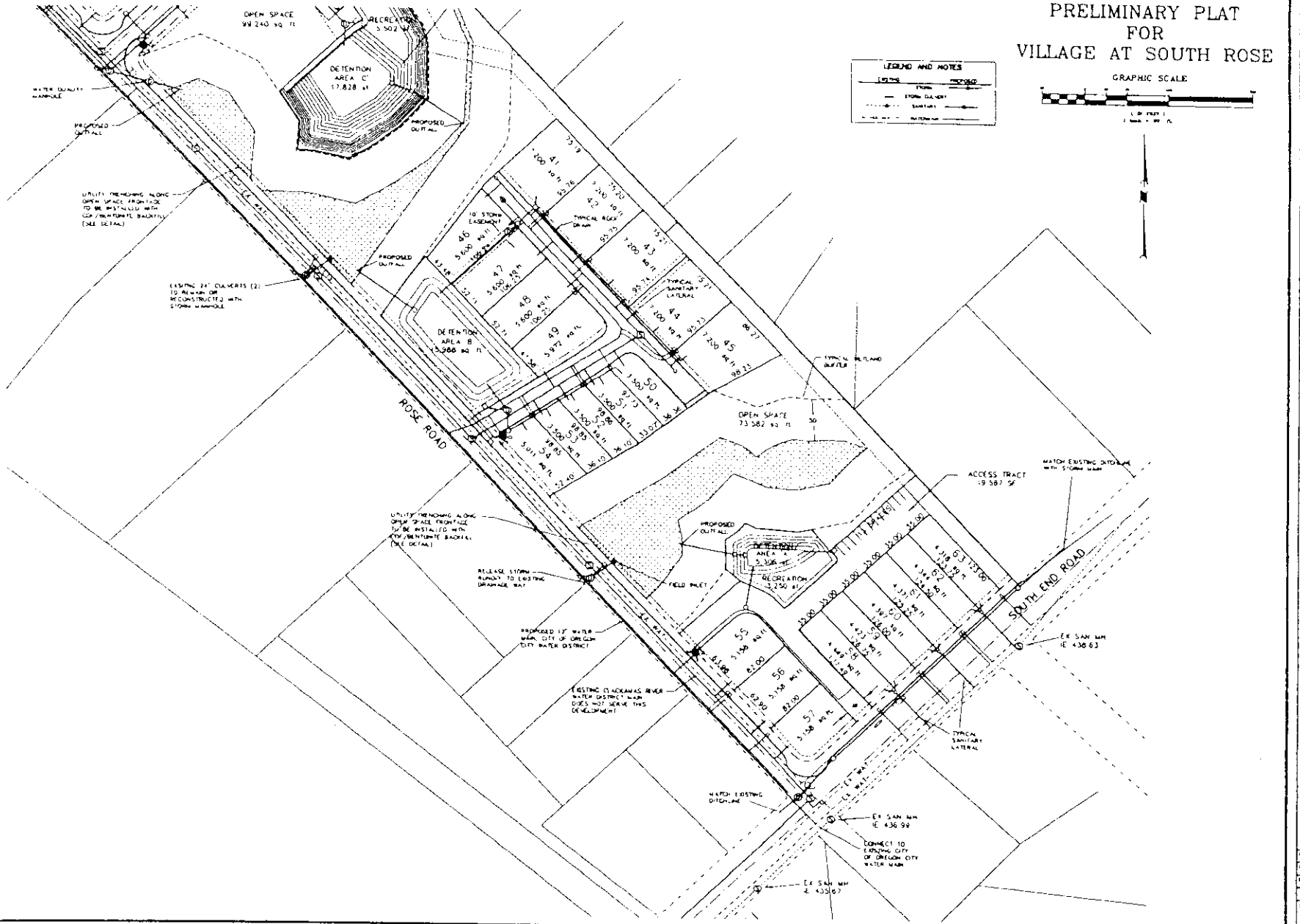
SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE OREGON 97027
(503) 657-0188

Proposed Utility Plan
(North)

VILLAGE AT SOUTH ROSE

PAUL REEDER

SHEET 3



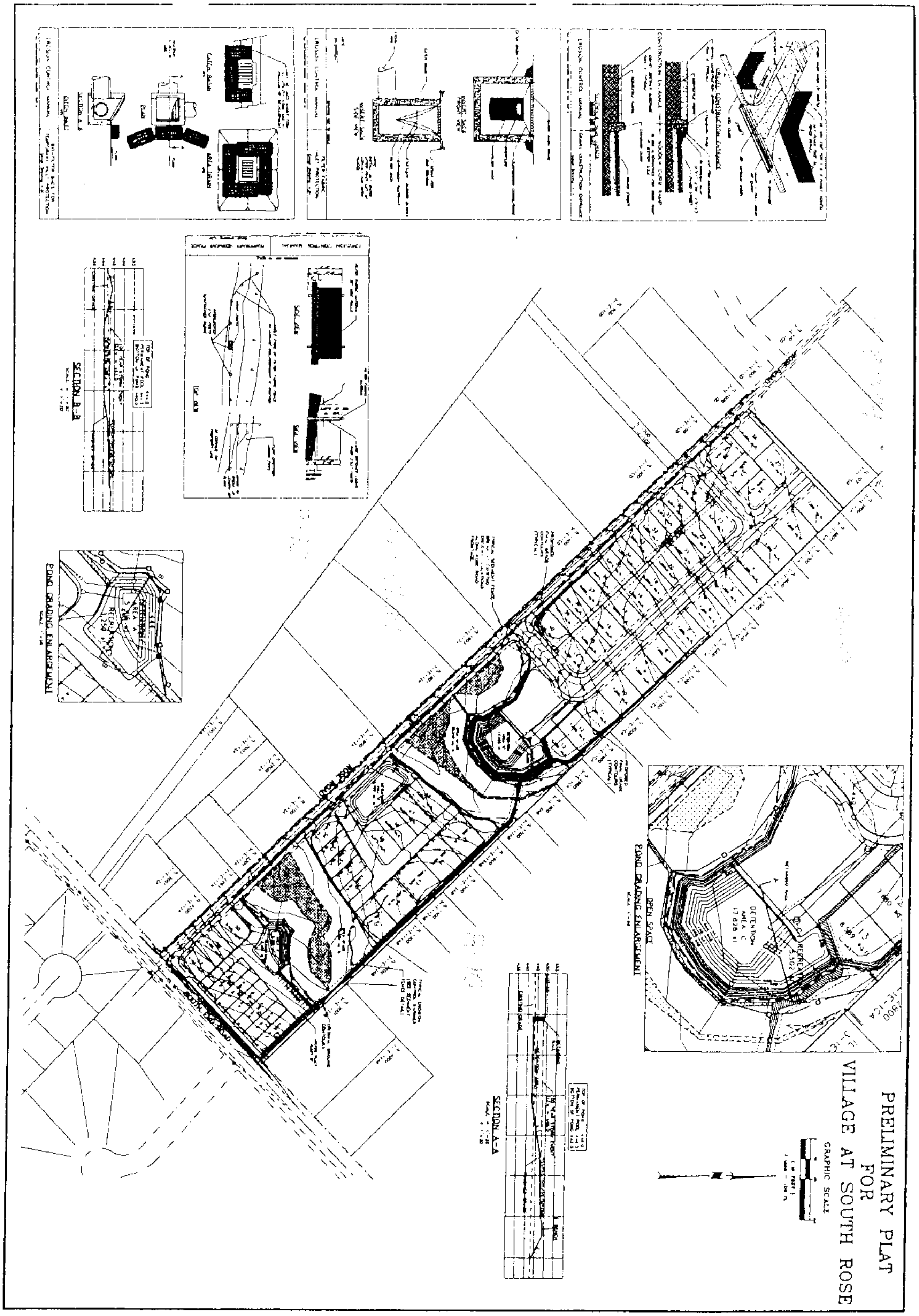
VILLAGE AT SOUTH ROSE

PAUL REEDER

Proposed Utility Plan
(South)

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

DATE: Dec 2002
SCALE: 1"=50'
JOB: SOL 00-107
SHEET: 4



SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

Grading and Erosion Control Plan

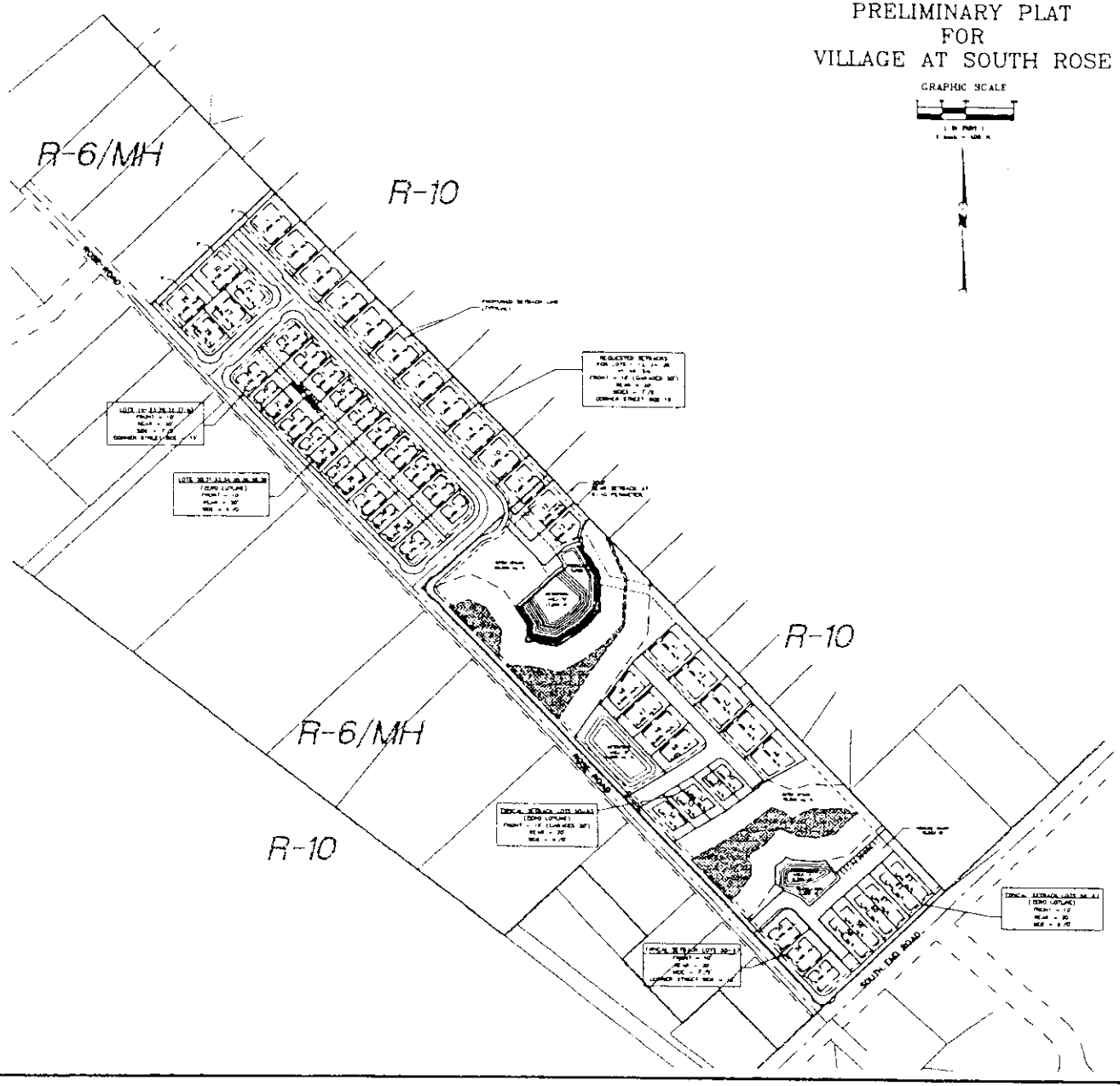
VILLAGE AT SOUTH ROSE

PAUL REEDER

SHEET 5

PRELIMINARY PLAT
FOR
VILLAGE AT SOUTH ROSE

GRAPHIC SCALE



VILLAGE AT SOUTH ROSE

PAUL REEDER

Proposed Setbacks

ISUL ENGINEERING

DATE Dec 2002

SCALE 1" = 80'

JOB SOL 00-101

SHEET 6

WATER RESOURCES REPORT

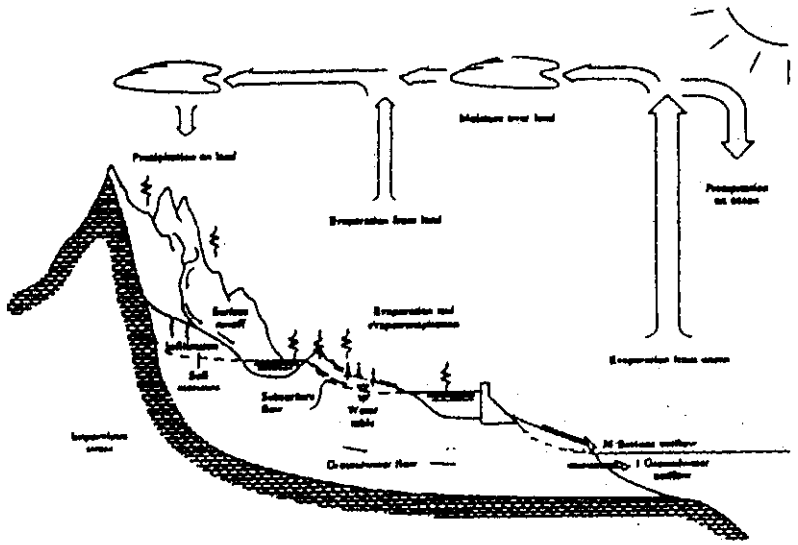
FOR

PROPOSED VILLAGE AT SOUTH ROSE;
OREGON CITY, OREGON

PREPARED FOR

PAUL REEDER
10893 S FOREST RIDGE ROAD
OREGON CITY, OR 97045

May 4, 2004



***e**nvironmental **t**echnology **C**onsultants*

A Division of Stsul Enterprises, Inc. (an Oregon Corporation)

Creating Tomorrow's Environment · Today

www.envirotechcons.com

1924 Broadway, Suite A Vancouver, WA 98663

Phone: (360) 696-4403 FAX: (360) 696-4089 e-m

Exhibit 5

WATER RESOURCES REPORT

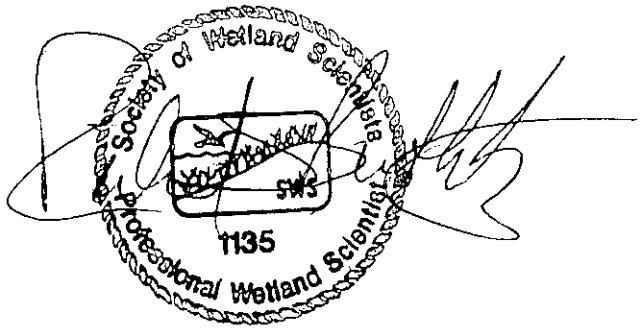
For

Proposed Village at South Rose
Tax Lots 1700, 300; Rose Road
Oregon City, Oregon

Prepared for:
Paul Reeder
10893 S Forest Ridge Rd
Oregon City, OR 97045

May 4, 2004

Evaluated by: D M. H



Environmental Technology Consultants
1924 Broadway, Suite A Vancouver, WA 98663
(360) 696-4403 FAX (360)696-4089
E-mail: etc-vancouver@qwest.net

TABLE OF CONTENTS

PROJECT, SITE DATA, AND EVALUATION SUMMARY

Site: Tax Lots 1700, 300; Rose Road; Oregon City, Oregon

ETC Project Number: EVA-02-020

Project Staff: David Waterman, Richard Bublitz

Applicant: Paul Reeder
10893 S Forest Ridge Rd
Oregon City, OR 97045
(503) 650-8100

Owner: Same

Site Location: The site is located on the west side of Oregon City, Oregon, north of South End Road and adjacent to the east of Rose Road. Legal description: TL 1700, Section 12A, T3S, R1E, W.M.; and TL 300, Section 1CD, T3S, R1E, W.M. Lat: 45°19'57" Lon: 122°37'49".

Acreage: 16.0 acres

Topography: The site is located on a fairly flat terrace above the Willamette River. The site topography slopes mildly at 1 to 3% toward two broad swales in the central portion of the property. The swales drain in general from east to west across the site toward Rose Road, where the flow exits the site via culverts.

Land Use History: The property currently contains an old vacated home, and the remainder of the site is old pasture that is succeeding into brush. In conversation with an adjacent property owner, he indicated that the site was used as horse pasture in the past. The vegetative character of the site indicates that it may have been used as an apple orchard at some time in the more distant past. Other agriculture usage may also have occurred.

Adjacent Usage: The adjacent properties on all sides are older residential properties on fairly large lots. South End Road and Rose Road provide frontage to the site.

Waterways: None

Floodway: None

LWI Map Reference: City of Oregon City Local Wetland Inventory T3S R1E Sections 1 and 12

Other Wetland Determinations: 1997 delineation prepared by Rita Mroczek; approved by Oregon Division of State Lands on March 24, 1998.

Determination: The original delineation had mapped 1.1 acres of jurisdictional wetlands.

Wetland Classes: PFO1B/C, PSS1B/C, PEM1B/C

Introduction:

The subject property consists of two parcels totaling 16.0 acres in Oregon City, Oregon with the following legal descriptions: TL 1700, Section 12A, T3S, R1E, W.M.; and TL 300, Section 1CD, T3S, R1E, W.M. The City of Oregon City Water Quality and Flood Management Areas Map (Exhibit A, Ordinance 99-1013) shows protected water features and associated vegetated corridors on the site. Therefore a water resources report is required in accordance with Oregon City Municipal Code (OCMC) 17.49 for any proposed development on the parcel.

A wetland delineation was performed in 1997 by Rita Mroczek and was approved by the Oregon Division of State Lands on March 24, 1998. In accordance with Oregon Division of State Lands regulations, approved delineations are valid for a 5-year period. An additional scope of our investigation was to reinvestigate the wetland boundaries as per the criteria outlined in OAR 141-090-0045, as the project has extended beyond the 5-year valid period (ending March 24, 2003).

Environmental Technology Consultants was contracted to perform the water resource investigation by Sisul Engineering, agent for the applicant. Field investigations were performed on October 28, November 8, and November 21, 2002. A Water Resources Report was prepared by ETC, dated December 17, 2002. In the meantime the project has undergone design changes, resulting in numerous addenda being prepared by ETC. This document has incorporated the assessment from the original report, the pertinent portions of the various addenda, and addresses the most recent project design to provide a comprehensive Water Resources Report for the Village at South Rose.

Protected Water Feature Description / Vegetated Corridor Width Determination:

Two drainage courses traverse the site in a general east to west direction. The "Protected Water Features" as regulated by OCMC 17.49 primarily consist of jurisdictional wetlands along these two drainage courses. In addition to the wetlands directly associated with the drainage courses, one lobe of wetland was delineated north of the northernmost drainage course. A total of 1.01 acres of wetland were delineated onsite and surveyed during the original investigation.

The upper portion of the northernmost drainage course (~200 linear feet) consists of delineated wetlands of uniform width within the banks of the ditch with no adjacent wetlands. Plot 8 was sampled within the ditch and did meet the three criteria of a jurisdictional wetland.

In accordance with Table 1 of OCMC 17.49, the jurisdictional wetlands fall into the category of "All Other Protected Water Features". The adjacent slopes are clearly less than 25% as shown on the attached Figure 1 (slopes are in the range of 1 to 3%). Therefore the vegetated corridor width for the wetlands is 50'. One exception is the eastern portion of the northermost drainage course that consists of a ditch with no adjacent wetlands. Many ditches meet wetland hydrology and hydric soil criteria, and when vegetation is present, commonly meet hydrophytic vegetation criteria also. But even though all three wetland criteria were met, it is a channelized feature conveying flows from a naturally occurring drainage course that was present prior to ditch construction. Therefore it generally meets the criteria outlined in the OCMC definition for a stream. In accordance with Table 1 of OCMC 17.49, wetlands have 50' vegetated corridors and intermittent streams with slopes less than 25% and which drain less than 100-acres have 15' vegetated corridors. (The adjacent slopes are less than 25% as shown on Figure 1 and the basin feeding this feature is approximately 52-acres as determined by analysis of the South End Basin map from the City of Oregon City.) Given the degraded character of this feature and the fact that it generally meets the criteria of an intermittent stream as defined by OCMC 17.49, we originally concluded that the 15' vegetated corridor is the most appropriate. However Oregon City staff determined

that the ditch would be treated as a wetland, and therefore the 50' buffer would apply as elsewhere on the site. Therefore the plans in this document show a 50' buffer around the ditch.

Assessment of Water Quality Resource Area:

The Water Quality Resource Area consists of the Protected Water Features and their associated vegetated corridors. There are two distinct Water Quality Resource Areas on the subject property, and they will be described separately below.

1. Southernmost Water Quality Resource Area

   This wetland is fed primarily by stormwater from upgradient development, which enters the site via a concrete culvert on the northeast property line. Natural runoff and infiltrated shallow groundwater from a portion of the subject property also contribute to the hydrology of this feature. It appears that continuing upgradient development to the north along South End Road has cut off a portion of the small upgradient basin that formerly fed this feature, although the area still meets the three criteria of a jurisdictional wetland. A 12" concrete culvert transports water from this drainage course to the west across Rose Road.

   A vegetation map for this resource area is included as Figure 2 in Appendix A. Several native associations of plants are present within the wetland. The highest quality area is at the lower end of the wetland and includes an overstory of *Fraxinus latifolia* (Oregon Ash, FACW) and a dense thicket of *Spiraea douglasii* (Douglas' Spiraea, FACW) in the understory. This association is identified on Figure 2 as *Fraxinus-Spiraea*. Just above this is a small grove of fairly large *Populus balsamifera* (Black Cottonwood, FAC) trees. This area is identified as *Populus* Grove on Figure 2. The remainder of the wetland is of marginal quality consisting primarily of non-native pasture grasses such as *Agrostis* sp. (Bentgrass species, FAC), *Holcus lanatus* (Common Velvet Grass, FAC), and *Festuca arundinacea* (Tall Fescue, FAC-). A common associate with the pasture grasses within the wetland is *Ranunculus repens* (Creeping Buttercup, FACW) in areas where hydrology is the strongest. This association is identified as *Pasture – Ranunculus* on Figure 2.

   The vegetated corridor beyond the wetland is generally of poor quality. The 50' corridor on the south side of the wetland consists primarily of non-native pasture grasses. There are several small dense thickets of *Rubus discolor* (Himalayan Blackberry, FACU) identified as *Rubus* Thicket on Figure 2, along with an area of recent *Rubus* colonization (approximately 15% cover). A small thicket of *Crataegus monogyna* (English Hawthorn, FACU+) also extends into the south side of the vegetated corridor. The vegetated corridor on the north side of the wetland is primarily pasture that has colonized with *Cytisus scoparius* (Scotch Broom, UPL) at percentages of 25 to 30%, along with lower percentages of *Rubus discolor*. Sparse *Malus sylvestris* (Common Apple) trees are present in this association as well. One large thicket of *Rubus discolor* was present, identified as *Rubus* Thicket on Figure 2. An association identified as *Malus-Crataegus-Rubus* was also present, consisting of a low canopy of *Malus sylvestris* and *Crataegus monogyna*, with a dense understory of *Rubus discolor*.

   In accordance with Table 2 of OCMC 17.49, the entire vegetated corridor associated with the southernmost water quality resource area meets the "Degraded" classification. The area generally lacks a tree canopy, and the vegetation is almost entirely non-native (pasture grasses, *Cytisus scoparius*, *Rubus discolor*, *Crataegus monogyna*).

Summary of vegetative conditions in Southernmost Water Quality Resource Area:

% Tree Canopy:	5% total
% Shrub cover:	25% total (primarily non-native)
% Groundcover:	90% total
Nuisance plants present:	*Rubus discolor* (Himalayan Blackberry), *Cytisus scoparius* (Scotch Broom), *Crataegus monogyna* (English Hawthorn)
Other plants present:	*Fraxinus latifolia* (Oregon Ash), *Populus balsamifera* (Black Cottonwood), *Malus sylvestris* (Common Apple), *Spiraea douglasii* (Douglas' Spiraea), *Agrostis* sp., (Bentgrass species), *Festuca arundinacea* (Tall Fescue), *Holcus lanatus* (Velvet Grass), *Dactylis glomerata* (Orchard Grass)

2. Northernmost Water Quality Resource Area

This wetland is also fed by primarily by offsite stormwater runoff from developments to the north of the site, which enters the subject property via a concrete culvert along the north property line. The basin that currently feeds this drainage course is larger than the southern drainage course, and thereby hydrology is considerably stronger in this feature. Flows exit the site via two parallel 24" culverts that transport the water to the west side of Rose Road.

A vegetation map for this area is included as Figure 3 in Appendix A. Within the delineated wetlands, the highest quality vegetation communities consist of two groves of *Fraxinus latifolia* (Oregon Ash, FACW), identified as *Fraxinus* Grove on Figure 3. The trees are generally in the range of 4 to 8 inches diameter, which may indicate that the groves are fairly young; or that the dense trees have resulted in stunted growth due to competition for light; or that growing conditions are not otherwise favorable. The understory in these areas consists primarily of *Spiraea douglasii* (Douglas' Spiraea, FACW), *Crataegus monogyna* (English Hawthorn, FACU+), *Rosa* sp. (Rose species), and *Rubus discolor* (Himalayan Blackberry, FACU). *Phalaris arundinacea* (Reed Canary Grass) has colonized the *Fraxinus* Grove along the main drainage corridor in substantial percentages. Within the drainage corridor, just above the *Fraxinus* grove, the ditch is more defined and the vegetation in the bottom of the ditch consists of pasture grasses along with *Ranunculus repens* (Creeping Buttercup, FACW). The side banks of the ditch consist of *Spiraea douglasii*, *Rosa* sp., and *Rubus discolor*. Further upstream the ditch is covered by a dense thicket of *Rubus discolor*.

North of the drainage corridor a lobe of wetland was delineated. This area appears to be in a transitional state from wet to dry hydrologic conditions as evidenced by the significant percentages of non-hydrophytic species in the area. This wetland does not have a connection to the main wetland along the drainage course except via the roadside ditch along Rose Road. The majority of the lobe is covered with a dense grove of fairly young *Fraxinus latifolia* (Oregon Ash, FACW) along with *Crataegus monogyna* (English Hawthorn, FACU+) in lower percentages. The shrub stratum is dominated by *Spiraea douglasii* (Douglas' Spiraea, FACW) and *Rubus discolor* (Himalayan Blackberry, FACU). Other shrubs present include *Malus sylvestris* (Common Apple, UPL), *Quercus* sp. (Oak species), and *Cytisus scoparius* (Scotch Broom, UPL). The herbaceous stratum is dominated by FAC pasture grasses with *Polystichum munitum* (Sword Fern, FACU) and *Fragaria virginiana* (Wild Strawberry, FACU) also common.

The vegetated corridor beyond the wetlands is generally of poor quality. The upper portion of the drainageway is surrounded by a narrow vegetation association identified as *Crataegus-Malus-Rubus* on Figure 3. This association consists of a low overstory of *Crataegus monogyna* (English Hawthorn, FACU+) and *Malus sylvestris* (Common Apple, UPL) providing 50 to 65% canopy coverage with an understory of dense *Rubus discolor* (Himalayan Blackberry, FACU). The remainder of the vegetated corridor is primarily pasture that has colonized with *Cytisus scoparius* (Scotch Broom, UPL) with lower percentages of *Rubus discolor*. The cover percentage of *Cytisus scoparius* ranges from 20% up to 75%. Different hatching patterns are shown on Figure 3 to demarcate different percentages of *Cytisus scoparius*.

In accordance with Table 2 of OCMC 17.49, the entire vegetated corridor associated with the southernmost water quality resource area meets the "Degraded" classification. The only portion with any substantial canopy is the narrow *Crataegus-Malus-Rubus* association, and the canopy is almost entirely non-native species. The *Rubus discolor* (Himalayan Blackberry) in the understory is a noxious invasive non-native species. Beyond this association, the vegetation consists of non-native pasture grasses and noxious invasive species, primarily *Cytisus scoparius* (Scotch Broom). As the entire area has greater than 10% coverage with non-native species, it meets the "Degraded" classification.

Summary of vegetative conditions in Northernmost Water Quality Resource Area:

% Tree Canopy:	15% total
% Shrub cover:	50% total (primarily non-native)
% Groundcover:	80% total
Nuisance plants present:	*Rubus discolor* (Himalayan Blackberry), *Cytisus scoparius* (Scotch Broom), *Crataegus monogyna* (English Hawthorn), *Phalaris arundinacea* (Reed Canary Grass)
Other plants present:	*Fraxinus latifolia* (Oregon Ash), *Malus sylvestris* (Common Apple), *Spiraea douglasii* (Douglas' Spiraea), *Rosa* sp. (Rose species), *Quercus garryana* (Oregon White Oak), *Agrostis* sp., (Bentgrass species), *Festuca arundinacea* (Tall Fescue), *Holcus lanatus* (Velvet Grass), *Dactylis glomerata* (Orchard Grass), *Polystichum munitum* (Sword Fern), *Fragaria virginiana* (Wild Strawberry)

Fish and Wildlife Resources in the Water Quality Resource Areas

The subject property drainage courses were most likely non-channelized wetlands in their historic condition. These wetlands currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

According to www.streamnet.org, which contains data obtained from Oregon Department of Fish and Wildlife and other sources, the Beaver Creek system is utilized by fish only at the lower end of the stream below Sevcik Pond. There is probably a dam or similar in-water structure that impounds water in the pond that precludes fish passage upstream from that location. Based on the available data, fish utilization does not occur until 4 miles downstream from the subject property wetlands. Onsite investigation did not reveal any evidence that the subject property wetlands were suitable for fish habitat.

Due to the generally poor habitat conditions within the water quality resource areas, other wildlife utilization is also limited. As described above, the water quality resource areas consist of several groves of trees, but are primarily pasture with colonizing noxious invasive species. Features that are generally conducive to wildlife utilization include the following: well developed vegetative strata (tree overstory, tree understory, shrub understory, and groundcover), vegetative diversity on the vegetative strata present, high food value plant species present, structural habitat elements (snags, down woody debris, water features, rock outcroppings), positive edge character, limited disturbance, size and connectivity to other habitat areas. The onsite wetlands and vegetated corridors provide little of these habitat features. The several groves of dense young *Fraxinus latifolia* (Oregon Ash) trees do provide small islands of habitat for birds, with cover and nesting opportunities available. The small grove of larger *Populus balsamifera* (Black Cottonwood) also provides nesting opportunities and may provide potential for cavity nesting in the future if a tree gets topped or eventually dies and becomes a snag. The site is fairly disturbed, with suburban development on all sides. Based on the onsite investigations, we expect that the site is utilized by common wildlife species that inhabit open space in urban and suburban areas: songbirds, predatory birds (primarily hawks), rodents (mice, voles, etc.), squirrels, other small mammals (rabbits, raccoons), and probably common frogs such as Pacific tree frog.

Impact Analysis

[Note: The following impact analysis describes impacts to the resource areas that would potentially result if not mitigated. The impact analysis is intended to identify the potential losses of functions and values resulting from the proposed development in order to adequately design the mitigation project to offset those losses. Where design elements of the project are discussed in this section that involve mitigation of the described impacts, they are shown in italic type. Otherwise the mitigation is discussed in the Mitigation Plan section of the report. The net impact after mitigation is intended to be positive. In other words, in the post-development post-mitigation scenario the net functions and values of the resource areas are intended to be improved.]

A. Indirect impacts to functions and values of the Water Quality Resource Areas resulting from site development

The direct impact of filling wetlands is described in subheading (B) below. But development beyond the resource areas also has an indirect impact on the resource areas, particularly as relates to hydrologic conditions.

- Hydrology alteration

  The areas of the site that are proposed to be developed currently provide a portion of the basin that feeds each of the drainage courses. (The remainder of the basins are offsite to the north.) In the southernmost wetland a relatively large portion of the existing basin that feeds the feature is onsite. If stormwater was picked up from the development and discharged at an outlet point that bypassed the wetlands (*eg*, at the existing culvert locations along Rose Road), the wetlands would experience a drier hydrologic condition and vegetation conditions would be expected to change. *Therefore upon our recommendation the site engineer has designed the stormwater system to discharge into the wetlands following water quality treatment to prevent de-watering of the wetlands. In addition, any subsurface groundwater intercepted in utility trenches north of the wetlands will be drained into the wetlands to ensure that this groundwater continues to recharge the wetlands. (Described in greater detail in the mitigation section.)*

  Even with the stormwater system designed to discharge to the wetlands, as with any development that increases impervious surface area, flow rates will be higher, peaks will occur in less time, and total duration of the flow hydrograph will be less relative to the natural condition. The altered hydrograph has the potential to impact wetland hydrology. In the flow-through hydrologic systems present in both drainage courses, higher flows would be experienced but for less duration. The lower duration would result in less time for infiltration and while the total input volume (precipitation) would be approximately the same, the total volume of surface water output (storm runoff) would be greater. Subsequently lesser extended periods of saturation would be experienced after storm events. This hydrology alteration would also be translated to downstream areas in the Beaver Creek system, where synchronized flows from many developed sites have a cumulative impact on stream flows and channel conditions. *To mitigate this potential impact the detention system on the site was oversized, and the detention ponds contain multiple orifices for controlled release of stormwater, which better replicates natural outflow hydrographs than standard single-orifice detention.*

- Water Quality Impacts from Residential Usage

  Potential releases of oils, greases, car wash detergents, and household hazardous materials into storm drains or surface runoff potentially result in potential contamination of the receiving waters. Deleterious chemicals from pesticides and herbicides and nutrients from fertilizers and pet wastes can also be transported in surface runoff. Even if used in accordance with the manufacturer's directions, heavy precipitation events or precipitation events immediately after application may cause some migration into the resource areas. *Water quality treatment has been*

designed in the stormwater system to mitigate this impact. The vegetated corridor between the development site and the protected water features provides a filtration media that mitigates water quality contamination associated with surface runoff. An increase in pollutant concentration in the onsite water inputs is still likely as compared to natural conditions, but the wetland also has water quality treatment functionality which serves as a benefit for downstream receiving waters that have fish habitat.

- Water Quality Impacts during Construction

  Construction activities will result in temporary bare unvegetated surfaces. These surfaces have potential for severe erosion if rainfall occurs prior to establishment of vegetation, and particularly if rainfall intensities are high. Construction equipment can also track mud out onto paved surfaces where rainfall has the potential to wash the material into storm drains and subsequently into downgradient waterways. *To mitigate this, the perimeter of the construction areas will be fenced off within the water quality resource areas to ensure that no vegetated surfaces are damaged beyond the minimum necessary for construction. An erosion control plan to be approved by the City of Oregon City will be prepared by the civil engineer to include sediment fencing at the perimeter of the graded surfaces within the resource areas, surface scarification and hydroseeding of bare surfaces immediately after grading is complete, installation of gravel construction entrances and exit ways, bio-bags or similar features around catch basins, and any other erosion control elements required by the City of Oregon City.*

B. Direct Impacts to Water Quality Resource Areas

Direct impacts to the water quality resource areas include: (a) wetland fill for Rose Road improvement; (b) detention pond / recreation area encroachment into the vegetated corridor; (c) pathway crossing the resource areas.

- <u>Wetland Fill for Rose Road Improvement</u>

  Wetland impacts for the widening of Rose Road with associated infrastructure comprise 7,561 square feet of wetland to be filled.

  The highest quality portions of the wetlands to be impacted are the *Fraxinus* groves. As shown on the vegetation maps, there are three distinct groves of young *Fraxinus latifolia* (Oregon Ash) with an understory commonly dominated by *Spiraea douglasii* (Douglas' Spiraea). Each of the three groves will be impacted. The following table describes the functions provided by the *Fraxinus* groves and the impacts to those functions:

Existing Function:	**Impact**:
Wildlife Habitat: Low / Moderate The groves provide small islands of habitat on the site. They are likely utilized by songbirds for roosting, cover, and feeding. Squirrels and other small mammals also likely utilize this area. Due to the small size of the groves the functionality is limited, but in the context of the larger landscape, the groves do provide some continuity with offsite forested open space within the Beaver Creek system.	The proposed impacts result in the loss of approximately 26% of the total area of the *Fraxinus* groves. This loss will limit the amount of wildlife that can utilize these features. Wildlife utilization can still be maintained at lower numbers onsite while the enhanced portions of the water quality resource areas develop.
Hydrologic control: Low/ Moderate All of the wetlands on the site are flow-through systems, and therefore the hydrologic control is somewhat limited relative to a depressional system. The low infiltration rate of the Delena soils in the wetlands also limits hydrologic control. The broad low-gradient surface characteristic in conjunction with dense vegetation does slow the velocity of water that flows through the area and increases retention time. The trees and brush also provide interception of precipitation which is a significant hydrologic control function.	If unmitigated, the loss of vegetated wetland surface area would result in less retention time in the system and less interception, thereby negatively impacting hydrologic control.
Water quality: Moderate The shallow sheet flow regime provides substantial contact with soil and vegetated surfaces, which is effective in naturally treating water.	The loss of wetland surface area results in less flow contact with soil and vegetated surfaces, and thereby negatively impacts water quality functionality for the downstream system. Any reduction in retention time in the system (as described above) also contributes to less water quality functionality.
Primary Production: Moderate Trees and shrubs in this area produce substantial leaf detritus and other down woody debris that provides organics to downstream areas primarily in the form of dissolved organic carbon.	The loss of trees and shrubs is a negative impact to the primary productivity of the system.

Table 1A: *Fraxinus* Groves; Functions and Impacts

- Detention Pond / Recreation Area Encroachment into Vegetated Corridor

  There is a fringe impact with a maximum encroachment width of 8' and a total area of 516 square feet near Detention Area "C". (This comprises a portion of the 2,093 square foot area shown as Impact "A" on Figure 4.)

  The vegetated corridors associated with the wetlands provide different functions and values than the wetlands. Most significantly, they are a means of protecting the wetlands from the potential impacts of adjacent development. The impacts described here are to the functions and values provided by the existing vegetated corridor.

Existing Function:	**Impact:**
Wildlife Habitat: Low The existing condition of the proposed vegetated corridor is degraded, with non-native pasture grasses and noxious invasive shrubs (Scotch Broom, Himalayan Blackberry) as the dominants. Rodents, rabbits, and predatory birds are the most likely groups that utilize the pasture.	Open space area will not be lost as a result of vegetated corridor fill; only the condition of the corridor will change. Even if the area was not planted, any vegetation association that would colonize the fill could hardly be considered of poorer quality than what is already present. *(Under the mitigation plan the condition of the vegetated corridor is to be improved.)*
Hydrologic control Under normal surface flow conditions, the vegetated corridor has no effect on the surface flows. The vegetated corridor does provide control in the form of precipitation interception.	If not revegetated, the loss of leafing parts from grasses, shrubs, and trees would have a negative impact on hydrologic control via interception.
Water quality: Moderate The dense grasses in the vegetated corridor would provide for adequate filtration of any runoff or shallow groundwater produced from the development site.	If not revegetated quickly, the fill slopes would provide little water quality filtration and would likely become a water quality detriment due to erosion and subsequent deposition. *(Planting in the mitigation plan and erosion control are intended to alleviate this potential impact.)*
Screening: Low/Moderate Dense vegetation in a vegetated corridor has the potential to reduce negative impacts associated with development on wildlife utilizing the wetlands. The pasture grasses provide negligible screening. The Scotch Broom and Blackberry provide screening that is good where it is densest and is marginal where it is less dense.	If not revegetated, the fill in the vegetated corridors would provide no screening.

Table 1C: Vegetated Corridor; Functions and Impacts

- Pathway Crossing the Resource Area

Impacts to the resource area from the pathway totals 4,159 square feet. (This figure takes into account the sum of impact areas "A", "B", and "C" minus the 516 square feet within impact "A" described in the subsection above.)

The path will have no direct impact on either of the Protected Water Features within the resource areas. A small pre-fabricated bridge will cross each water feature, with the footers to be established beyond the jurisdictional limits of the wetlands/waters. Construction equipment will not be allowed to directly enter or cross either the wetland or ditch. Therefore there will be no direct impact to water quality, wetland hydrology, or wetland vegetation within the protected water features.

The primary impacts are to the vegetated corridors beyond the protected water features. The path is 10' and is designed to be at grade and therefore no extensive excavation or fill will be required for path construction. For construction equipment access through the vegetated corridor a 15' wide swath will be fenced with temporary construction fencing to ensure that no impacts occur beyond the minimum necessary. Construction will be performed during the dry season to ensure that the ground surface is disturbed only minimally. Any disturbed ground beyond the asphalt will be seeded and planted as per the mitigation plan.

The existing functionality of the vegetated corridor is as described in Table 1C above. The following paragraphs analyze the impacts of the path on the specific functions and values provided by the vegetated corridor.

1. Wildlife Habitat

The poor quality of the existing vegetation where the paths cross results in minimal impact to wildlife utilizing the area. *Trees to be planted in the vicinity of the paths as per the mitigation plan will provide canopy cover over the paths, so the path area will not be lost as functional wildlife habitat.* The primary potential impact is disturbance and stress to wildlife caused by human and domestic pet presence along the path. Wildlife utilization of the site is largely confined to species that have adapted to conditions within urban and suburban areas, including songbirds, rodents, squirrels, small mammals such as raccoons and rabbits, and common frogs. Human and pet presence along the paths will cause no greater impact to wildlife than along the existing interfaces of the vegetated corridor with the development site. *The key feature to minimizing the impact on wildlife will be to restrict usage of the vegetated corridor to the path. We feel that installation of signs along the path will be adequate to minimize usage of the vegetated corridor beyond the path. If the area is in common ownership, we feel a certain amount of self-regulation can be expected by the citizens.*

2. Hydrologic Control

The path is proposed as an impervious surface, and therefore will not infiltrate water like undisturbed ground. *The best way to offset this is to establish canopy cover over the path to intercept precipitation, as proposed in the mitigation plan.*

3. Water Quality

The loss of 4,159 square feet of area where water would have contact with vegetation, duff, and soil does result in a minor water quality impact. *The key feature to mitigate this will be to design the path with some cross slope to prevent surface runoff from sheet flowing straight down the path and into the Protected Water Features.* Once the water from the path enters

the adjacent vegetated area, the water quality concern is negligible. One potential indirect impact to water quality from the path presence is the potential for pet waste near the path, which could result in nutrient and fecal coliform loading into the Protected Water Features. *Once again, we feel that signage is the best method for addressing this concern, requesting that people remove all pet waste, and we expect self-regulation by the residents to keep the water resource area in good condition.*

4. Screening

   Screening is a function that minimizes impacts between development areas and wildlife utilizing natural areas. The wildlife habitat concerns are addressed above.

Mitigation Plan

The impacts to the functions and values of the Water Quality Resource Area were described in the Impact Analysis section above. The mitigation has been designed to mitigate impacts associated with wildlife habitat, hydrologic control, water quality, primary production, and screening for each of the impacts described in the Impacts Analysis section.

Several aspects of mitigation were discussed in direct relation to the impacts in the Impact Analysis section of the report. These elements are outlined below, and as these features have already been discussed or are self-explanatory, no additional discussion is warranted :

- Stormwater system designed to discharge to the wetlands to avoid de-watering of the wetlands
- Detention ponds were oversized; multiple-orifice outlet designed to better mimic natural hydrographs
- Water quality treatment to the stormwater prior to outlet into the wetlands
- Erosion control will be in place and impact areas staked out with construction fencing in the vicinity of the resource areas prior to initiating site construction
- Signage along the pathway to restrict usage of the resource areas beyond the path and to require people to remove pet waste
- Path to be designed with cross slope to prevent surface runoff from concentrating in sheet flow and flowing straight down the path into the wetlands

The following mitigation elements warrant additional discussion.

- Addition of area along the perimeter of the vegetated corridors to account for the area lost to vegetated corridor impacts
- Collect groundwater intercepted by utility trenches and pipe this water to the wetlands to maintain hydrologic conditions
- Control noxious invasive species in the water quality resource areas, including the wetlands and the associated vegetated corridors.
- Enhance the functions and values of the existing wetlands that are to preserved; in particular the wildlife habitat and hydrologic control functionality.
- Enhance the functions and values of the proposed vegetated corridor between the wetlands and the development site; in particular the wildlife habitat and screening functionality.

A. Addition of area to the vegetated corridors

As shown on Figure 4, three areas were added beyond the existing 50' vegetated corridor, identified as Buffer Mitigation Area #1, #2, and #3. These three areas total 5,321 square feet. This is well in excess of the 4,675 square feet impacted with the detention pond encroachment and the pathway impacts, as described previously in the Impact Analysis section. (Impact Areas "A", "B", and "C" as shown on Figure 4.)

B. Collect groundwater intercepted by utility trenches and pipe this water to the wetlands

The high water table/wet soil is caused by a slowly permeable layer at a depth of approximately 33-36 inches with a permeability rate of 0.06-0.2 inches per hour in the Bornstedt silt loam covering most of the site. The water table in this soil is from 2.0-3.0 feet below ground during the winter and early spring. The wetland areas are composed of Delena silt loam with an extremely low permeable layer at a depth of approximately 2.0 feet. Permeability below the upper 2 feet is <0.06 inches per hour. The water table in the winter and early spring is from ground level to 18 inches below ground.

Groundwater travel in these soils is primarily horizontal, with a horizontal conductivity much greater than 3 times the vertical conductivity, which is the average horizontal conductivity factor for soils without a low conductivity layer in the sub soil. Due to the physical structure of the soil profile, water that infiltrates to the hardpan in lawns, the common areas and buffer areas adjacent to, and up gradient from, the wetland will discharge into the wetland via the same groundwater pathway as currently exists. The exception to this is areas where the groundwater flow will be intercepted by gravel or compacted native soil filled utility trenches. That water, up gradient from the wetlands, intercepted by compacted fill will follow the path of least resistance down gradient and eventually discharge to the wetland area, if in sufficient quantity to exceed the infiltration capacity of the low conductivity layer in the sub soil. Areas that drain into gravel filled utility trenches will follow the trench until it is either infiltrated or is discharged at some point along the facility to a shallow water table or a surface discharge point. It is recommended that any water that can be collected in sub surface drains within these trenches, and located at an elevation that will allow collection and subsequent discharge, be collected and discharged to the wetland areas. This system has been designed and is as shown on Figure 4. The intercepted groundwater will be released to the upper end of the northernmost wetland.

The lobe wetland will be reconnected with the northern wetland by construction of a ditch along Rose Road, the bottom of which will be at an elevation that will provide water exchange between the two wetland areas, but not low enough to drain either of the areas.

C. Noxious invasive species control

In the vegetated corridors where noxious and non-native species are predominant, prior to planting the ground will be bush-hogged to knock down the robust *Cytisus scoparius* (Scotch Broom) and Rubus discolor (Himalayan Blackberry). The vegetative parts will be removed from the area as best as possible, to be disposed of offsite, or burned onsite if allowed under city ordinance. In areas of existing tree cover where mechanical equipment may not be accessible, species will be cut down with hand-held equipment (weedeaters, brush cutters, machetes, etc.).

Crataegus monogyna (English Hawthorn) will be girdled at the trunk and a wick-applied herbicide will be applied to the cut surface. *Phalaris arundinacea* (Reed Canary Grass) will be initially treated with a spray-applied herbicide.

The treatments described above are an initial treatment that will need to be followed up with ongoing maintenance until the planted native vegetation becomes established. After the initial treatment, the first maintenance required will be when the cut stems of the *Rubus* species begin to re-leaf. At that time a spray treatment of Rodeo herbicide with R-11 surfactant will need to be applied to the leaves of the noxious invasives by a professional capable of distinguishing the native from the noxious species. An active maintenance plan of spraying should keep the noxious species from robust growth or spread, but if individuals show any substantial growth, they should be physically cut down as described above with herbicide treatments to follow. Future treatment of *Phalaris arundinacea* may involve additional herbicide treatments, or it may be possible after the area is inundated to physically uproot the *Phalaris*.

D. Wetland Enhancement

The wetlands will be enhanced for wildlife habitat functionality through plantings, with the intent to establish a higher value plant community than currently exists. Figures 5 and 6 are a schematic that show the wetland areas that will be planted. Details showing exact planting locations and planting specifications are included in a 24 x 36" plan set prepared by a landscape architect and included with the engineering plans. The wetland is generally intended to develop into a native forested community. Trees will be planted at an average of 15' spacing (average 5.5 per 1000 square feet). Where the dense *Fraxinus* already exist in the two groves, no additional tree plantings will be planted in these areas. Shrubs will be planted between the tree plantings at an average of 8 per 1000 square feet; a basis for herb development will be provided by seeding the wetland area with a native mix. The following table lists the species that are to be used in the plantings:

Stratum	**Scientific Name**	**Common Name**	**Location**	**Total #**
Tree	*Fraxinus latifolia*	Oregon Ash	Throughout	(155 total trees to be planted)
	Pinus ponderosa	Ponderosa Pine (Willamette Valley subspecie)	Fringe	
	Populus balsamifera	Black Cottonwood	Fringe	
Shrubs	*Cornus stolonifera*	Red-Osier Dogwood	Throughout	(885 total shrubs to be planted)
	Malus fusca	Pacific Crabapple	Fringe	
	Rosa nutkana	Nootka Rose	Fringe	
	Rosa pisocarpa	Wild-clustered Rose	Fringe	
	Rubus spectabilis	Salmonberry	Fringe	

Table 2A: Wetland Plantings

* Final planting plan will be subject to revision based on availability of plant stock; and federal, state, and local regulatory review of plans.

E. Vegetated Corridor Enhancement

All disturbed areas will be seeded, and all areas will be planted to establish a native vegetation community.

All disturbed surfaces within the Water Quality Resource Area are to be initially seeded with grasses to provide quick cover and water quality functionality. The primary objective of the seeding is to provide cover and good soil-holding capabilities; secondarily the seed chosen is of low growth character to provide little competitive stress to the woody plantings; thirdly, the seed mix chosen contains a percentage of native grass and herb species that will begin to have greater influence in the future when the woody vegetation develops and begins to alter the composition of the community. The seed mix also mimics associations that are normal and climax in developed and populated areas. The seed mix is not 100% native species because our experience has been that, in disturbed areas, native vegetation is not as competitive as noxious invasive weeds that would likely colonize the area if quick cover is not established. The grasses chosen, while generally not native, are not noxious invasives and will eventually give way to other groundcover species as the vegetation community develops. The seeding will be done immediately after disturbance. Depending on timing relative to when the woody plants will be installed, the area will be either hydroseeded or broadcast seeded with straw mulch or similar placed on top. Irrigation will also be contingent on the timing of the project. The following is the seed mix to be utilized in disturbed surfaces within the vegetated corridor:

88%	Sunmark Stabilizer E/C Blend
	Delaware Dwarf Perennial Ryegrass
	Creeping Red Fescue
	Annual Ryegrass
	Highland Bentgrass
	New Zealand White Clover
8%	Native grass/herbs species
	Bromus carinatus (California Brome)
	Elymus glaucus (Blue Wildrye)
	Lupinus polyphyllus (Large-leaf Lupine)
4%	Sunmark Woodlands Mix
	Holodiscus discolor (Ocean Spray)
	Prunus virginiana (Chokecherry)
	Rosa nutkana (Nootka Rose)
	Amelanchier alnifolia (Serviceberry)
	Mahonia nervosa (Oregon Grape)
	Sambucus caerulea (Blue Elderberry)
	Philadelphia lewisii (Mock Orange)

Table 3A: Vegetated Corridor Seed Mix (In Disturbed Areas)

Following the initial seeding the vegetated corridor will be planted with native woody species with the intent to establish a native forested community that would naturally occur in the area and that has high wildlife functionality. The area will be planted in accordance with the specifications of Table 2 of OCMC 17.49. Trees will be planted at an average of 15' spacing (5.5 per 1000 square feet). Shrubs will be planted at an average of 8' spacing (spacing to take into account trees; 14.5 per 1000 square feet). Table 3B below shows the proposed plantings:

Stratum	Scientific Name	Common Name	Location	Total #
Tree	*Alnus rubra*	Red Alder	Fringe	(509 total trees to be planted)
	Acer macrophyllum	Bigleaf Maple	Upland	
	Pinus ponderosa	Ponderosa Pine	Throughout	
	Populus balsamifera	Black Cottonwood	Fringe	
	Pseudotsuga menziesii	Douglasfir	Upland	
	Tsuga heterophylla	Western Hemlock	Upland	
Shrubs	*Acer circinatum*	Vine Maple	Throughout	(988 total shrubs to be planted)
	Cornus stolonifera	Red-Osier Dogwood	Fringe	
	Corylus cornuta	Hazel	Upland	
	Malus fusca	Pacific Crabapple	Fringe	
	Physocarpus capitatus	Pacific Ninebark	Fringe	
	Rosa nutkana	Nootka Rose	Throughout	
	Rosa pisocarpa	Wild-clustered Rose	Fringe	
	Rubus spectabilis	Salmonberry	Fringe	
	Sambucus racemosa	Red Elderberry	Throughout	
	Symphoricarpos albus	Snowberry	Throughout	

Table 3B: Vegetated Corridor Plantings

* Final planting plan will be subject to revision based on availability of plant stock; and federal, state, and local regulatory review of plans.

Details regarding the exact locations of plants and planting specifications are included in 24 x 36" plans prepared by a landscape architect and included in the engineering plan set.

Application Requirements (17.49.050 (G))

1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the Water Quality Resource Area, which includes areas shown on the City Water Quality and Flood Management Areas map.

   The site topography and water quality resource areas are shown on the attached Figure 1.

2. The location of all existing natural features including, but not limited to, all trees of a caliper greater than 6" diameter at a height of four feet, natural or historic drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the Water Quality Resource Area.

   Natural features are detailed in Figures 2 and 3.

3. Location of Title 3 wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist.

   Title 3 wetlands are as identified on the attached Figure 1. The wetlands were originally delineated in 1997 by Rita Mroczek and was approved by the Oregon Division of State Lands on March 24, 1998. In accordance with Oregon Division of State Lands regulations, approved delineations are valid for a 5-year period, at which time the approval has to be renewed. ETC reinvestigated the wetland delineation as per the criteria outlined in OAR 141-090-0045.

4. An inventory and location of existing debris and nuisance plants

   Plant communities were field located and are shown on Figures 2 and 3. *Cytisus scoparius* (Scotch Broom), *Rubus discolor* (Himalayan Blackberry), and *Crataegus monogyna* (English Hawthorn) are nuisance plants that were present in significant percentages within plant communities within the water quality resource areas. The communities containing these species are identified as such on the maps. Full details regarding the plant communities are described in the section of this report entitled Assessment of Water Quality Resource Area.

5. An assessment of the existing condition of the Water Quality Resource Area in accordance with Table 2.

   As described in the section of this report entitled Assessment of Water Quality Resource Area, the water quality resource areas are classified as "Degraded" in accordance with Table 2.

6. An inventory of vegetation, including percentage ground and canopy coverage

   An inventory of plants along with the groundcover and canopy cover percentages for each of the Water Quality Resource Areas is included in the section of the this report entitled Assessment of Water Quality Resource Area.

7. An analysis of the impacts the proposed development may have on the Water Quality Resource Area. This discussion shall take into account relevant natural features and characteristics of the Water Quality Resource Area, including hydrology, soils, bank stability, slopes of lands abutting the water resources, hazards of flooding, large trees and wooded features. The discussion shall identify fish and wildlife resources that utilize or inhabit the impact area in the course of a year and the impact of the proposed development on water resource values.

   A detailed discussion of the impacts including all the required elements as outlined in this requirement is included in the section of the report entitled Impact Analysis.

8. An analysis of the impacts the proposed development will have on the water quality of affected water resources, taking into account relevant natural features and characteristics of the Water Quality Resource Area.

   A detailed discussion of the water quality impacts is included in the section of the report entitled Impact Analysis.

9. An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the Water Quality Resource Area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of those measures.

   A detailed discussion of mitigation measures are described in the section of the report entitled Mitigation Plan.

10. The water resources report shall be prepared by one or more qualified professionals including a wetlands biologist or hydrologist whose credentials are presented in the report.

    Richard Bublitz of Environmental Technology Consultants was the project manager for the water resources investigation. Richard is a registered Professional Wetland Scientist (PWS), certified by the Society of Wetland Scientists. He has a Bachelor of Science in Forestry (Wildlife Management Option) from the University of West Virginia (1966). Richard worked in the environmental field for state and federal governmental agencies for 12 years; he has worked in the private sector in civil engineering and environmental consulting for the past 12 years.

    David Waterman of Environmental Technology Consultants was a team member of the water resources investigation. David has a Bachelor of Science in Interdisciplinary Engineering (Ecological Engineering Option) from Purdue University (1996). David has worked for ETC for the past 7 years.

11. Alternatives analysis demonstrating that:

    a. No practical alternatives to the requested development exist that will not disturb the Water Quality Resource Area.

       Sisul Engineering designed the preferred development layout and was consulted in preparing the alternatives analysis. The proposed project results in three impact areas as described in the Impact Analysis section of the report: (1) impact areas required for the half-street improvement of Rose Road totaling 7,561 square feet; (2) detention pond / recreation area encroachment into the vegetated corridor totaling 516 square feet; and (3) a pathway crossing the resource area totaling 4,159 square feet.

       (1) There are no alternatives to the required street widening. Bringing the street frontage up to City standards including pavement widening, curbing, sidewalk, and installation of underground franchise utilities is a requirement of development within the City of Oregon City. Therefore no practicable alternatives exist that would not disturb the Water Quality Resource Area.

       (2) The detention pond /recreation area encroachment was sited by the design engineer. The oversized detention requirements extended grading into the resource area, even with cut slopes maximized to reduce encroachment.

       (3) Because the two water quality resource areas span the entire width of the property, it was necessary for any path traversing from the single-family homes out to Rose Road to cross the resource areas. The impacts were minimized. The path crosses both water quality resource areas as near to perpendicular as possible, rather than meandering across these features or crossing in a

diagonal direction that would result in an increased linear footage of path alignment. The specific locations of the perpendicular crossings also minimize impact area. The crossing in the northernmost wetland is in the upper reach, where the drainage course is ditched and the resource area is at its narrowest. The crossing in the southernmost wetland is located where the wetland is at its narrowest width and therefore the total width of the water quality resource area is also narrowest. Where the path alignment crosses the protected water features, wooden bridges have been designed to prevent a direct impact to these features.

b. Development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The half-street improvement has been limited to the area necessary required by the City of Oregon City. Fill slopes have been maximized to decrease the necessary encroachment and the impact area to ensure the minimum necessary impact for the half-street improvement.

The small detention pond impact area was minimized by maximizing the slope on the east side of the pond and designing a wall on the west side of the pond to minimize the area of encroachment.

The pathway was minimized in length as described in (a) above, and bridges have been designed to prevent direct impact to the protected water features.

c. The Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 2.

The mitigation plan included in this document involves enhancing the existing wetlands and vegetated corridor that are to remain. As described in the mitigation plan, design measures were taken to ensure that existing hydrologic conditions are maintained and vegetation conditions improved.

The planting has been designed so that the vegetated corridor will meet the "good" condition in Table 2. It will be in substantially better condition than its current degraded character.

d. It will be consistent with a Water Quality Resource Area Mitigation Plan

See item (c) above.

e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated.

The rationale for choosing the preferred project layout was described in item (a) above. In order to preserve as much of the resource areas as possible, the project was designed as a planned unit development (PUD). Impacts to resource areas have been avoided except for those areas near Rose Road which were unavoidable as described in item (a). Where impacts were necessary, they have been minimized by limiting encroachment beyond the proposed right of way to the minimum necessary to install franchise utilities and to construct fill slopes for the raised roadway. Mitigation has been designed to achieve an increase in the net functions and values of the resource area as described in the mitigation plan in this document.

f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures.....

Not applicable

12. A Water Quality Resourrce Area Mitigation Plan shall be prepared by a registered professional engineer, landscape artchitect, biologist, or other person trained or certified to determine that the vegetated corrdior meets the requirements of Table 2 and shall contain the following information:

a. A description of adverse impacts that will be caused as a result of development

The impacts are discussed in detail in the Impacts Analysis section.

b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 2.

A description of how impacts were avoided and minimized is included in the alternatives analysis in item (11) above. Mitigation is proposed for the unavoidable impacts, as described in the section of this report entitled Mitigation Plan.

c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site

At this early stage of the planning process, we do not yet know all the parties who will take part in implementation of the mitigation plan. The owner and applicant of the project, Paul Reeder, is the sole responsible party at this point. Contractors will be chosen after the project is approved.

d. A map showing where the specific mitigation activities will occur

Figures 5 and 6 attached with this document shown the specific areas where the mitigation plan is to be implemented.

e. A maintenance program assuring plant survival for a minimum of three years

A maintenance program will consist primarily of ensuring the survival of the plantings and preventing the growth and spread of noxious invasives. To ensure the survival of the plantings, it may be necessary to install a temporary irrigation system depending on the season the plants are installed. If installed during the spring or summer months, irrigation may need to be provided throughout the remainder of the summer, at a minimum, to maximize the probability of plant survival. Irrigation will need to be continued into future growing seasons if ongoing monitoring reveals stress in the plantings. If plantings are installed during the fall, an irrigation system will not be immediately required. But ongoing monitoring during future growing seasons may reveal that temporary irrigation is needed. The control of noxious invasive species is described above in subsection A of the mitigation plan.

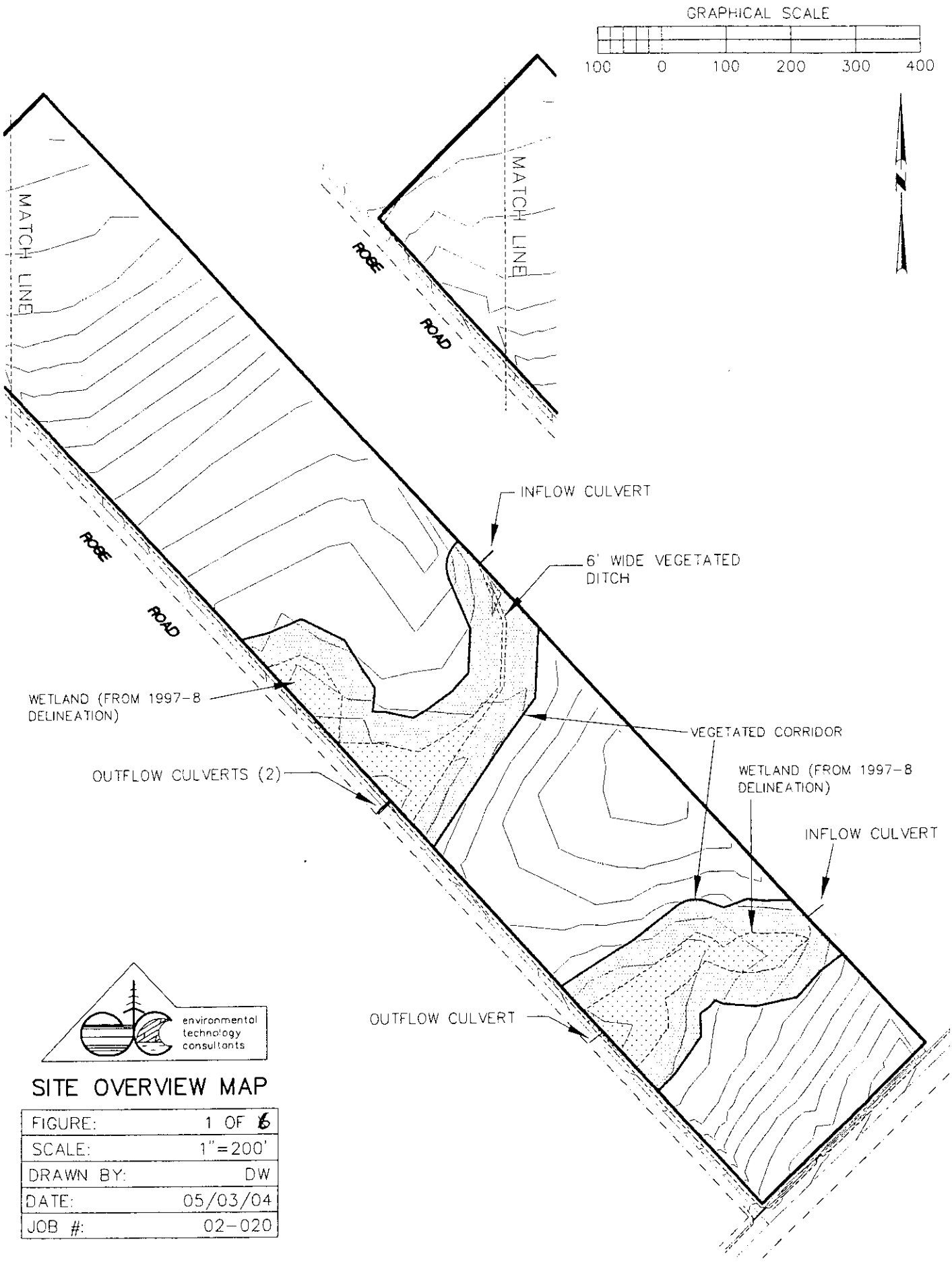
f. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in anadromous fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

The mitigation does not involve any stream work and therefore timing relative to any in-water work period is not a relevant factor for the site construction schedule. A specific implementation schedule at this point is uncertain, although a general sequence for the mitigation plan relative to site construction is known. Initial control of noxious invasives as per subsection A will take place prior to site grading. Seeding of disturbed surfaces within the vegetated corridor will be performed immediately after the disturbance. Depending on

weather conditions, a temporary sprinkler system may need to be installed to ensure seed germination. Plantings will optimally be installed during the fall. Seeding within the wetland as per Table 2B will take place during October. During the first growing season at least two monitoring visits will be made to check the conditions of the plantings and assess whether irrigation needs to be installed. During the following two growing seasons monitoring visits will be made at least once during June or July to assess the conditions of the plantings and also assess the noxious invasive vegetation situation and make recommendations for maintenance. Maintenance activities will be performed upon the recommendation of the biologist who performs the monitoring. Any replacement plantings as required under Table 2 of OCMC will be installed during the fall after the monitoring. A monitoring report will be prepared at the end of each growing season describing the assessment, recommended maintenance activities, whether those activities have been performed, and conclusions regarding the success or failure of any previous maintenance activities, replanting, etc. Contingencies for any hydrologic problems that arise cannot be anticipated at this time. Contingencies for plant mortality may involve altering the species composition (not replanting a species that is doing very poor, but substituting for a different species), selecting different planting stock (*eg*, using 5-gallon instead of 2-gallon), or using different soil amendments. All such modifications will be at the discretion of the mitigation design staff. Where such modifications affect mitigation that is also part of state or federal permits, these agencies will be contacted as needed.

Appendix A

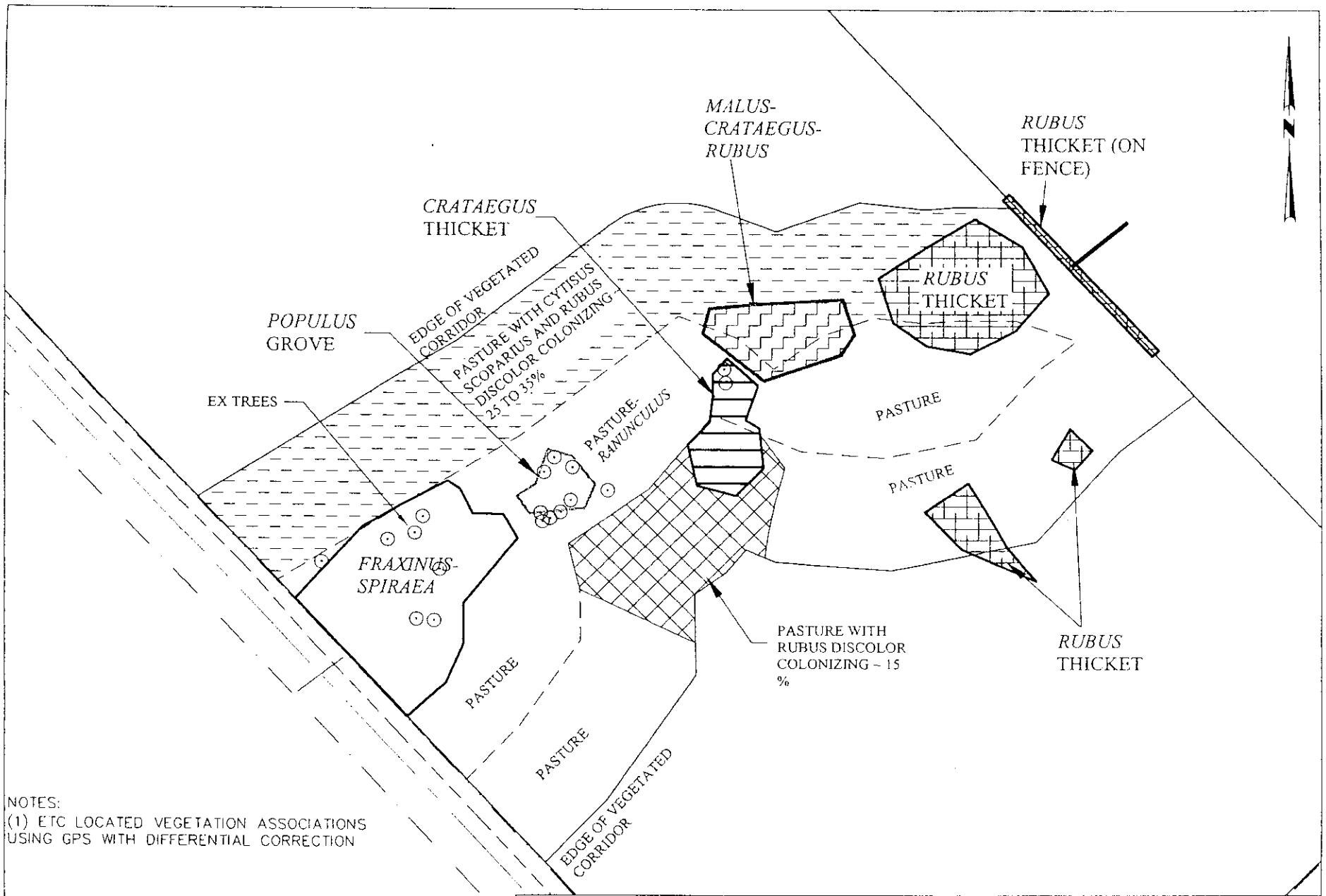
Site Overview Map (Figure 1)
Southern WQ Resource Area Detail Map (Figure 2)
Northern WQ Resource Area Detail Map (Figure 3)
Proposed Development Plan (Figure 4)
Southern WQ Area Mitigation (Figure 5)
Northern WQ Area Mitigation (Figure 6)
Site Vicinity Map
Physical Setting
Water Quality and Flood Management Areas Map
SCS Soil Survey
South End Drainage Basin Map



environmental technology consultants

SITE OVERVIEW MAP

FIGURE:	1 OF 6
SCALE:	1"=200'
DRAWN BY:	DW
DATE:	05/03/04
JOB #:	02-020



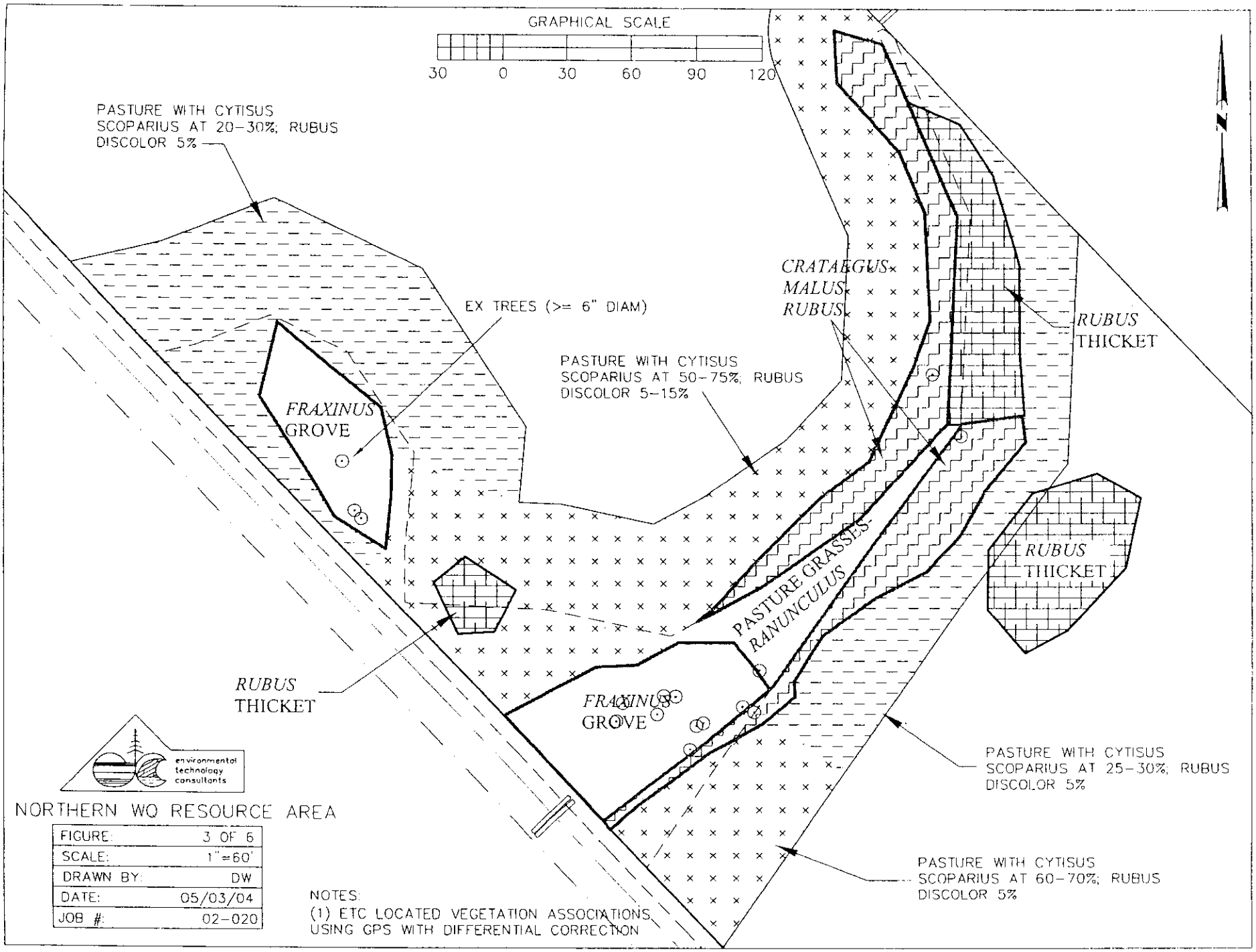
NOTES:
(1) ETC LOCATED VEGETATION ASSOCIATIONS USING GPS WITH DIFFERENTIAL CORRECTION

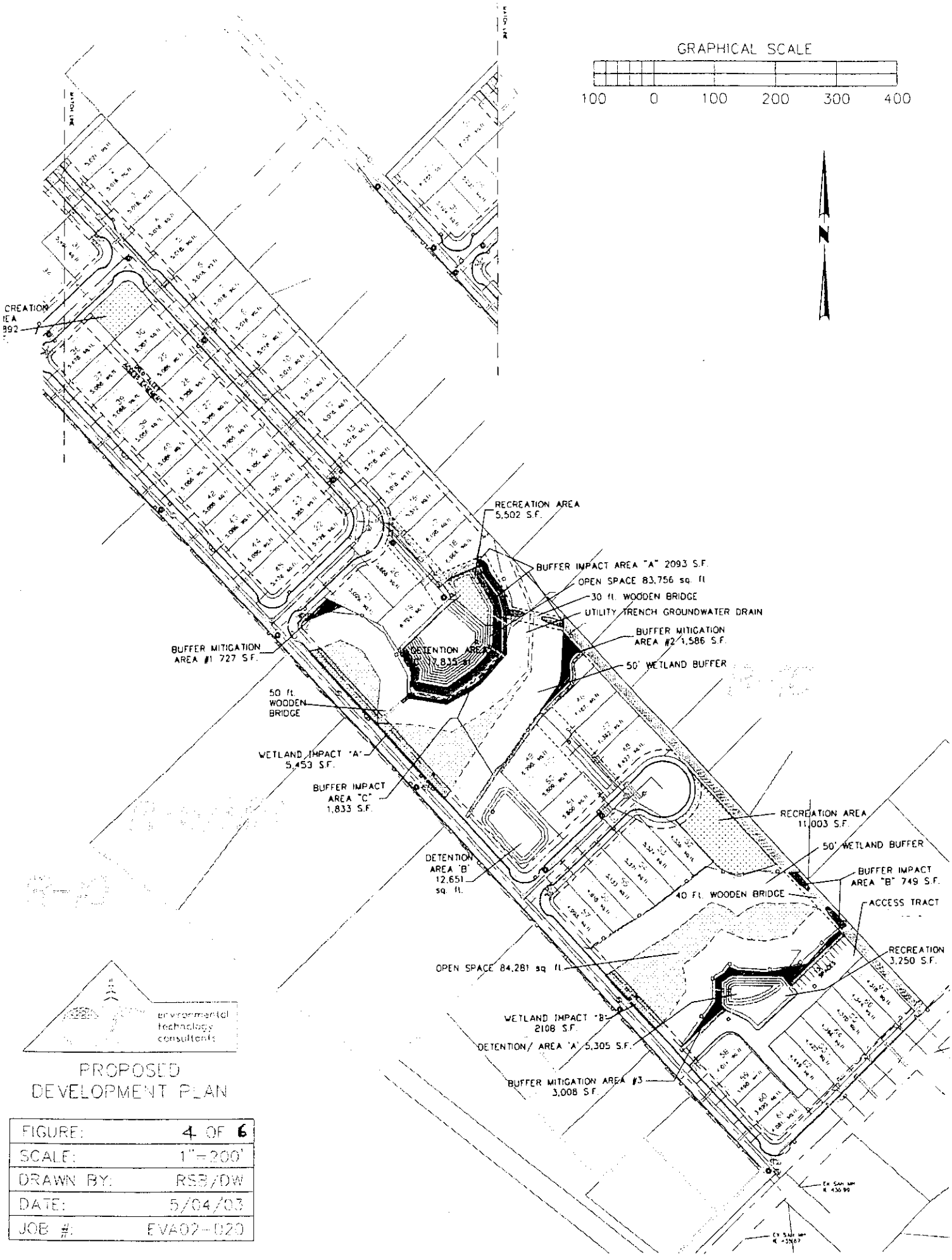
GRAPHICAL SCALE

30 0 30 60 90 120

environmental technology consultants

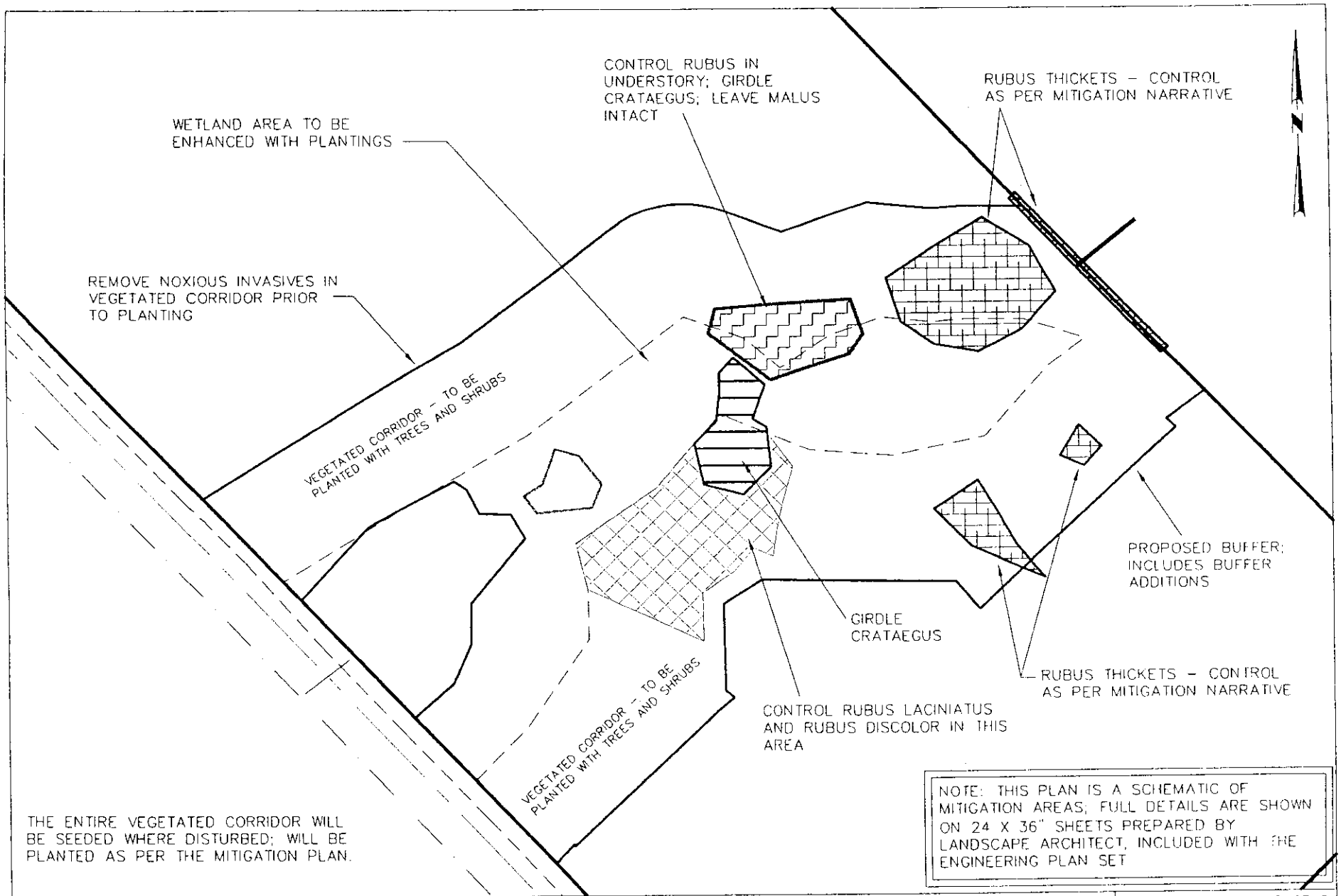
SOUTHERN WQ RESOURCE AREA	FIGURE: 2 OF 6
TAX LOTS 1700, 300; ROSE ROAD	SCALE: 1"=60'
OREGON CITY, OREGON	DRAWN BY: DW
APPLICANT: PAUL REEDER	DATE: 11/22/02
	JOB #: 02-020

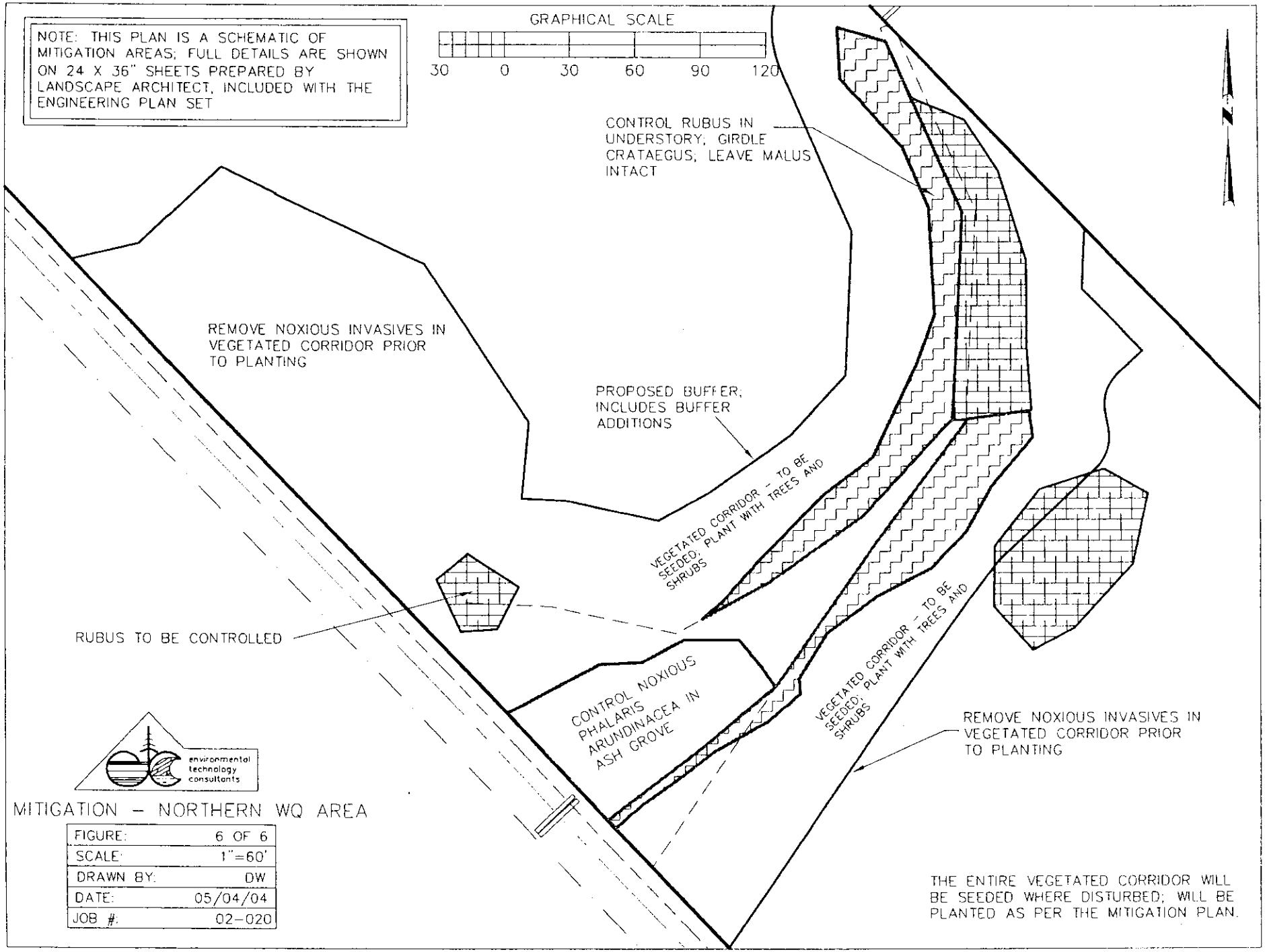

GRAPHICAL SCALE
30 0 30 60 90 120
PASTURE WITH CYTISUS SCOPARIUS AT 20–30%; RUBUS DISCOLOR 5%
EX TREES (>= 6" DIAM)
CRATAEGUS
MALUS
RUBUS
RUBUS THICKET
PASTURE WITH CYTISUS SCOPARIUS AT 50–75%; RUBUS DISCOLOR 5–15%
FRAXINUS GROVE
PASTURE GRASSES-RANUNCULUS
RUBUS THICKET
RUBUS THICKET
FRAXINUS GROVE
PASTURE WITH CYTISUS SCOPARIUS AT 25–30%; RUBUS DISCOLOR 5%
PASTURE WITH CYTISUS SCOPARIUS AT 60–70%; RUBUS DISCOLOR 5%
N
environmental technology consultants
NORTHERN WQ RESOURCE AREA
FIGURE: 3 OF 6
SCALE: 1"=60'
DRAWN BY: DW
DATE: 05/03/04
JOB #: 02-020
NOTES:
(1) ETC LOCATED VEGETATION ASSOCIATIONS USING GPS WITH DIFFERENTIAL CORRECTION

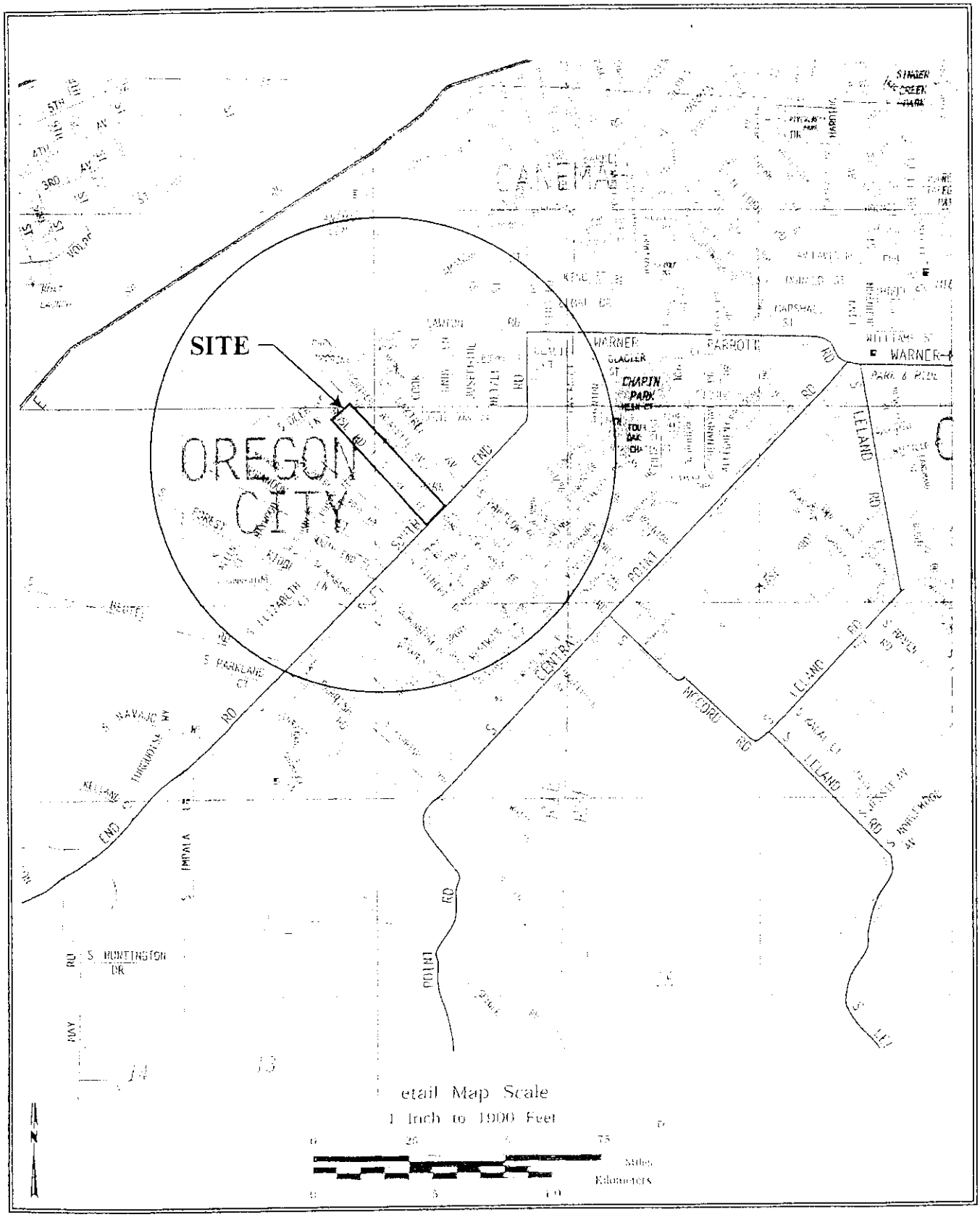


PROPOSED DEVELOPMENT PLAN

FIGURE:	4 OF 6
SCALE:	1"=200'
DRAWN BY:	RSB/DW
DATE:	5/04/03
JOB #:	EVA02-020


CONTROL RUBUS IN UNDERSTORY; GIRDLE CRATAEGUS; LEAVE MALUS INTACT
RUBUS THICKETS – CONTROL AS PER MITIGATION NARRATIVE
WETLAND AREA TO BE ENHANCED WITH PLANTINGS
REMOVE NOXIOUS INVASIVES IN VEGETATED CORRIDOR PRIOR TO PLANTING
VEGETATED CORRIDOR – TO BE PLANTED WITH TREES AND SHRUBS
PROPOSED BUFFER; INCLUDES BUFFER ADDITIONS
GIRDLE CRATAEGUS
RUBUS THICKETS – CONTROL AS PER MITIGATION NARRATIVE
CONTROL RUBUS LACINIATUS AND RUBUS DISCOLOR IN THIS AREA
VEGETATED CORRIDOR – TO BE PLANTED WITH TREES AND SHRUBS
THE ENTIRE VEGETATED CORRIDOR WILL BE SEEDED WHERE DISTURBED; WILL BE PLANTED AS PER THE MITIGATION PLAN.
N
NOTE: THIS PLAN IS A SCHEMATIC OF MITIGATION AREAS; FULL DETAILS ARE SHOWN ON 24 X 36" SHEETS PREPARED BY LANDSCAPE ARCHITECT, INCLUDED WITH THE ENGINEERING PLAN SET
GRAPHICAL SCALE
30 0 30 60 90 120
environmental technology consultants
MITIGATION – SOUTHERN WQ AREA
TAX LOTS 1700, 300; ROSE ROAD
OREGON CITY, OREGON
APPLICANT: PAUL REEDER
FIGURE: 5 OF 6
SCALE: 1"=60'
DRAWN BY: DW
DATE: 12/17/02
JOB #: 02-020


NOTE: THIS PLAN IS A SCHEMATIC OF MITIGATION AREAS; FULL DETAILS ARE SHOWN ON 24 X 36" SHEETS PREPARED BY LANDSCAPE ARCHITECT, INCLUDED WITH THE ENGINEERING PLAN SET
GRAPHICAL SCALE
30 0 30 60 90 120
CONTROL RUBUS IN UNDERSTORY; GIRDLE CRATAEGUS; LEAVE MALUS INTACT
REMOVE NOXIOUS INVASIVES IN VEGETATED CORRIDOR PRIOR TO PLANTING
PROPOSED BUFFER; INCLUDES BUFFER ADDITIONS
VEGETATED CORRIDOR - TO BE SEEDED; PLANT WITH TREES AND SHRUBS
RUBUS TO BE CONTROLLED
CONTROL NOXIOUS PHALARIS ARUNDINACEA IN ASH GROVE
VEGETATED CORRIDOR - TO BE SEEDED; PLANT WITH TREES AND SHRUBS
REMOVE NOXIOUS INVASIVES IN VEGETATED CORRIDOR PRIOR TO PLANTING
environmental technology consultants
MITIGATION - NORTHERN WQ AREA
FIGURE: 6 OF 6
SCALE: 1"=60'
DRAWN BY: DW
DATE: 05/04/04
JOB #: 02-020
THE ENTIRE VEGETATED CORRIDOR WILL BE SEEDED WHERE DISTURBED; WILL BE PLANTED AS PER THE MITIGATION PLAN.

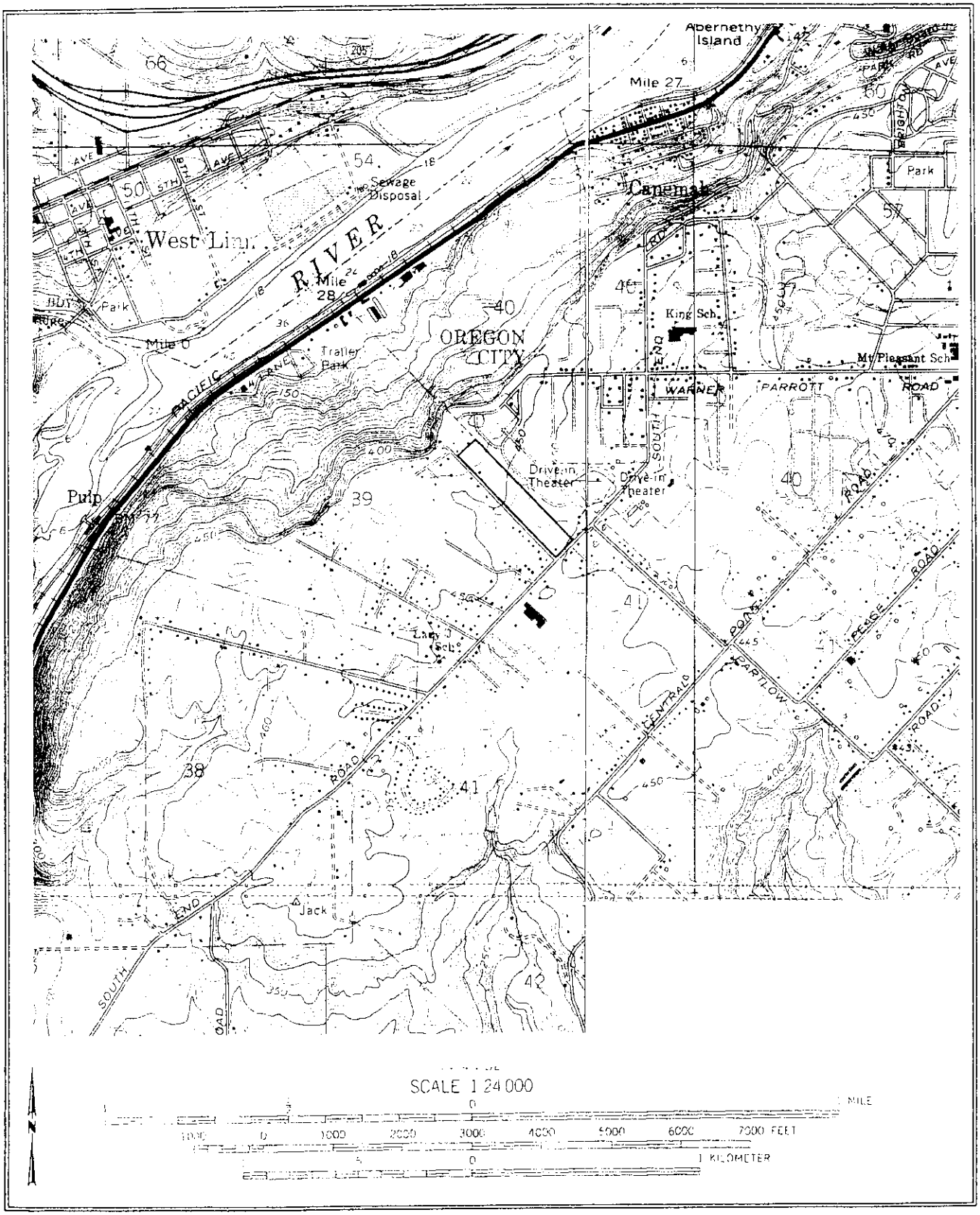


environmental technology consultants

SITE VICINITY MAP

Source: Thomas Brothers, 1999

Subject Property:
Tax Lots 1700, 300; Rose Road
Oregon City, Oregon



environmental technology consultants

PHYSICAL SETTING

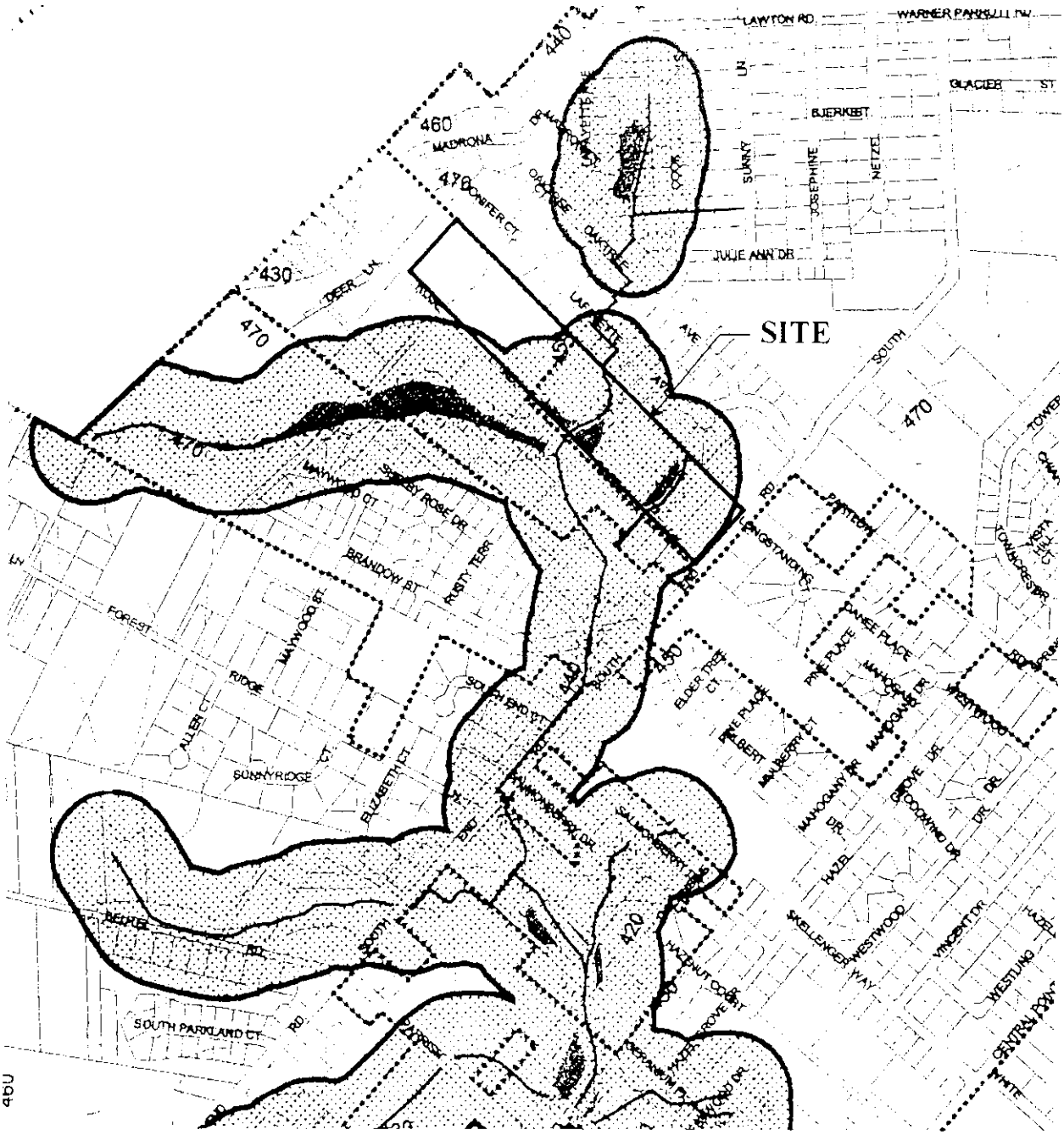
Canby & Oregon City Quadrangles

USGS 7.5 Minute Series 1961 (rev. 1985)

Subject Property:

Tax Lots 1700, 300; Rose Road

Oregon City, Oregon

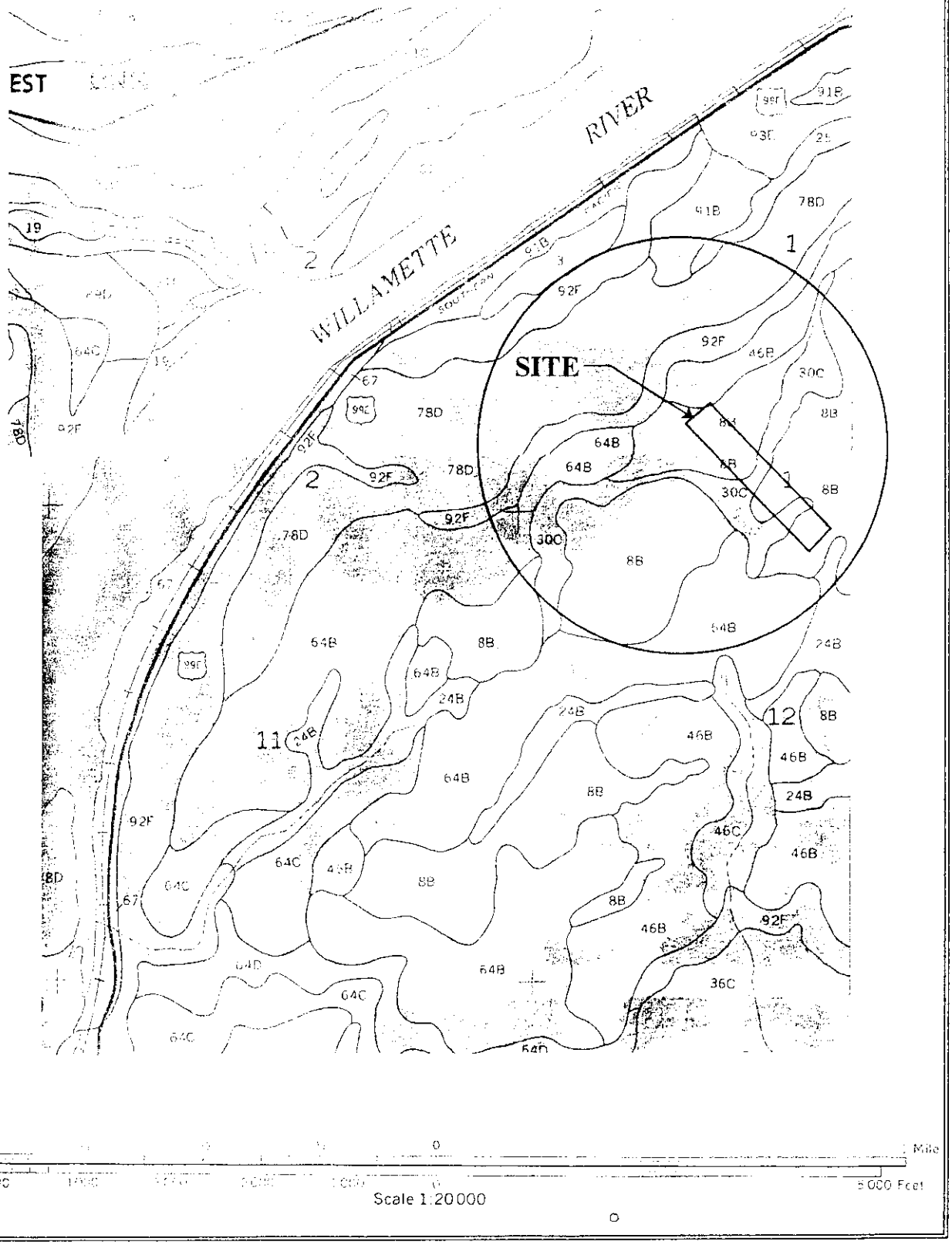


environmental technology consultants

WATER QUALITY RESOURCE AREAS MAP

Source: City of Oregon City

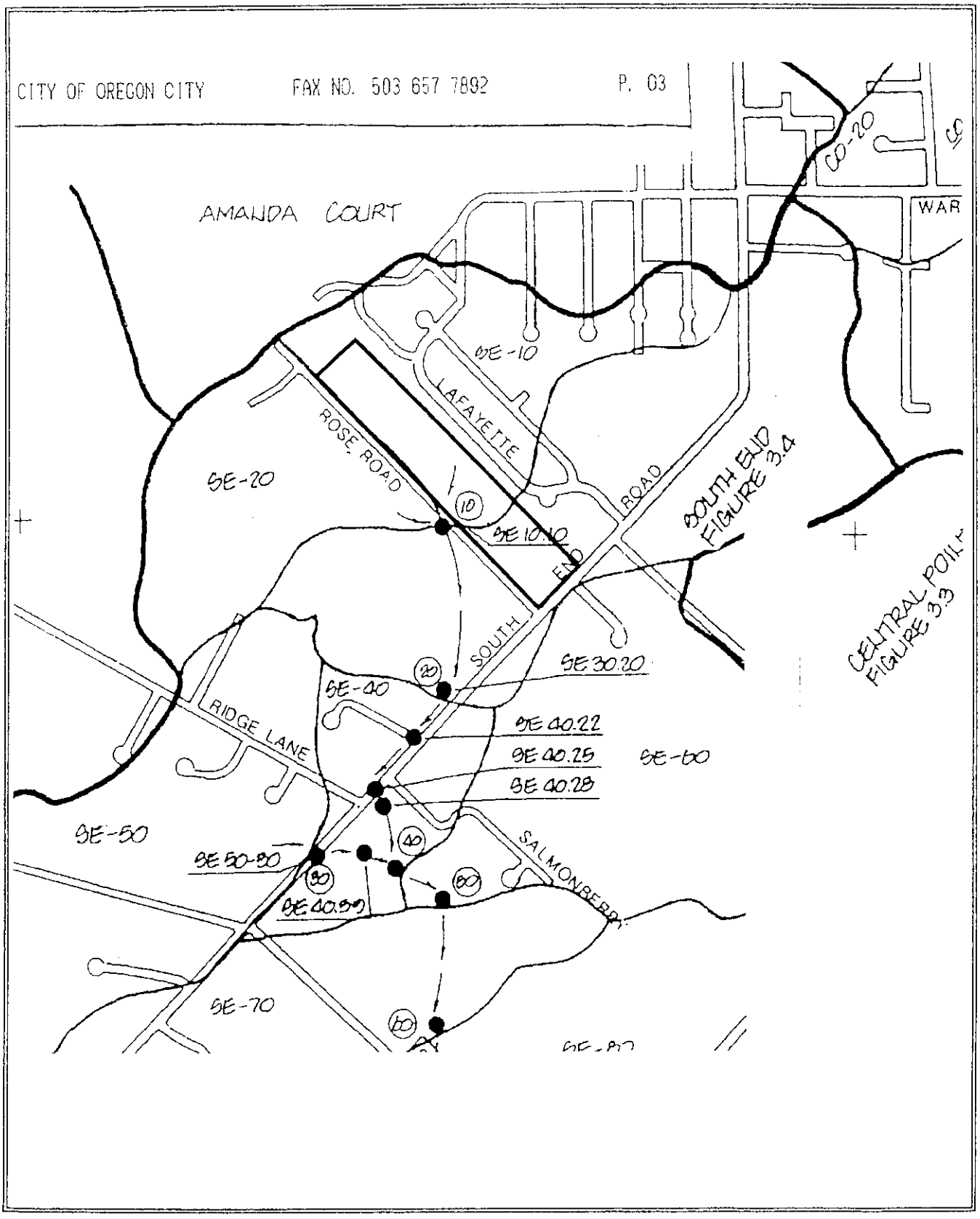
Subject Property:
Tax Lots 1700, 300; Rose Road
Oregon City, Oregon



environmental technology consultants

SCS SOIL SURVEY Map
Source: Soil Conservation Service, 1985

Subject Property:
Tax Lots 1700, 300; Rose Road
Oregon City, Oregon



environmental technology consultants

SOUTH END DRAINAGE BASIN MAP

Source: City of Oregon City

Subject Property:
Tax Lots 1700, 300; Rose Road
Oregon City, Oregon

Appendix B

2002 ETC Re-Investigation of Wetland Boundary from 1997-8

Wetland Boundary Re-Investigation (ODSL Det #97-0493)

Introduction:

The subject property is located in Oregon City, Oregon on the northeast side of Rose Road and north of South End Road. The site consists of two contiguous parcels totaling 16.0 acres and has the following legal description: Tax Lot 1700, Section 12A, T3S, R1E, W.M.; and Tax Lot 300, Section 1CD, T3S, R1E, W.M. A wetland delineation was performed on the site by Rita Mroczek and a delineation report was prepared dated September, 1997. The wetlands were surveyed by Trahan Consulting and a map was submitted to Oregon Division of State Lands (ODSL). Patti Caswell of ODSL prepared a letter dated March 24, 1998 that concurred with the wetland delineation and survey.

The property owner, Paul Reeder, is proceeding with plans to develop the subject property as a planned unit development. Permitting under state and federal removal-fill laws will be required under the current proposal.

Under OAR 141-090-0045, jurisdictional determinations are generally valid for a period of five years (from the date of the concurrence letter). Review of the project by the City of Oregon City along with review of the wetland permits by state and federal agencies are expected to prolong the start date of the project beyond the 5-year validation period for the original wetland delineation (March 24, 2003). Therefore the purpose of this investigation is to make our professional opinion on whether reissuance of the original jurisdictional determination by ODSL is appropriate.

This summary report documents the investigation, best professional judgment and conclusions of the investigators. Reissuance of the jurisdictional determination will be subject to the review of ODSL and should not be considered approved until documentation is obtained from ODSL.

Methodology:

In accordance with OAR 141-090-0045 (4), the information required for re-issuing a jurisdictional determination requires an onsite inspection to determine whether there has been a change in circumstances; and if no change in circumstances is identified, a description of the results of the investigation and conclusions regarding the accuracy of the original delineation. A "change in circumstances" is defined in OAR 141-090-0020 (5) as follows: "a change in site conditions that fundamentally alters the hydrology and/or substrate to the extent that the 'normal circumstances' of waters of the state are changed. The change in circumstances may be due to alterations on a site or alterations offsite that affect the site sufficiently to enlarge, reduce, or change the status or geographic extent of a jurisdictional water. A change in circumstances includes, but is not limited to, a dike breach or drainage system failure that restores former hydrologic conditions to a site, placement of fill material, or a water source diversion."

Our onsite investigation was performed primarily to make a determination regarding change in circumstances in accordance with the above definition. For the purpose of drawing conclusions regarding the accuracy of the original wetland boundary, we utilized a GPS unit with differential correction to locate the wetland boundary as surveyed by Trahan Consulting. This required two site visits. The first site visit was performed to tie surveyed reference points into the GPS coordinate system (U.S. State Plane, zone Oregon North 3601). The original site survey with wetland boundaries was then overlayed and rotated about these reference points to get the original survey onto the GPS coordinate system. Navigational waypoints in the GPS coordinate system were then set along the wetland boundaries and uploaded into the field GPS unit. During the second site visit we were then able to navigate to points along the original surveyed wetland boundary to within the accuracy of the GPS unit (1 meter).

Results of the Investigation:

Field investigations were performed by David Waterman on October 28 and November 8, 2002. An additional field investigation was performed by David Waterman and Rich Bublitz on November 21, 2002.

The entire site (Tax Lots 1700 and 300) was investigated by walking two transects parallel to Rose Road. We did not identify any areas beyond the drainage courses described in the original delineation report that had wetland characteristics. We did not identify any conditions on the site or offsite that would constitute a "change in circumstances" according to the above-referenced Oregon Division of State Lands definition. The hydrology sources for the wetlands have remained the same, primarily runoff from the offsite subdivisions to the north that flows onto the site via two culverts on the northeast property line. These subdivisions are fairly old, having existed prior to the 1997/8 delineation, and no changes were evident in the offsite areas that would indicate that the drainage character has altered. Runoff and infiltrated precipitation from onsite also contribute to the high water table in the concave areas. There was no evidence in any change of usage on the site that would indicate that the onsite source of hydrology has been altered. Based on the description of the site in the original report, it appears that it has continued to undergo the successional process from pasture to scrub-shrub that was occurring at that time. Weedy species are the dominant shrubs that have developed with *Cytisus scoparius* (Scotch Broom) as the most prevalent species throughout the site and *Rubus discolor* (Himalayan Blackberry) also common.

No other maps or aerial photographs were investigated beyond what was included in the original wetland delineation report.

In regards to the accuracy of the original wetland boundary, our investigation was not a thorough delineation scope investigation, but rather a brief visual check of hydrologic and vegetation conditions along the wetland boundary as located using a GPS unit. The wetlands are described as two units: the southernmost unit and the northernmost unit as identified on the attached Figure 1. Much of the vegetation along the delineated boundary of the southernmost wetland was dominated by FAC pasture grasses, and the topography graded mildly from the drainage pattern out to upland. In these areas where no distinct change in vegetation or hydrology was evident it appeared that soils were used as the primary basis for locating the wetland boundary. Because our investigation did not entail a detailed soil investigation, we relied on the soil data from the original delineation, and generally concluded that we had no evidence to indicate that the wetland boundary should be changed. We did not identify any areas where there was evidence that the wetland boundary was broader than originally delineated. There were several areas along the wetland boundary where it appeared that on the basis of the vegetation and landform, the wetland boundary may actually be less wide than delineated by a maximum of approximately 20'. We informed the applicant of this and told him that hydrologic monitoring during the early growing season may reveal that a narrow fringe of the delineated wetlands experience non-wetland hydrologic conditions. Given the relatively minor possible changes, and the fact that these changes would not allow for any significant change in the proposed development plan as currently laid out, he decided that the cost of additional investigation and agency review time was not justified.

Within the northernmost wetland, we identified one portion of the wetland boundary that definitely warrants a change. The upper end of this feature is a ditch that meets the three criteria of a wetland as sampled in Plot 8 of the original delineation. The upper ~200 linear feet of this feature was surveyed as a straight reach in the original survey map. This reach actually is not entirely straight. The applicant had mowed a path across the ditch, the remainder of which is covered in dense thicket of *Rubus discolor* (Himalayan Blackberry). It was probably also covered during the original investigation, which would explain why the ditch alignment was not more accurately surveyed. We located a node at this mowed point using our GPS unit. This is shown on Figure 1. We did not identify any areas beyond the delineated boundaries that had wetland characteristics. We did identify several significant areas within the wetland boundary that we felt were questionable. There were two distinct *Fraxinus latifolia* (Oregon

Ash, FACW) dominated groves in this delineated area, as identified on Figure 2. The first encompassed the lower portion of the drainageway and the second grove was within the lobe of wetland north of the main drainageway. The area immediately north of the *Fraxinus* grove along the drainage course is pasture that has colonized with a dense thicket of *Cytisus scoparius* (Scotch Broom). We feel fairly strongly that hydrologic investigation of this area would reveal non-wetland conditions. The wetland lobe further north including the other *Fraxinus latifolia* grove appears to be in a transitional state from wet to dry, and the drier hydrologic condition may be partially a result of the roadside ditch draining this area. In addition to the *Fraxinus latifolia*, the other hydrophytic dominant in this area is *Spiraea douglasii* (Douglas' Spiraea, FACW). Other species common in this area included *Crataegus monogyna* (English Hawthorn, FACU+), *Quercus* sp. (Oak species), *Malus sylvestris* (Common Apple, UPL), *Cytisus scoparius*, *Polystichum munitum* (Sword Fern, FACU), *Fragaria virginiana* (Wild Strawberry, FACU), along with the FAC pasture grasses that occurred elsewhere on the site. Plot 19 from the original wetland delineation shows that the vegetation meets hydrophytic criteria and the soils are hydric in this area; but we feel that the hydrology in this area is questionable. Due to timing, the applicant once again decided not to purse hydrologic monitoring.

Conclusions:

No change in circumstances was evident during the 2002 site investigations as compared to the conditions described in the 1997/8 original delineation. We did not identify any areas where there was evidence of wetland conditions beyond the original delineated boundary. Within the southernmost wetland we did identify several narrow fringes of areas within the wetland boundary where we felt that hydrologic data may reveal non-wetland conditions. The applicant has decided not to pursue this and therefore **we feel it is appropriate to maintain the wetland boundary from the original wetland delineation in the southernmost wetland area**. Within the northernmost wetland boundary we have recommended a change at the upper end of the drainage course where the alignment is not straight as originally surveyed. This is shown in Figure 1. In the wetland lobe to the north of this drainage course we identified vegetation conditions that indicated transitional hydrology from wet to dry. Once again the applicant has decided not to pursue this, and therefore **we feel it is appropriate to maintain the wetland boundary from the original wetland delineation in the northernmost wetland area with the exception of the bend in the ditched reach at the upper end as shown on Figure 1**. In the event that obstacles are encountered during the wetland permit review process, we would like to keep the option open to monitor hydrology in the lobe area during the early growing season with the potential of having a portion of it removed from the wetland boundary.

Prepared by:

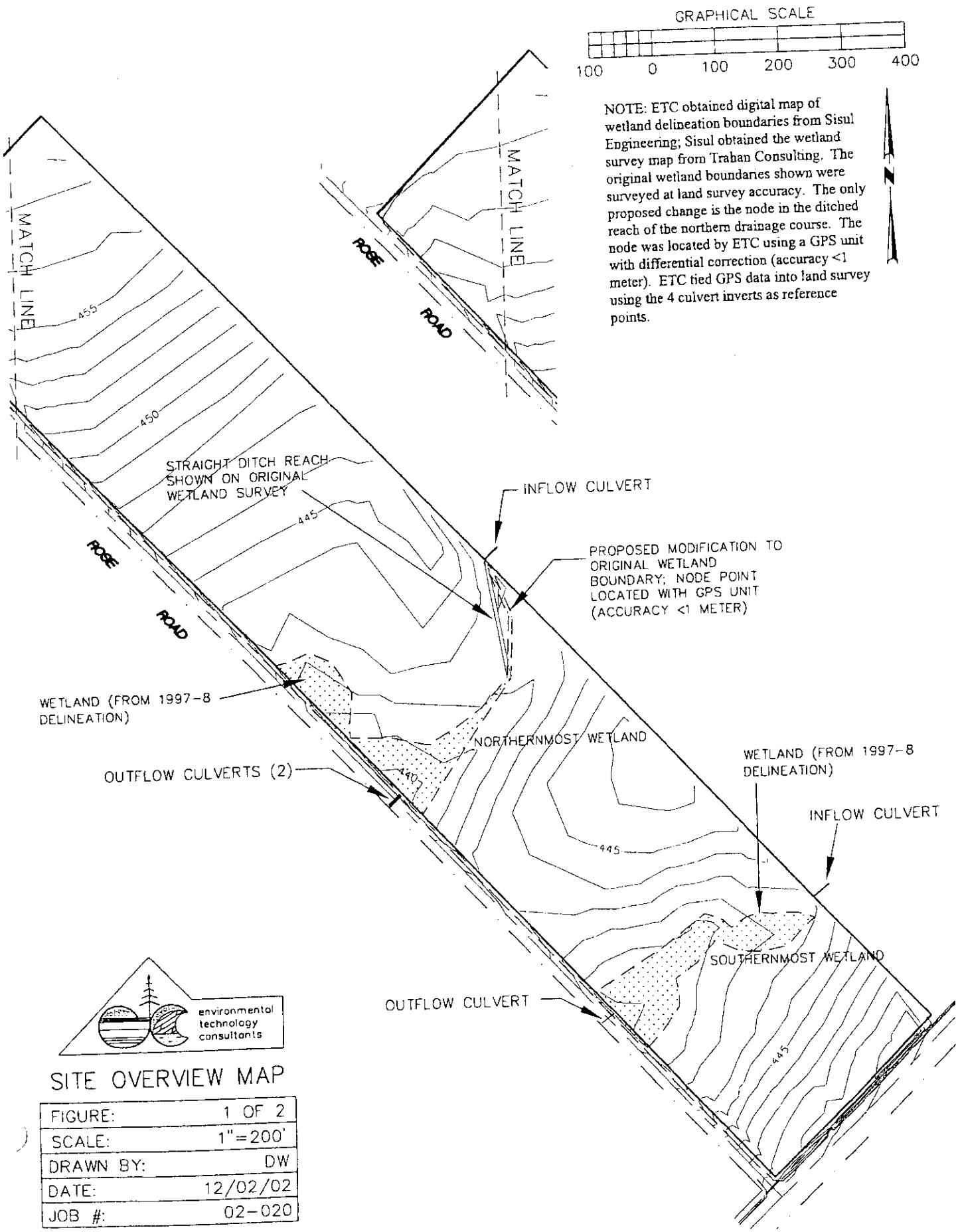
David Waterman

Society of Wetland Scientists
Professional Wetland Scientist
1135

Richard Bublitz

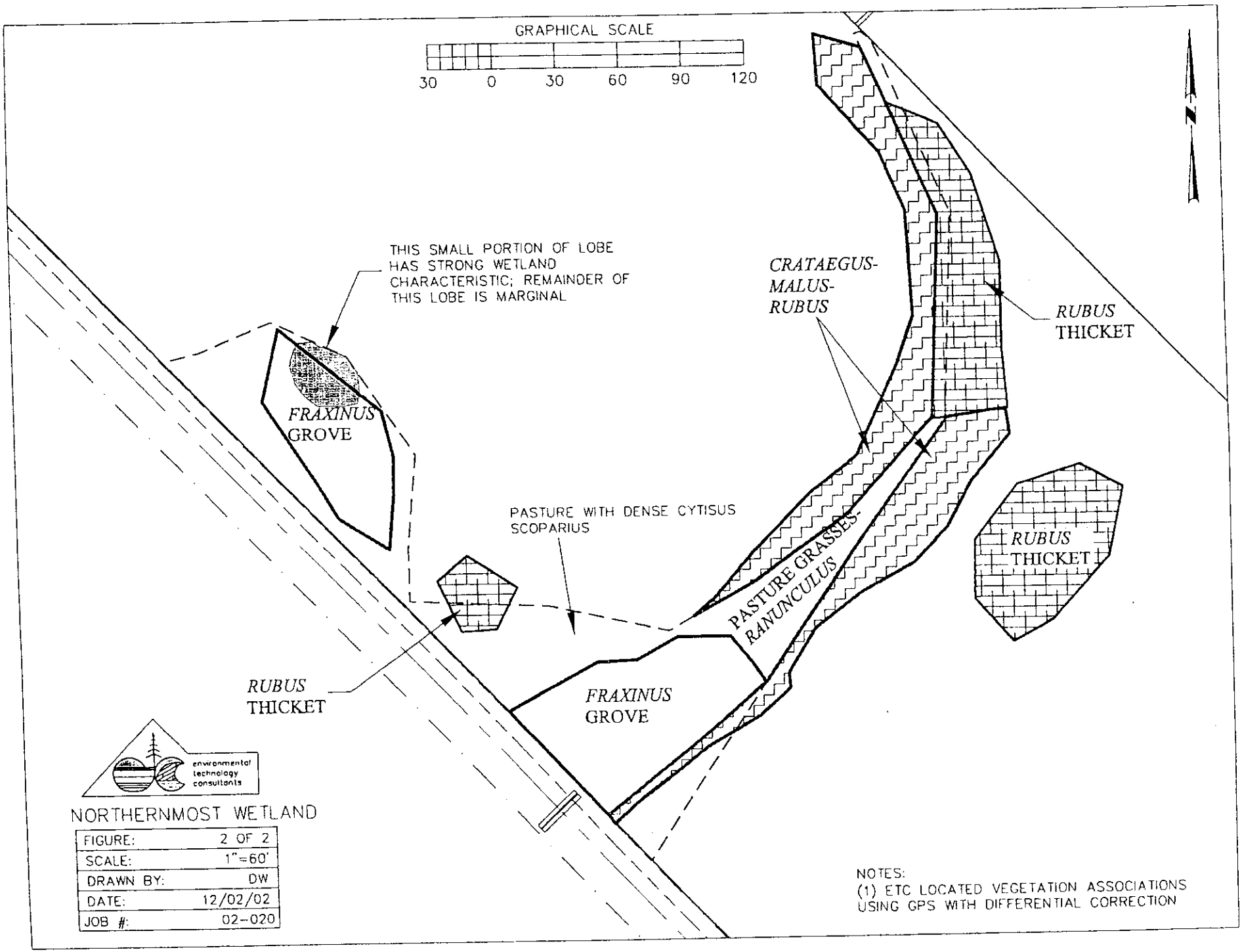
Appendix B

2002 ETC Re-Investigation of Wetland Boundary from 1997-8



SITE OVERVIEW MAP

FIGURE:	1 OF 2
SCALE:	1"=200'
DRAWN BY:	DW
DATE:	12/02/02
JOB #:	02-020


GRAPHICAL SCALE
30 0 30 60 90 120
THIS SMALL PORTION OF LOBE HAS STRONG WETLAND CHARACTERISTIC; REMAINDER OF THIS LOBE IS MARGINAL
FRAXINUS GROVE
CRATAEGUS-MALUS-RUBUS
RUBUS THICKET
PASTURE WITH DENSE CYTISUS SCOPARIUS
PASTURE GRASSES-RANUNCULUS
RUBUS THICKET
RUBUS THICKET
FRAXINUS GROVE
environmental technology consultants
NORTHERNMOST WETLAND
FIGURE: 2 OF 2
SCALE: 1"=60'
DRAWN BY: DW
DATE: 12/02/02
JOB #: 02-020
NOTES:
(1) ETC LOCATED VEGETATION ASSOCIATIONS USING GPS WITH DIFFERENTIAL CORRECTION

Oregon
John A. Kitzhaber, M.D., Governor

Division of State Lands
775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844
TTY (503) 378-4615

State Land Board
John A. Kitzhaber
Governor
Phil Keisling
Secretary of State
Jim Hill
State Treasurer

March 24, 1998

Rita N. Mroczek
3980 SW 170th Ave.
Aloha, OR 97007

Re: **Wetland Delineation Report for Rose Road Site, Oregon City, Clackamas County, T03S R01E S1; Det. #97-0493**

Dear Ms. Mroczek:

I have reviewed your report for the property referenced above and I visited the site on November 21, 1997. Thank you for sending the survey map. Based on the information presented in your report and the observations I made in the field, I concur with your findings as surveyed by Trahan Consulting Incorporated.

The 1.01 acres of wetlands are subject to the permit requirements of the State Removal-Fill Law. Federal and local regulations may apply as well. If it is necessary to fill, remove, or alter more than 50 cubic yards of material in a wetland or waterway, a state permit will be required. In evaluating a permit application, our agency will first consider whether there is an analysis of alternatives that avoid or minimize wetland or waterway impacts.

Your contact for a Removal-Fill permit is Tami Hubert. If you have any questions, please feel free to contact me at extension 226.

Sincerely,

Patti E. Caswell
Wetlands Technician

cc: Mr. Paul Reeder, Applicant
City of Oregon City Planning Department
Jim Goudzwaard, Corps of Engineers
Doris McKillip, Corps of Engineers
Tami Hubert, DSL

GeoPacific Engineering, Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

Revised February 3, 2004

Project No. 02-8100

Paul Reeder
C/o Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Geotechnical Engineering Report
Village At South Rose Development
Oregon City, Oregon

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site grading, foundation design, and construction. This geotechnical study was performed in general accordance with GeoPacific proposal No. P-1668, dated October 23, 2002.

BACKGROUND INFORMATION

Project Information

Location:	Northeast corner of South End Road and Rose Road, Oregon (see Figure 1).
Developer:	Paul Reeder
Engineer:	Sisul Engineering
Jurisdictional Agency:	Oregon City, Oregon

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site is approximately 16.1 acres, located on the east side of Rose Road and the north side of South End Road in Oregon City, Oregon (Figure 1). The south portion of the site is currently developed with a vacant single-family home and a barn, the remaining portions of the site are undeveloped and covered with grass, brush and trees. Two lowland areas are located in the center and south portions of the site. The rectangular shaped property is relatively flat with approximately 17 feet of overall relief. We understand that proposed improvements consist of a mixture of 66 single-family and townhome sites, and one small commercial area in the south portion of the site, with associated driveways, paved parking areas and underground improvements. Two new streets are planned.

Exhibit 6

7312 SW Durham Road
Portland, Oregon 97224

No detailed plans are currently available, however, we assume that proposed grading will be relatively minor, with cuts and fills assumed to be on the order of 2 to 5 feet maximum and fill up to about 2 feet high. Utilities are assumed at depths of less than 10 feet.

REGIONAL AND LOCAL GEOLOGIC SETTING

The subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The subject site is located within an area of wide spread Boring Lava exposures south and east of Oregon City. These Pliocene-Pleistocene lavas are typically grey and coarse-grained when fresh but weather deeply to reddish-brown and mottled rust and black clayey silt. These residual soils often contain inclusions of large boulders as a result of in-situ spheroidal weathering. Locally, the basal portion of the Boring Lava may contain thick deposits of pyroclastic materials (ash). The Boring is mapped as being underlain progressively by the Troutdale Formation, the Sandy River Mudstone, and the Columbia River Basalt.

SUBSURFACE CONDITIONS

Our site-specific exploration for this report was conducted on December 19, 2002. A total of 10 exploratory test pits were excavated with a small trackhoe to depths of about10 feet, at the approximate locations shown on Figure 2. A GeoPacific geologist evaluated and logged the test pits with regard to soil type, moisture content, relative strength, and groundwater. Logs of the test pits are presented as an attachment to this report. Soil samples were evaluated, described, and classified in general accordance with the Unified Soil Classification System. The following report sections summarize subsurface conditions anticipated at the site, based on our exploration program.

Soils

On-site native materials consist of soil units as described below.

Topsoil: The ground surface is directly underlain by topsoil consisting of dark brown SILT (ML) containing frequent fine organics and fine rootlets. The total thickness of topsoil varies from 10 to 18 inches. Generally, the upper 6 inches is considered highly organic.

Clayey Silt: Underlying the topsoil is red-brown, clayey SILT (ML) forming a clay-enriched B-horizon. In general, the SILT is stiff to very stiff. Pocket penetrometer measurements indicate an unconfined compressive strength of 1.0 to 4.0 tons/ft^2 with an average value of 1.8 tons/ft^2. Total thickness of this layer varies from 1.5 to 5 feet across the site. Test pit TP-1was terminated in this unit.

Clay: Underlying the clayey silt in test pits TP-5 and TP-6 is gray, CLAY (CL). In general, the CLAY is stiff to very stiff. Pocket penetrometer measurements indicate an unconfined compressive strength of about 2.0 tons/ft^2. Both test pits were terminated in this unit at depths of 5 and 6 feet.

Residual Soil: Underlying the clayey silt in the deeper test pits is residual soil (decomposed bedrock) consisting of orange brown and gray silty CLAY (CL) with some occasional boulders. The CLAY is generally stiff to very hard and may effectively be classified as a very soft rock (R1) to soft rock (R2) (see Table 2). Test pits TP-2 through TP-4 and TP-7 through TP-10 were terminated in this unit.

Soil Moisture and Groundwater

Shallow groundwater seeps were observed in test pits TP-1, TP-3, TP-4, TP-5, TP-7and TP-8 at depths ranging from 2 feet to 3.5 feet. It is anticipated that groundwater conditions will vary depending on the

season, local subsurface conditions, changes in site utilization, and other factors. Shallow, perched, runoff often results in the upper few feet in fine-grained native deposits such as those beneath the site, particularly during the wet season. This perched storm-related groundwater is the result of poorly drained soils and not geologic structure-controlled groundwater flow such as springs.

SEISMIC SETTING

At least three potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone, as discussed below.

Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The fault zone extends along the eastern margin of the Portland Hills for a distance of 25 miles, and lies about 2 miles northeast of the subject site. Geomorphic lineaments suggestive of Pleistocene deformation have been identified within the fault zone, but none of the fault segments have been shown to cut Holocene (last 10,000 years) deposits (Balsillie and Benson, 1971; Cornforth and Geomatrix Consultants, 1992). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is judged to be potentially active (Geomatrix Consultants, 1995).

Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 17 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A recent geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek or Newberg Faults (the faults closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner, et al. 1992; Geomatrix Consultants, 1995).

Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). Very little seismicity has occurred on the plate interface in historic time, and as a result, the seismic potential of the Cascadia Subduction Zone is a subject of scientific controversy. The lack of seismicity may be interpreted as a period of quiescent stress buildup between large magnitude earthquakes or as being characteristic of the long-term behavior of the subduction zone. A growing body of geologic evidence, however, strongly suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred siesmogenic portion of the plate interface lies roughly 50 miles west of the Oregon coast and 20 to 40 miles below the ocean surface.

SLOPE STABILITY

The subject site and adjacent area has flat to gently sloping topography, and grades are sufficiently low that development of unstable natural slopes is negligible.

CONCLUSIONS AND RECOMMENDATIONS

Results of this study indicate that the proposed residential development is geotechnically feasible provided that the following recommendations are incorporated in the design and construction phases of the project. Excavation at depths several feet below the ground surface is moderately-difficult and likely to encounter large, residual boulders. Appendix B contains an itemized checklist of soil testing and inspection procedures that are recommended to help guide the project to completion.

Site Preparation

All proposed structure, parking and driveway areas to receive fill should first be cleared of vegetation and any loose debris or undocumented fill encountered in the vicinity of the previous residence. All debris from clearing should be removed from the site. Any existing subsurface structures (tile drains, old utility lines, septic leach fields, etc.) beneath proposed structures and pavements should be removed and the excavations backfilled with engineered fill.

Following site clearing, organic-rich topsoil should then be stripped. We anticipate that the depth of stripping will range from about 6 to 18 inches, with an average depth of unsuitable soil removal of about 8 inches. The final depth of stripping removal will be determined on the basis of a site inspection after the initial stripping has been performed. Stripped topsoil should preferably be hauled offsite or stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

In construction areas during dry weather operations, once stripping is approved, the area should be overexcavated a depth of 12 inches and the exposed subgrade allowed to extensively aerate before the soil is replaced and compacted. Exposed subgrade soils should be evaluated by the geotechnical engineer prior to replacement. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition or over-excavated and replaced with engineered fill, as described below. Actual depth of overexcavation depend upon the conditions exposed at the time, and should be reevaluated by GeoPacific at the time of construction.

Rough Grading

All grading for the proposed development should be performed as engineered grading in accordance with Appendix 33 of the 1997 Uniform Building Code (UBC), as modified herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Imported fill material must be approved by the geotechnical engineer prior to its arrival on site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent (Appendix A). On-site soils will most likely be very wet of optimum; therefore, we anticipate that aeration of native soil will be necessary for compaction operations performed during mid to late summer. This work should be performed before extensive utility work begins so that the required overexcavation and recompaction is not limited by newly placed utilities.

Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd^3, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Earthwork is usually performed in the summer months, generally mid-June to mid-October, when warm dry weather facilitates proper moisture conditioning of soils. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications.

Erosion Control Considerations

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly covering or re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

Excavating Conditions and Trench Backfill

We anticipate that on-site soils can be excavated to depths anticipated for this project (up to 10 feet) using conventional heavy equipment such as scrapers and trackhoes. Many large residual boulders should be anticipated below several feet depth. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Heath Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type A Soil and temporary excavation side slope inclinations as steep as 3/4H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that structural trench backfill be compacted to at least 95% of the maximum dry density obtained by Standard Proctor (AASHTO T-99), or equivalent. Initial backfill lift thicknesses for ¾"-0 crushed aggregate backfill may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

Pavement Sections

Based on our experience with similar soils, we used a resilient modulus of 6,000 pci for design purposes. Table 1 presents our recommended minimum pavement section for dry-weather construction. This design was formulated using the Crushed Base Equivalent method, and a traffic index of 4.0. This Traffic Index is typically used as representative of light-duty residential streets.

Table 1 - Recommended Minimum Dry-Weather Pavement Section

Material Layer	Minimum Thickness (inches)	Compaction Standard
Asphaltic Concrete (AC)	3	91% (bottom lift)/ 92% (top lift) of Rice Density AASHTO T-209
Crushed Aggregate Base (¾"-0 leveling coarse)	2	95% of Modified Proctor ASTM D1557
Crushed Aggregate Base 1 ½"-0	8	95% of Modified Proctor ASTM D1557

Sufficient density testing should be performed to verify compaction of pavement section materials. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

Any localized areas of soft soil subgrade in pavement areas discovered during construction should be ripped or tilled, moisture conditioned, and recompacted in-place to at least 95% of ASTM D698 or equivalent. In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving. If pavement areas are to be constructed during wet weather, GeoPacific should review the subgrade at the time of construction so that condition specific recommendations can be provided. Wet-weather pavement construction is likely to require soil amendment, or geotextile fabric and an increase in base rock thickness.

Anticipated Foundations

The subject site is suitable for shallow foundations bearing on stiff, native soil or engineered fill. Foundation design, construction, and setback requirements should conform to Chapter 18 of the UBC and Oregon Structural Specialty Code (OSSC). For protection against frost heave, spread footings should be embedded at a minimum depth of 18 inches below exterior grade. Minimum footing widths should be determined by the project architect/engineer in accordance with applicable codes.

The recommended allowable soil bearing pressure is 1,500 lbs/ft^2 for footings on stiff native soil and engineered fill. A maximum column load of 35 kips is recommende, subject to a geotechnical engineers review. For heavier loads or any masonry walls or chimneys, the geotechnical engineer should be consulted. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.45 (no factor of safety included). For footings founded on engineered fill, the maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively.

Footing excavations should penetrate through any loose, uncompacted soil to bear on engineered fill that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars.

The above recommendations apply to foundations constructed under dry weather conditions. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season will require placement of an estimated 12 to 24 inch thick layer of compacted crushed aggregate.

Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Drainage

Perimeter footing drains may by necessary around building foundations. Perimeter drains should consist of a minimum 3-inch diameter ADS Highway Grade (or equivalent), perforated, plastic pipe enveloped in a minimum of 1 ft^3 per lineal foot of 2"- ½", open, graded gravel (drain rock) wrapped with geotextile (Mirafi 140N or equivalent). A minimum 0.5% fall should be maintained throughout all subdrains and non-perforated pipe outlets. Footing drains are for mitigating the detrimental effects of water on foundations only and will not eliminate all potential sources of water entering the crawlspace.

Our recommendations regarding drainage are for house construction incorporating raised wood floors and conventional spread footing foundations. If buildings will incorporate basements, underground storage tanks or slab-on-grade floors, GeoPacific should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. Surface water drainage should be directed away from structures, and, if possible, roof-drain water should be carried to the street or discharged to the storm drain system.

Seismic Design

The project site lies within Seismic Zone 3, as defined in Chapter 16, Division IV of the 1997 Uniform Building Code (UBC). Seismic Zone 3 includes the western portion of Oregon, and represents an area of relatively high seismic risk. For comparison, much of California and southern Alaska are defined as Seismic Zone 4, which is an area of highest seismic risk. Consequently, moderate levels of earthquake shaking should be anticipated during the design life of the proposed improvements, and the structures should be designed to resist earthquake loading in accordance with the methodology described in the 1997 UBC. Based on the subsurface conditions we observed during our exploration program, UBC Soil Type S_c may be assumed for the site. The corresponding seismic factors may be used in developing a normalized response spectra for the assumed UBC Soil Type.

In our opinion, the potential for liquefaction or liquefaction-related ground failure at the subject site is very low and no special mitigating measures are recommended.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the client and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, express or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

REGISTERED PROFESSIONAL ENGINEER 14743 OREGON JAN. 23, 1990 JAMES D. IMBRIE

Kirk L. Warner, R.G.
Senior Geologist

James D. Imbrie, P.E.
Principal Engineer

Attachments: References
Checklist of Recommended Geotechnical Testing and Observations
Figure 1 – Site Location Map
Figure 2 – Site Plan
Logs of Test Pits TP-1 – TP-10

the slow draining soils in the area. We cannot change the fundamental drainage characteristics of the poorly drained soils, nor can we alter the climate in the region; therefore the residents of past, presently proposed, and future developments will have lawns that are soggy during the wet season.

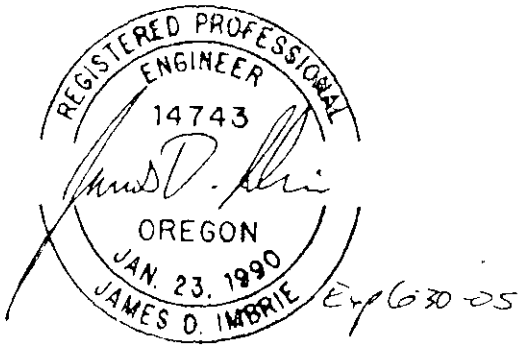
Since the wet soils in the vicinity are primarily created by slow surface runoff and are well known to GeoPacific Engineering Inc. and city staff of Oregon City, little would be learned by waiting perhaps years and excavating test pits in the wettest winter. Differentiation between seeps, springs, or a groundwater table from below and shallow, perched runoff during severe wet weather would be extremely difficult, if not impossible and such restraints for investigation timing are unnecessary. Therefore, the concerns regarding the weather at the time of our investigation are not valid. If we had concluded that there was no shallow perched runoff in the upper few feet of soils at the site at any time of the year no matter what the weather, then there may have been a valid concern regarding the timing of our field explorations. In our opinion, the testimony by the neighbors supported our conclusions regarding the wet soil conditions being related to storm runoff only.

Since the wet soils are related to surface runoff, the concern in the upland areas of the site becomes a storm water runoff design issue. If the storm water design is appropriate, then adverse effects to adjoining properties should not occur. In our opinion, the existing surrounding developments are experiencing drainage problems precisely because they did not incorporate the storm water control elements that this development is required to adhere to. Lacking these elements, the existing developments likely have created adverse impacts on themselves and surrounding properties, including Village at South Rose, which the Civil Engineering design for Village at South Rose may now be compensating for or correcting as much as is feasible.

We trust this discussion was enlightening and helpful. Please call if you have any questions.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



James D. Imbrie, P.E.
Principal Engineer

GeoPacific Engineering Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

February 3, 2004

Project No. 02-8100

Tom Sisul
Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Added Discussion on Groundwater Concerns from Neighboring Residents
Village At South Rose Development
Oregon City, Oregon

Reference: GeoPacific Engineering Inc., Geotechnical Engineering Report, Village at South Rose Development, Project No. 02-8100, revised February 3, 2004.

This brief letter is for the specific purpose of discussing groundwater concerns generated from neighboring residents to the subject proposed development. From our attendance at the Planning Commission hearing and an informal neighborhood meeting we noted the following voiced concerns which related to our work: 1) that the geotechnical report was performed during a dry winter and therefore would not have identified the degree of groundwater problems in the area, 2) that groundwater or wet soils within the proposed development could adversely affect drainage concerns on adjoining properties.

In our opinion, the concerns expressed by the neighbors continually confuse the issue of groundwater emanating from below with perched, shallow groundwater originating from storm runoff. The 1979 Geology and Geologic Hazards Study by Schlicker and Finlayson identifies the area has having wet soils and/or a high water table; this is the study that primarily helped modify Oregon City's development code to require that groundwater concerns be addressed. This regionally mapped wet soils condition is predominantly created by storm runoff during the wet season due to the impermeable clay soils derived from the Boring Lava Formation and slow draining topography of the Oregon City plain. Such shallow, perched groundwater is a lesser geotechnical issue than seeps or springs created from groundwater emanating from below due to geologic structural control of groundwater flow. The effects of shallow perched groundwater are most pronounced in low-lying areas which are currently mapped as wetlands and stay wet for longer periods, perhaps year round. At the time of the 1979 report, areas of severe concern such as low-lying wetlands and drainages could still be developed. This report served as a warning for those attempting to develop in low-lying areas that localized development sites may have more severe problems than the average site in the region and that specific types of constructed systems may experience water related difficulties. The report specifically addresses concerns relating to hydrostatic pressures on basement walls, underground storage tanks, and poor performance of septic systems. We do not believe that any of these constructed systems are currently proposed at Rose Vista nor are any of the low-lying areas available for development.

Our geotechnical investigation report discusses "Shallow, perched, runoff often results in the upper few feet in fine-grained native deposits such as those beneath the site, particularly during the wet season." We also made recommendations for perimeter footing drains for homes utilizing raised wood floors even though these homes are located in the upland areas and would incorporate positive drainage and low point drains in the crawlspaces. No further recommendations are being made to mitigate the effects of

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 the neighbors on Rose Road. We would like to make four points for the record.

1) We support the proposed zone change on Tax Lot 300 from R-6 MH to R-8, as that zoning designation is more in line with the existing neighborhood.
2) We are of the opinion that the new application does not significantly vary from the previous one filed less than one year ago. The overall density of the development is not significantly different, with most of the lot sizes still significantly smaller than those in the surrounding area. While the lot sizes across the edge of the property facing Lafayette were increased, with the density required for the PUD, this necessitated the lot sizes facing Rose Road to be decreased, moving the problem from one side of the development to the other.
3) The information provided at this time leaves us feeling that, while the detention ponds have evidently been increased in size, water remains an issue with most of the questions asked at the first hearing still unanswered. We understand that more information may follow; however at this time, with the lack of information, we feel the water issues remain substantially similar to the previous application.
4) The concerns of the neighborhood regarding the volume of traffic on a dead-end road remain essentially the same as before. The estimated volume of traffic is now 720 trips per day, an 11% decrease from the previous application. Because this number still represents an approximate 620% increase in traffic, we feel that this does not represent a significant change. As a further example, in the new proposal, the evening peak hour trip total drops less than 10% from the previous application, while still increasing by 73% from the existing level. This does not represent a substantial change from the previous application.

Thank you for your attention to our concerns. We look forward to the staff report and the opportunity to further discuss this application with the Planning Commission.

Kathleen Galligan
18996 S Rose Road
Oregon City, OR 97045

Exhibit 8

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.

The issues appear to me to remain the same. The overall density of the development has not significantly changed, it has been shifted from the Lafayette side to the Rose Road side. The traffic and parking problems have not changed. This remains a dead end road and there are concerns regarding emergency vehicles being able negotiate as well as those residents at the end of the road being able to evacuate in an emergency. The water issue remains a major concern. The proposed solutions dealing with detention ponds appear to satisfy the requirements of the project however those solutions compromise the problems of the residents on the north and south of the development.

Thank you for your consideration.

Penny and Ed Burton
18799 S. Rose Road
Oregon City, OR

Exhibit 9

04 SEP -3 AM 10:43

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City,OR 97045

Sep 2, 2004

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

We submitted a letter on 8/13/04 expressing our concerns about the subject pending land use application based on information we had been provided up to that date. We have since received additional information which we believe is pertinent to this application that should be added to our previous comments.

On Aug 16,2004 the applicant/developer met with many of the property owners surrounding the proposed development to explain the proposed development plans and answer residents questions.At that meeting the following information was provided:

1. The finished grade of some lots will be raised 4 to 5 feet.We were told this was necessary to provide proper drainage from these lots.
It appears the true purpose is to raise the lots up above the swampy area near the edge of the wetland area so as to make them buildable.This will change the natural drainage pattern and cause the storm water to flow where it would not naturally flow.

2. Mr. Reeder stated that "Rose Road would be raised a couple of feet in some places".
The applicant proposed raising Rose Road in a previous application which the Planning Commission denied due to the adverse effect it would have on properties on the south side of Rose Road.Most of the properties on the south side of Rose Road slope towards the subject property. Raising the grade of Rose Road would cause more water to flow onto properties on the south side exacerbating the existing wet soil conditions.

3. Due to the high water table, geotechnical conditions and slow draining characteristics of the soil in this area, storm water from all gutters and drains will be piped to detention ponds.Mr. Reeder stated the homes to be built will be from 1600 to 2000 sq ft plus garages.Each home will avg 1800 sq ft + gar 600sq ft = 2400 sq ft per home site.63 homes X 2400 sq ft =151,200 sq ft (3.47 ac)Additionally,93,049 sq ft (2.14 ac)will be dedicated to streets and roads which will drain to the detention ponds or wetlands drainage channels.This will result in 151,200 sq ft + 93,049 sq ft = 244,249 sq ft(5.61 ac) total surfaces which will collect and drain storm water from the development This water will not be allowed to permeate the soil strata and recharge the ground water/water resource.

Given: 1 sq ft = 144 sq in 1 cu in = .00433 gal

244,249 sq ft X 144 =35,171,856 sq in X .00433 = 152,294 gal per each inch of rain received.

The avg annual rainfall in this area is 38 inches which means approx 155,294 X 38 = 5,**787,172** gallons of water will be collected and drained to area streams and rivers which will contribute to

Exhibit 10

the increase in stream and river temperatures to the detriment of fish and wildlife. After development, water will then be piped back to the development to to make the development habitable placing additional unnecessary burden on the city's water supply.

This appears to be gross mismanagement of our natural resources and counterproductive to efforts to conserve, restore and manage the state limited water resources by:

- The State of Oregon
- The Regional Water Providers Consortium
- The South Fork Water Board
- The Oregon City Natural Resources Committee

We depend on a well for our water source. We have water rights to use this underground water obtained in 1947 when our family purchased this property. Water levels in wells in this area have declined as a result of development in the south end area. We believe disposal of this large amount of water without recharging the ground water will cause a further decline in the underground water supply and jeopardize our water source.

What will be the long term affect on the ecology and environment of this area?

We believe this proposal does not meet:
Goal 5- "To protect natural resources and conserve scenic and historic areas and open spaces to promote a healthy environment and natural landscape that contributes to Oregon's livability".
Goal 6- " To maintain and improve the quality of the air, water, and land resources of the state".

We believe this proposal violates the requirements of Oregon State water quality standards to conserve and restore this resource and maintain the high quality of Oregon's ground water resource for present and future uses.
Oregon Revised Statutes

468B.155 State goal to prevent ground water contamination. The Legislative Assembly declares that it is the goal of the people of the State of Oregon to prevent contamination of Oregon's ground water resource while striving to conserve and restore this resource and to maintain the high quality of Oregon's ground water resource for present and future uses. [Formerly 468.692]

Note: See note under 468B.150.

468B.160 Ground water management and use policy. In order to achieve the goal set forth in ORS 468B.155, the Legislative Assembly establishes the following policies to control the management and use of the ground water resource of this state and to guide any activity that may affect the ground water resource of Oregon:

(1) Public education programs and research and demonstration projects shall be established in order to increase the awareness of the citizens of this state of the vulnerability of ground water to contamination and ways to protect this important resource.

(2) All state agencies' rules and programs affecting ground water shall be consistent with the overall intent of the goal set forth in ORS 468B.155.

(3) Statewide programs to identify and characterize ground water quality shall be conducted.

(4) Programs to prevent ground water quality degradation through the use of the best practicable management practices shall be established.

(5) Ground water contamination levels shall be used to trigger specific governmental actions designed to prevent those levels from being exceeded or to restore ground water quality to at least those levels.

(6) All ground water of the state shall be protected for both existing and future beneficial uses so that the state may continue to provide for whatever beneficial uses the natural water quality allows. [Formerly 468.693]

WATER RESOURCES ADMINISTRATION

536.220 Policy on water resources generally. (1) The Legislative Assembly recognizes and declares that:

(a) The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof are in large part dependent upon a proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority.

536.241 Policy on water supply. (1) The Legislative Assembly finds that the availability of an adequate water supply is essential to the continued health and safety of all Oregonians.

(2) The Legislative Assembly declares that it is the policy of the State of Oregon to ensure a water supply sufficient to meet the needs of existing and future beneficial uses of water, and to adequately manage the state's water resources. Further, in recognition of this policy, the Legislative Assembly declares that the planning and management of the water resources of this state shall be conducted in a consistent and coordinated manner. [1999 c.984 §2]

This lack of ground water recharging can be mitigated by reducing the density of the proposed development to allow more open space for water to infiltrate the substrata and replenish the underground water resource thereby reducing the quanity of this essential resource being drained away and wasted.

There is no shortage of developable/buildable land in the Oregon City area and not all vacant land is equally developable. Some properties such as this have constraints which limit the development potential due the lands carrying capacity.A reduction in density by 40 to 50% would be more appropriate development for this property and would conserve more of the essential limited water resource while not having a significant negative affect on housing availability in the Oregon City area.

4. Upon reviewing the proposal narrative we noted that the applicant proposes to put sidewalks and planter strips on ONLY one side of the private streets in the center portion of the development.

These streets will not conform to the streets in other developments around Oregon City.

This is a very unique, fragile property with a limited carrying capacity for development. A lower density conventional development would better conserve the City's natural beauty,natural water

resource,visual character and livability without adversely affecting the surrounding properties and natural resource areas and be more compatible, suitable and acceptable to area homeowners.

Thankyou,

John P. & Phyllis Dinges
18896 S. Rose Road
Oregon City,Or 97045

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City,OR 97045

Aug13,2004

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

Contrary to what some people might think, we are not against development of the vacant property on the north side of S.Rose Road (Reeder Property).We would like to see any development be compatible with the size and development pattern of the surrounding properties and not overload the carrying capacity of the land.Hopefully any development would compliment and enhance the liveability and character of the area and not have an adverse affect on surrounding properties.

1.The proposal does not appear to be substantially different from the previous application.This appears to be an attempt to circumvent the "No reapplication for one year" requirement of OCMC 17.50.220.
The applicant demonstates an attitude that as long as his development plans meet City Land Development requirements he should be able to do whatever the city code allows without public review and approval of his intentions. If that were the case, there would be no need for a city planning commission and all development decisions would be made by the planning department staff.

2.ZC 04-03- We have no objection to the Requested Zone Change. We had previously asked that the zoning be changed to R-10 but the Planning Commission felt R-8 would be appropriate.

3.WR 04-12- We have concerns about the proposed storm water system, ground water flows, ground water recharging and protection of the Water Quality Resource Area.
The Water Resources Report and the Geo Technical Engineering reports fully substantiate testimony given by area residents before the Planning Commission regarding the high water table and soggy lawns in the area.To make the area developable the Geo Technical Report recommends:
For construction during dry weather conditions-

- Vegitation be removed
- Topsoil be stripped to a depth of 6 to 18 inches
- Area should be overexcavated to a depth of 12 inches and the exposed sub grade allowed to aerate(dryout)before the soil is replaced and compacted.

I spoke with a soils engineer about this procedure. The engineer's first words were " Wow, this must be some very wet soil".The engineer explained that overexcavation meant to remove the top 12 inches of the substrata to permit the lower strata to dry out. The engineer said the purpose was to provide a stable base on which to build. The engineer said this was a rather extreme measure requiring movement of a large amount of soil and then the replacement and compacting.

How long will this subsurface soil conditoning last? 1 year? 5 years? 10 years?. What happens when the 12 inches that was dried out to permit development again becomes saturated and

Exhibit 11

compacted again? Will the surface and high ground water problems return? Who will be held liable for damages?Where will the developer and construction contractors that did the work be? This sounds like Florida swamp construction.OTAK called this area a "Virtual Swamp".

The higher density proposed for the development will increase the amount of impermeable surfaces and reduce the natural retention storage capacity and retention of storm waters.

Previous development proposals called for excavated foundations resulting in a final grade approximately two feet higher than the present grade. This would probably result in more water flowing off of the development towards adjacent properties to the northeast and southwest exacerbating the existing water problems on those properties.Also, development of this property will result in the generation of contaminates such as oils,greases,household hazardous materials,chemicals from pesticides and herbicides,nutrients from fertilizers and pet wastes which will be transported by the surface runoff.Several of the properties on the south side of Rose Road are dependent on wells for their water supply.The ground water in this area moves horizontally and permeates the sub strata very slowly to recharge the aquafer/water resource.How long will it be before the water resource becomes contaminated and the wells unuseable? This is a major concern of the Oregon State DEQ.

The culvert draining the southerly wetland is too small to handle the present winter flow of storm water.Water regularly overflows Rose Road in this area during heavy winter rains. I do not find any proposal to replace the 16 inch culvert with a larger size.

4.PD 04-02- Planned Unit Development.We do not feel a PUD as submitted is appropriate for this property.
This proposal attempts to address the density issue objected to previously by proposing more appropriate sized lots consistent with the larger sized lots on some of the adjacent properties. Lot size is increased,density decreased, on the northeasterly side of the development adjacent to the Oak Tree subdivision properties developed on 10,000 square foot lots but density is increased with additional lots added on the southwesterly side facing Rose Road where existing properties are zoned R-10 and developed on 1/3rd to 4 acre lots.
The northwest end of the proposed development is approximately 500 feet from the Urban Growth Boundary (UGB). This property should be developed as transitional housing to provide a proper transition from developed to undeveloped areas.Lower density transitional development would be more compatible with the lower density developed properties surrounding this property. The proposed lot sizes would have a significant adverse affect on the adjacent properties and the liveability and character of the area. It just wouldn't fit in.

Open space is still insufficient and not integrated into the development. Open spaces are still placed wherever they could fit in and are not located so as to provide easy and convenient access for the residents. The main recreation area has been moved to the southeasterly corner of the westerly portion of the development. The narrative states the size of the recreational area to be 16,000 square feet, but the map shows the size as 5,502 square feet. There is adjoining open space which may or may not be useable during the winter months due to standing water. The recreation area is over 1000 feet from dwellings at the northwest end of the development and will not be visable from the dwellings along Rose Road.

The center portion of the development has no recreation area. It would be appropriate that a

centrally located play area be placed in this part of the development.

The recreation area in the south end of the development appears to be adaquate, however, vehicles entering/departing the parking area will drive between the recreation area and the dwellings.This could cause some safety concerns.

The installation of gravel pathways in the development is questionable for use by disabled residents.OCMC 17.62.050.A.20 states-"Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable Federal and State requirements". We think covering the pathways with an impermeable surface would be more suitable and practicle.

Traffic will still be a problem. The slight decrease in overall density will have a negligible affect on the traffic concerns of the present Rose Road residents. There are currently 22 developed residences along Rose Road. The proposed development would add an additional 67 residences for a total of 89 residences served by Rose Road.It is common and not unusual for rural/outlying residences to have 2 or more vehicles. Some current residents have 3 or more vehicles.This would result in 178 vehicles (89x2)using Rose Road for ingress/egress. In addition, some current residences provide daily child care services resulting in additional traffic on the road during the morning and evening peak drive times.
The applicants Traffic Study is somewhat misleading.The estimated trip generation calculations show the traffic generated by the proposed development. The stated trip projections for the AM peak hour is 56,for the evening peak hour 75. When the existing traffic volumes are included , the AM peak hour becomes 73, the evening peak hour 95. The existing volume is based on their traffic count data. Having only one ingress/egress route is sure to cause some problems regardless of traffic studies done.
I spoke with people in the Metro Planning Dept about this issue. They expressed concern and are looking into it.

The cul-de-sac that was proposed for the center portion of the development has been replaced with private streets without provision for turning a vehicle around. This will require vehicles to backup to turn around.This will create a dangerous condition and it will only be a matter of time until a child or person is backed over and seriously injured or killed.

Development of these properties as proposed will not conserve the City's natural beauty, visual character and liveability. The proposed development would adversely affect the surrounding properties and natural resource areas. A lower density conventional development would be much more compatible, suitable and acceptable to the area homeowners.

We shall be looking forward to hearing other peoples opinions at the Aug 23 Planning Commission Meeting.

Thankyou,

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

Tony Konkol

From: Jim & Martha Kosel [Jimarthak@spiretech.com]
Sent: Sunday, August 15, 2004 6:55 PM
To: Tony Konkol
Subject: File ZC 04-03, PD 04-02, WR 04-12

Hi Tony,

Re the above files, have you included the new watershed council being formed which includes Beaver Creek? This is being funded by a Metro grant through County Soil and Water

Whatever happens here will impact downstream, an area that is part of OC's urban growth area, and may have far reaching future impacts on OC.

Jim

Exhibit 12

Tony Konkol

From: Pratt, Rett [PrattR@CTT com]
Sent: Thursday, August 12, 2004 5:00 PM
To: Tony Konkol
Subject: Rose Rd

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

Tony,

I am writing regarding the above referenced application for Rose Road.

My main concern is and has always been that this seems to be far too many lots for a dead end road. When you consider that the traffic from the subdivision across the street (Lienert Farm) has the right of way when exiting towards Oregon City I see a real traffic jam in the morning hours of the weekdays. Lienert Farm has other ways of exiting but coming out Rose Rd. makes the most sense unless those folks work out towards the Canby area, in that case they would most probably exit out the back of their subdivision and take the road that is just south of Rose Rd. to get to work. The Lienert Farms folks wait would not be nearly as long as ours when turning towards Oregon City, further incentive for them to come straight out Rose to South End.

I don't know if there are standards or requirements for a maximum number of homes on a dead end road but I sincerely hope that the City uses common sense in this matter.

Thank you for your consideration,

Rett Pratt
18907 S. Deer Lane
Oregon City, OR 97045

Exhibit 13

CITY OF OREGON CITY - PLANNING DIVISION

PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL

July 27, 2004

N-HOUSE DISTRIBUTION
- ✓ BUILDING OFFICIAL
- ✓ ENGINEERING MANAGER
- ✓ FIRE CHIEF
- ✓ PUBLIC WORKS- OPERATIONS
- ✓ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- TECHNICAL SERVICES (GIS)
- PARKS MANAGER
- ADDRESSING
- ✓ POLICE Application, Site Plan

RAFFIC ENGINEER
- ✓ John Replinger @ DEA

MAIL-OUT DISTRIBUTION
- ☑ CICC
- ☑ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☑ N.A. LAND USE CHAIR
- ☑ CLACKAMAS COUNTY - Joe Merek
- ☑ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☑ SCHOOL DIST 62 Application, Site Plan
- ☑ TRI-MET Application, Site Plan
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

ETURN COMMENTS TO: Tony Konkol, Senior Planner
OMMENTS DUE BY: August 10, 2004
EARING DATE: August 23rd, 2004 – Planning Commission
September 15th, 2004 – City Commission
EARING BODY: __Staff Review; TYPE IV - XX PC; ___CC

RECEIVED
CITY OF OREGON CITY
04 AUG 10 PM 3:56

EFERENCE TO-
LE # & TYPE: ZC 04-03, PD 04-02, & WR 04-12
LANNER: Tony Konkol, Senior Planner
PPLICANT: Paul Reeder
EQUEST: 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)

OCATION: 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-1CD 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.

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

___ The proposal does not conflict with our interests.

___ The proposal would not conflict our interests if the changes noted below are included.

✓ The proposal conflicts with our interests for the reasons stated below.

___ The following items are missing and are needed for review:

Signed Kathy Hogan
Title Land Use Hazel [illegible] Farm NA

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAT

Exhibit 14

To: City of Oregon City
Planning Division
Attn: Tony Konkol
320 Warner Milne Road
Oregon City, OR 97045

Aug 10.2004

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

1. The proposal does not appear to be substantially different from the previous application. This appears to be an attempt to circumvent the one year reapplication requirement of OCMC 17.50.220.

2.The proposal only partially proposes appropriately sized lots consistent with the larger lots on adjacent properties.Lot size is increased ,density decreased, on the northeastly side of the westerly portion of the development adjacent to the Oak Tree subdivision properties developed on 10,000 square foot lots,but density was increased with additional lots on the southwesterly side facing S.Rose Road where the existing properties are zoned R-10 and developed on 1 to 4 acre lots.The northwest end of the proposed develoment is approximately 300 feet from the Urban Growth Boundary (UGB). This area should be developed as a transitional area from a developed to an undeveloped area. The proposed lot sizes will have a significant affect on adjacent properties and the liveability and visual character of the area.

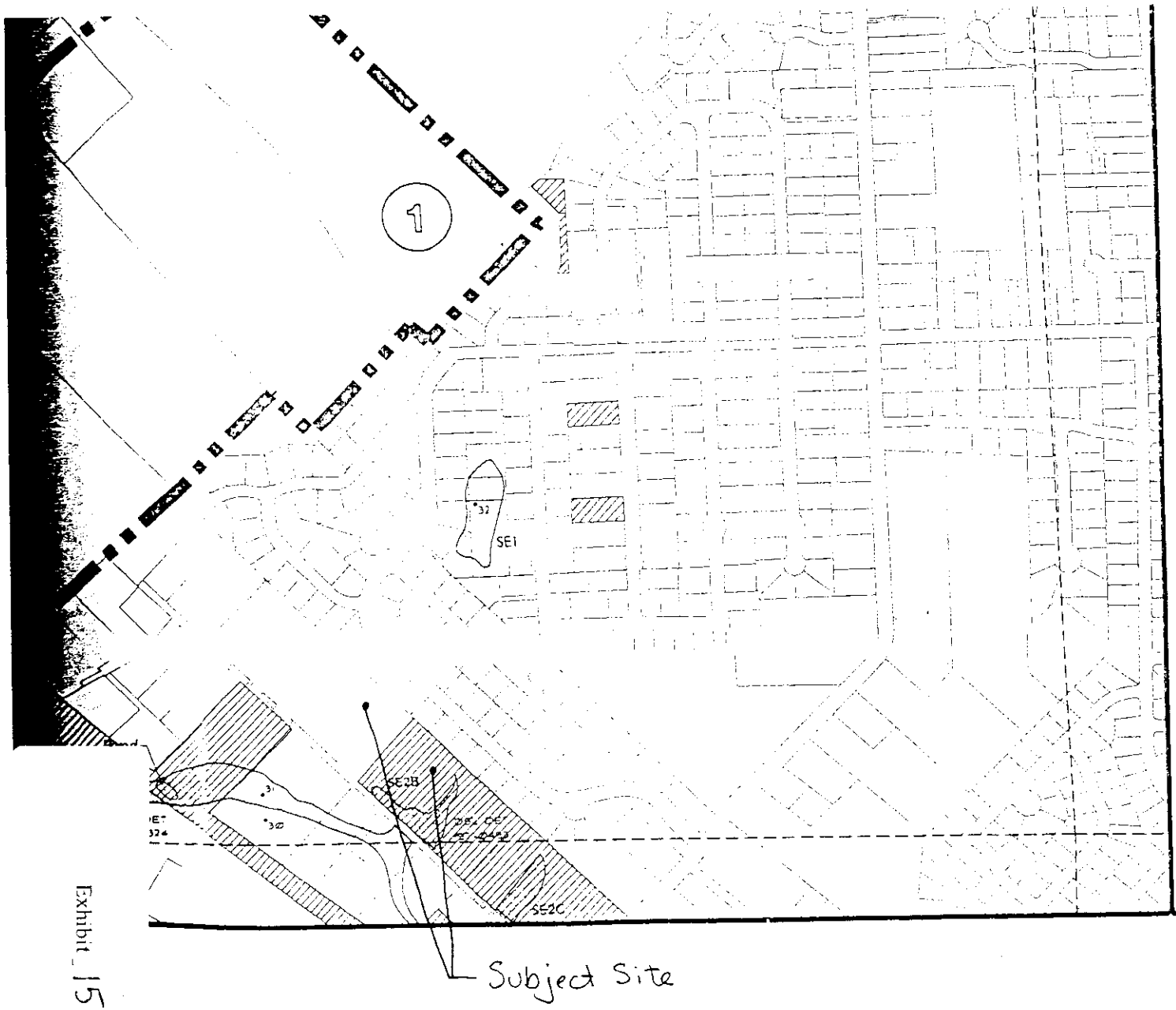
3.Open space is insufficient and is not integrated into the development. It is still placed wherever it could fit and is not located in a manner that provides easy and convenient access for the residents.The installation of gravel pathways in the development is questionable for use by disabled residents.OCMC 17.62.050. A.20 states: Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable Federal and State requirements.

4.Concerns about the proposed storm water system, ground water flows, groundwater recharging and protection of the Water Quality Resource Area.The higher density will increase the amount of impermeable surfaces and reduce the natural retention storage capacity and retention of storm waters.Previous development was proposed to have excavated foundations resulting in a final grade approximately two feet higher than present grade. This will probably result in more water flowing off the site towards properties to the northeast and southwest exacerbating the water problems presently existing on those properties. Several of the developed properties on the south side of Rose Road are dependent on wells for their water supply.The ground water in this area moves horizontally and permeates into the substrata very slowly to recharge the ground water and water resource.The impermeable barrier proposed to be placed along the north side of Rose Road on the southwesterly side of the development may limit the flow of water off the site at the expense of depleting or limiting the water available to recharge the water bearing substrated which supplies the wells in the area.

5.Traffic will still be a problem. The slight decease in overall development density will have a negligible affect on the traffic concerns of residents along S.Rose Road.There are currently 22 developed residences along Rose Road.The proposed development would add an additional 67 residences for a total of 89 residences. It is common and and not unusual for residences to have two or more vehicles.Some current residences have 3 or more vehicles.This would result in 178 vehicles (2x89) using Rose Road for ingress/egress.In addition, some current residences provide Child Day Care services resulting in additional traffic on the Road during the morning and evening drive times.Having only one ingress/egress to the area is sure to cause some problems regardless of traffic studies previously done.
The cul de sac that was planned in the center portion of the development has been replaced by private streets without provision for turning a vehicle around. This will require vehicles to back up to turn around. This will create a dangerous condition and it will only be a matter of time until a child or person is backed over and seriously injured or killed.

6.Development of these properties as proposed by the applicant will not conserve the City's natural beauty, visual character and liveability.The proposed development would adversely affect the surrounding community and natural resource areas.A conventional development would be much more compatable and suitable for these properties.

Kathy Hogan
Land Use Representative
Hazel Grove/Westling Farms N.A.



Sample site

DSL DET wetland

DSL DET 97-0569 DSL label

Mitigation wetland

Site access not grant

Stream

Wetland a

1 acre
1/2 acre
1/10th acre

NORTH

0 400 800
FEET

WETLAND INFORMATION IS SUBJECT TO CHANGE

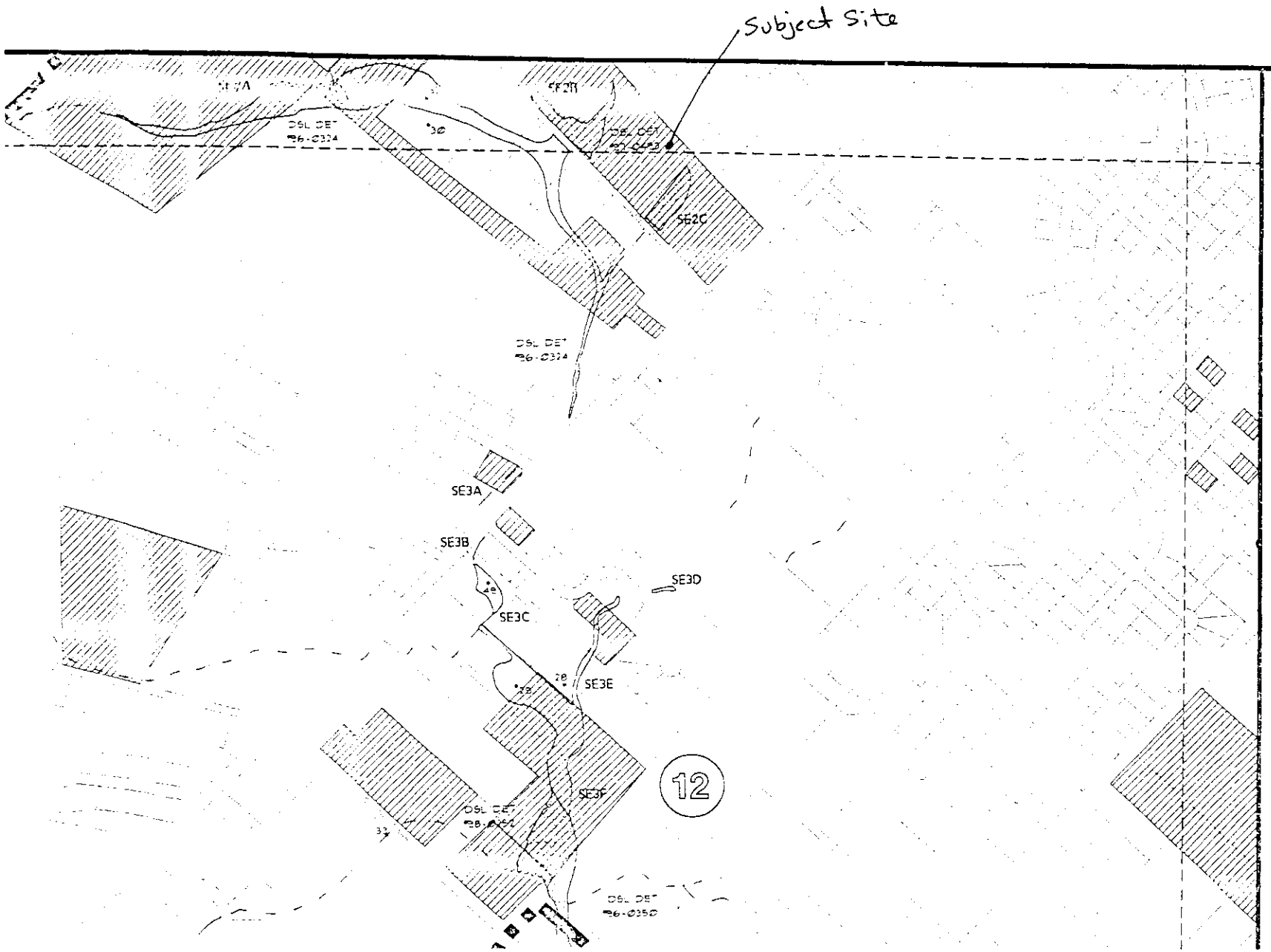
This map is for planning purposes only. Mapped wetland and riparian ... were not flagged or surveyed (unless noted as a delineation study) ... for on-site verified wetlands are accurate to within 25'. There may be ... or unmapped wetlands subject to regulation. In all cases, actual field ... determine wetland boundaries. If site alteration work is proposed ... advised to contact the Oregon Division of State Lands or the U.S. Army ... Engineers with regulatory questions. This study was funded by ... Department of Land Conservation and Development periodic review ... grant.

City of Oregon City

320 Warner Milne ...
Oregon City, Oregon 97...

SHAPIRO ... INCORPO...

Exhibit 15

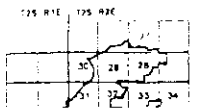


T 3S R 1E

CITY OF OF
LO
WETLAND I

LEGI

Urban
Wetland
AC2 Wetland
FCR1 Riparian
Sample
DSL
DSL DET DSL lab
Mitigatio
Site acc
Stream



PC Mailing List

Meeting Date: 9-27-04

Sent On: 9-20-04

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

*In addition to the names on the following page

Total:

Kathleen Galligan
18996 Rose Road
Oregon City, Oregon 97045

Penny and Ed Burton
18799 Rose Road
Oregon City, Oregon 97045

John and Phyllis Dinges
18896 Rose Road
Oregon City, Oregon 97045

Rett Pratt
18907 Deer Lane
Oregon City, Oregon 97045

Paul Reeder
10893 Forest Ridge Lane
Oregon City, OR 97045

Davis Wright Tremaine LLP
Eugene Grant
1300 SW 5th Ave, Ste. 2300
Portland, OR 97201-5692

CICC Chairman/Hillendale Nbrhd
Julie Hollister
13204 Clairmont Way
Oregon City, OR 97045

Barclay Hills Nbrhd Assoc.
Elizabeth Klein, Land Use
13569 Jason Lee Drive
Oregon City, OR 97045

Canemah Nbrhd Assoc.
Howard Post, Chairman
302 Blanchard Street
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Cathi VanDamm
15092 S. Persimmon Way
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Mike Mermelstein, Land Use
20114 Kimberly Rose Drive
Oregon City, OR 97045

Gaffney Lane Nbrhd Assoc.
Joan Schultze
19413 Stillmeadow Drive
Oregon City, OR 97045

Hazel Grove / Westling Farm N/A
Kathy Hogan, Chairman
19721 S. Central Point Road
Oregon City, Oregon 97045

Hillendale Nbrhd. Assoc.
Debbie Watkins, Co-Chairman
13290 Clairmont Way
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Denyse McGriff, Land Use
815 Washington Street
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Dean Walch, Co-Chairman
516 Madison Street
Oregon City, OR 97045

Park Place Nbrhd. Assoc.
Julie Puderbaugh
15022 South Highland Road
Oregon City, Oregon 97045

Park Place Nbrhd. Assoc.
Don Slack
16163 Widman Court
Oregon City, OR 97045

Rivercrest Nbrhd. Assc.
Diane McKnight, Chairman
161 Barclay Avenue
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Patti Brown, Land Use
P.O. Box 1222
Oregon City, OR 97045

South End Nbrhd. Assoc.
Karen Montoya, Chairman
137 Deerbrook Drive
Oregon City, OR 97045

South End Nbrhd. Assoc.
Kathy Robertson, Land Use
210 Elmer Drive
Oregon City, OR 97045

Canemah Neighborhood Assoc.
Alan Shull
713 5th Place
Oregon City, Oregon 97045

Garvey Schubert Barer
Bill Kabeiseman
121 SW Morrison Street, 11th Floor
Portland, Oregon 97204

Planning Commission
Linda Carter
1145 Molalla Avenue
Oregon City, Or 97045

Planning Commission
Lynda Orzen
14943 Quinalt Ct.
Oregon City, Or 97045

Planning Commission
Dan Lajoie
143 John Adams Street
Oregon City, OR 97045

Planning Commission
Tim Powell
819 6th Street
Oregon City, OR 97045

Planning Commission
Renate Mengelberg
2263 South Gilman
Oregon City, Or 97045

DJC
Kurt Shirley
PO Box 10127
Portland, OR 97296

Oregonian Metro South-News
365 Warner-Milne Road, Ste. 110
Oregon City, Oregon 97045
Attn: Steve Mayes

Rene Hinneberg
AV Tech
2580 Cambridge Street
West Linn, OR 97068