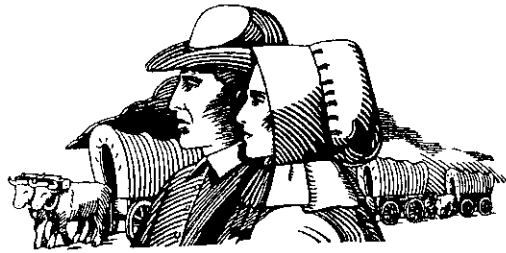


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

****PLEASE NOTE THE DATE CHANGE -THE ORIGINAL AGENDA REFERENCED
AN INCORRECT DATE FOR THE PLANNING COMMISSION HEARING****

**City Commission Chambers - City Hall
September 22, 2003 at 7:00 P.M.**

The 2003 Planning Commission Agendas, including Staff Reports and Minutes, are
available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

7:02 p.m. 3. **HEARINGS:**

PD 03-02 (*Quasi-Judicial Planned Unit Development Hearing*), Mike Flury/Tom Sisul, Request for the approval of a 25-lot Planned Unit Development located at 19398 Leland Road and identified as Map 3S-2E-7D, Tax Lot 301. Staff has recommended the approval of the application with conditions.

WR 03-08 (*Quasi-Judicial Water Resource Hearing*), Mike Flury/Tom Sisul, Request for the approval of a Water Resource Determination and mitigation plan in association with the development of a 25-lot Planned Unit Development (PD 03-02) located at 19398 Leland Road and identified as Map 3S-2E-7D, Tax Lot 301. Staff has recommended the approval of the application with conditions.

VR 03-17 (*Quasi-Judicial Variance Hearing*), Mike Flury/Tom Sisul, Request for the approval of a Variance to the pedestrian lighting standards within the 25-lot Planned Unit Development located at 19398 Leland Road and identified as Map 3S-2E-7D, Tax Lot 301. Staff has recommended the approval of the application.

8:30 p.m. 4. **ADJOURN**

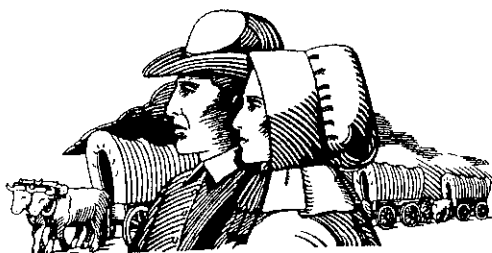
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE
CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



FILE NO.:

PD 03-02

Complete: August 4, 2003
120-Day: December 2, 2003

APPLICATION TYPE: Type III

HEARING DATE: September 22, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Mike Flury – MJF Development
1618 SE Reedway Street
Portland, Oregon 97202

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

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

LOCATION: The subject site is located at 19398 Leland Road and identified as Clackamas County Map 3S-2E-7D, Tax Lot 301 (Exhibit 1).

REVIEWER: Tony Konkol, Associate 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. 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 existing site currently gains access to Leland Road by way of a "flag pole" along the northeast side of Tax Lot 3000. A lot line adjustment has been applied for between the subject parcel and Tax Lot 3000 (Exhibit 2). Currently, a subdivision request (TP 03-05) has been applied for on Tax Lot 3000. The Lot Line adjustment was proposed in order to provide a continuous, intact vegetated corridor as part of the PUD and allow the applicant of Tax Lot 3000 to better utilize the remaining developable property for public road ROW. The applicant submitted additional information concerning the proposed setbacks of the attached housing and how compatibility with surrounding developments is being achieved (Exhibit 3). The applicant provided a site plan (Exhibit 4) detailing the existing conditions, site details, PUD layout, and open space design and landscaping.

The application received approval of the delineation of the water resource from the Planning Commission at the February 24, 2003 public hearing, at which time it was determined there was an intermittent stream that required a 15-foot buffer and the pond and associated wetlands required a 50-foot buffer. The applicant has submitted for a second water resource determination (WR 03-08) due to pedestrian pathways being placed in the corridor and a proposed planting plan and other improvements to mitigate the encroachment that are to be reviewed concurrently with this PUD application.

As permitted through the PUD process, the applicant has decided to defer the Site Plan and Design Review for the attached housing and open space areas until after a decision has been rendered by the Planning Commission.

BASIC FACTS:

1. **Location.** The subject site is located southeast of Leland Road next to Silverfox, Haven Estates, Settlers Point, and Leland Run subdivisions and identified on the Clackamas County Tax Assessor Map as 3S-2E-7D, Tax Lot 301.
2. **Existing Conditions.** The 5.31-acre (5.15-acre after a lot line adjustment) site comprises an existing home, a seasonal stream crossing from northeast to southeast that flows through a pond, several large trees, with the remainder of the site nearly flat.

The site is identified within the Oregon City Water Resource Overlay District and the site has already received approval from the City (Planning File WR 02-16) with conditions requiring protection of the seasonal stream, associated wetlands, and pond. The site is 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 301 is zoned R-8 Single-Family Dwelling District.

| | |
|-------------------|--|
| Northeast: | Directly northeast is the Haven Estates Subdivision and the Settlers Point PUD that are zoned R-8 Single-Family and developed with single-family dwellings. |
| Southwest: | Directly southwest is Silverfox subdivision zoned R-6 and developed with single-family dwellings. |
| Southeast: | The southeast end of the site borders on Silverfox subdivision zoned R-6 and developed with single-family dwellings. |
| Northwest: | The northwest end of the site borders on the Leland Run PUD, which is zoned R-8 and developed with single-family dwellings, and a proposed subdivision, which is currently a parcel zoned R-8 with an existing home. |
4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 25 dwelling units (17 detached single-family lots and 8 attached single-family dwellings). Access to the site would be from two existing connections. Timm's Way stubs from the southwest and Morrie Drive stubs from the southeast. The applicant has proposed full street improvements connecting Morrie Drive to Timm's Way. The applicant also proposes a private drive connecting to this full street to serve as access for a detached home

and seven attached homes. The applicant also proposes a walking path crossing the seasonal stream leading to Smoke Tree Terrace at the north corner of the site.

The PUD includes a long open space in one tract, containing a Water Quality Resource Area (WQRA), representing 30.5% (usable is 30% due to access tract easement and parking within the open space) of the gross area of the site. As a result of WR02-16, the applicant has proposed to provide a buffer to protect the area of existing on-site wetlands/pond and seasonal stream.

The applicant has requested a variance to reduce the required pedestrian lighting standard for the pedestrian pathway in the open space from a minimum of 3-footcandles to a 1.0 foot-candle maximum, and a 0.5 foot-candle minimum, or a similar standard recommended by staff (VR 03-17). This request will be heard by the Planning Commission if the Water Resource and Planned Unit Development are approved.

5. **Density considerations.** The applicant is proposing a 25-unit Planned Unit Development. PUD's are permitted in the R-8 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 301, which will be 5.15-acres after the lot line adjustment, could accommodate 28.3 dwelling units at 5.5 units per gross acre under the R-8 Single-Family Dwelling District density requirement. A PUD must have a minimum density of 80 percent for the site, which represents 22 units. The applicant has proposed 25-units, which is 89 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 123,106 square feet and is comprised of 17 detached dwellings on approximately 87,201 square feet of developable area, representing 71% of the net developable area. The 8 attached dwellings, located on approximately 35,905 square feet of developable area, represents 29% of the net developable area.

6. **Adjustments to the R-8 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 25-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 sent to property owners within three hundred feet of the subject property and various City departments and other agencies on August 4, 2003. The subject site was posted on August 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on August 13, 2003 requesting comments. Comments were received from the Clackamas County Fire District 1 (Exhibit 5), David Evans and Associates (Exhibit 6), and Tri-Met (Exhibit 7).

Comments have been received from the following individuals:
Mr. and Mrs. Smith of 13001 Smoke Tree Place, Oregon City, OR 97045 (Exhibit 8); and
Mr. and Mrs. Calvert of 19441 Provisioner Court Private Drive, Oregon City, OR 97045 (Exhibit 9).

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 17.10 "R-8" Single-Family Dwelling District

Chapter 17.50 Administration and Procedures

Chapter 17.64 Planned Unit Development

ANALYSIS AND FINDINGS:

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 housing on a range of lot sizes from 4,011 to 5,019 and detached housing on a range of lot sizes from 5,000 to 6,263 square feet, with a majority of the detached housing on lots of 5,000 square feet. This standard is met as proposed.

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

Natural Resources and Hazards Goals and Policies

Goal: *Preserve and manage our scarce natural resources while building a livable urban environment.*

Water Resources Map – Site is Within Area of Potentially High Groundwater

Description of Water Resources, Rivers and Creeks

6. Mud Creek.

Description: *This resource appears to begin in the area of the Hilltop near City Hall, through the Red Soils industrial area, to Hillendale Park and then underground through the Hillendale subdivision (constructed in the 1970's). Out of the subdivision, creek flows under Meyers Road and into a pond on private property to meet up with Beaver Creek in the canyons beyond the Urban Growth Boundary. When it is above ground, the creek has a variety of plant communities surrounding it, such as spreading rush, reed canarygrass, ash, alder, cottonwood, and willow. The area of the creek through the industrial can be enhanced and improved, as well as the area in the park and on private property. A number of wildlife species were observed along the course of the stream. The quality of the resource is good.*

Potential Impacts: *Maintenance in the park area should be undertaken with care, such as mowing to close to the creek edge, accidental spillage of fertilizers and other chemicals. The properties along the route are zoned industrial and residential. Both types of development could be accommodated if adequate setbacks are maintained and an enhancement program is undertaken to protect and preserve the resource.*

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: It appears the Conflict Concerns of the Comprehensive Plan pertain to the two-acre pond and vegetative area in the vicinity. The concerns include increased encroachment of the stream corridor. The Comprehensive Plan indicates that residential uses could be accommodated, provided the vegetated buffer around the stream is maintained.

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 can satisfy this section by complying with the condition of approval 1.

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 pond, wetlands, and stream corridor located on the site and provide mitigation to enhance and improve the existing water features and quality. This standard is met as proposed.

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 as proposed or 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 as required by the PUD process 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 as proposed or 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

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 applicant held a pre-application meeting with staff, identified as PA 02-65, on December 10, 2002 prior to submitting the application (Exhibit 10). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion 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 and has submitted an application for a variance to the pedestrian accessway lighting standards (Exhibits 2, 3, and 4).

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 (Exhibit 2). There are existing Oregon City (City) 8-inch water main stubs in both Morrie Drive and Timm's Way for connection to this new project. There are existing fire hydrants off the southeast end at the intersection of Morrie Drive and Frontier Parkway, and on the southwest side near the intersection of Timm's Way and Silverfox Parkway.

The applicant's proposed waterline plan indicates constructing an 8-inch diameter water main along the proposed interior street to connect the two existing stubs in Morrie Drive and Timm's Way. The applicant has proposed two new fire hydrants, and water service to all of the proposed lots.

The applicant has proposed a water system that appears 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 and 3.

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. Applicant shows a sewer easement along the northeast edge of the site across lot 1 to connect to the existing manhole.

There is an existing 8-inch gravity sanitary sewer manhole, which is deep enough to serve this site at the northeast corner of the site, which connects, to Provisioner Court in Settlers Point subdivision. No double services are allowed; each lot shall connect to the public sewer with a single sewer lateral. 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 condition of approval 4.

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 existing drainage systems.

This site is located in the Mud Drainage Basin as designated in the City's Drainage Master Plan. The Mud Drainage Basin drains to 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 is an existing seasonal stream and wetlands running through the existing pond and across the site. The applicant proposes to not disturb these areas and to provide a 50-foot buffer around the pond and wetland areas and a 15-foot buffer around the seasonal stream. This seasonal stream drains to the Settlers Point Subdivision Drainage System that flows directly into Mud Creek. The Settlers Point drainage system appears to be adequately sized to receive the drainage.

The applicant has proposed to drain the site into a storm detention underground tank and then through a stormwater easement west of lot 2 accessing the Settlers Point stormwater channel. The underground detention system is located in the proposed street.

Preliminary Hydrology/Detention calculations have been provided to the City for review (Exhibit 11). 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 these posted developed storms should be less than the existing storm events.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 5.

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 Leland Road with Meyers 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 this proposal by Todd E. Mobley; P.E., with Lancaster Engineering and dated April 2003 (Exhibit 12). The TIA has been reviewed by the City and David Evans and Associates (Exhibit 6) 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 signing a Non-Remonstrance Agreement with the City for future improvements and future homebuilders shall be responsible for paying System Development Charges at the time of permit issuance.

David Evans and Associates indicates that there is a potential sight distance issue concerning the placement of a driveway on the northeast side of lot 16 (extension of Morrie Drive). This lot has access on two sides, the extension of Morrie Drive and the extension of Timm's Way. Staff would recommend that the applicant be required to place the driveway on the northwest side of the lot (extension of Timm's Way) and in excess of 40 feet from intersection of Morrie Drive and Timm's Way.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 6 and 22.

Schools

Finding: The Oregon City School District was notified of the development. The applicant has indicated that the School District Business Manager, Ken Rezac, stated in a telephone conversation that the elementary and high school have capacity but that the Middle School were at maximum capacity. 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. While this is a problem, there is no reason to believe that the School District will not have a solution by the time residences are occupied.

The City did not receive a response from the School District concerning this application. 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 police services. Comments were received from Clackamas County Fire District 1 concerning the design of the subdivision. There were no comments related to an inability to provide adequate service to the site (Exhibit 5).

C. Approval Criteria and Justification for Variances.

Finding: The applicant has addressed Chapter 16.12 below. The applicant has requested a variance to the minimum lighting standards for pedestrian walkways. The variance will be heard before the Planning Commission in conjunction with this application and is identified as Planning File VR 03-17. 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 Leland Run II Subdivision by James D. Imbrie, P.E. and Kirk L. Warner, R.G.; both with GeoPacific Engineering, Inc. The report, with recommendations, is dated April 4, 2003 (Exhibit 13). On site subsurface explorations were conducted on March 26, 2003.

It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. Applicant shall follow all recommendations suggested by the report.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 7.

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 Files WR 02-16 and WR 03-08.

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 has indicated that a draft of the CC&R's, maintenance agreements, dedications, easements, and related documents for the subdivision prior to final plat approval (Exhibit 2). This standard is met as proposed.

G. *Phasing.*

Finding: The applicant has indicated the proposed development will be completed in one phase (Exhibit 2). This standard is met as proposed.

H. *Density.*

Finding: The overall density of the proposed PUD in one dwelling unit per 8,978 square feet, based on the original parcel size of 5.15 acres or 5.43 units per acre (Exhibit 2). This standard is met.

Chapter 16.12 Minimum 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 as proposed or 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: The proposed interior street is classified as a Local Street by the Oregon City Transportation System Plan (TSP), which requires a minimum right-of-way (ROW) width of 42-54 feet. Currently, Morrie Drive and Timm's Way have a 50-foot ROW.

The applicant has proposed a 50-foot dedication through the site for the interior street to match the existing street design. The applicant meets this standard as proposed.

Chapter 16.12.040 Street Design-Reserve Strips

The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the City Engineer to protect public safety and welfare.

Finding: The applicant is not proposing any reserve strips. The applicant shall provide a non-vehicular access strip along the street frontages of all corner lots except for the 40 feet along right-of-ways on each street furthest from the intersection.

David Evans and Associates indicates that there is a potential sight distance issue concerning the placement of a driveway on the northeast side of lot 16 (extension of Morrie Drive). This lot has access on two sides, the extension of Morrie Drive and the extension of Timm's Way. Staff would recommend that the applicant be required to place the driveway on the northwest side of the lot (extension of Timm's Way) and in excess of 40 feet from intersection of Morrie Drive and Timm's Way.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 21 and 22.

Chapter 16.12.050 Street Design-Alignment

Finding: The proposed local street is simply a continuation of two stubs from existing adjacent subdivisions. The applicant meets this standard as proposed.

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

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

Chapter 16.12.070 Street Design-Intersection Angles

Finding: There are no proposed local street intersections. This standard is not applicable.

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: The applicant has not proposed any half-street improvements, as they are not necessary. The proposed full interior street is fully improved with 3.5-foot vegetated planter strips, 5-foot sidewalks, and 32 feet of pavement with curb. Parking will be allowed on both sides of streets with 32 feet or more of pavement width.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 8, 9, and 20.

Chapter 16.12.100 Street Design--Cul-de-sac

Finding: No cul-de-sac is proposed. This standard is not applicable.

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 the attached dwelling lots. The private street, constructed over easements of the multiple flag lots, will have a width of 28 feet and length of approximately 250 feet. There will be 28 feet of pavement with parking on one side, a 7-foot sidewalk and street trees in 3-foot by 5-foot tree wells with tree grates located on the north side of the private street.

This private street design (28 feet of pavement, curbs, 7-foot sidewalk and street trees) is acceptable to the City as proposed by the applicant (Exhibit 2) for several reasons, including 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. Also, the 7-foot sidewalk along this private drive is necessary, as it will serve as part of the pedestrian accessway connection from the new interior street to the adjacent property and ultimately Smoke Tree Place.

The applicant has proposed to sprinkle all of the units with access off the private street (Lots 7-13), thus a fire turnaround is not required. The applicant shall post no parking signs on the south side of the private drive. In order to ensure that the private drive is maintained at an acceptable level of service for fire and life safety access, the applicant shall provide a legally binding means for the repair and maintenance of the private street.

This standard is not met. The applicant can meet this standard by complying with conditions of approval 10 and 11.

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

Finding: The site does not abut a minor arterial or collector. This standard is not applicable.

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 indicated that the proposed street improvements will be designed to comply with city requirements and that traffic calming measures, in the form of a curb extension at mid-block has been proposed.

The applicant has proposed appropriate traffic calming measures at the mid-block of the subject site, which includes a texture change from asphalt to concrete. Slight modification to the design, such as rounding the curb extension, shall be necessary as recommended by the City's Traffic Engineer consultant (Exhibit 6). The mid-block crossing shall be appropriately signed to alert drivers to the pedestrian crossing.

This standard is not met. The applicant can meet this standard by complying with condition of approval 12.

Chapter 16.12.160 Street Design—Alleys

Finding: No alleys are proposed. This standard is not applicable.

Chapter 16.12.170 Street Design—Transit

Finding: The applicant has satisfied this standard as proposed.

Chapter 16.12.180 Street Design—Planter Strips

Where practicable, all development proposed along local streets shall include planter strips that are four feet in width or larger, located adjacent to the curb.

Finding: The applicant has proposed to include a planter strip and street tree plan for all of the public and private streets associated with the proposed development, with adjustment for tree locations as may be required by driveways and street lights. The local street planter strips are 3.5 feet, which is less than the 4-foot planter strip required when practicable. The 3.5-foot planter strip will continue the existing street design that exists on Timms Way to the south and Morrie Drive to the east.

Some of the street trees proposed within the development, specifically along the private drive, are in excess of 40 feet apart. OCMC 12.08.020.A requires that street trees be planted a maximum of forty feet on center for the length of the lot frontage.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 13.

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.

Chapter 16.12.210 Blocks-Width

Finding: The proposed lot layout provides for two tiers of lots with Silverfox to the south. The lots on the north side of the street are separated from the subdivision to the north by the water quality resource area.. 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 drive to the Smoke Tree public ROW.

The applicant has proposed a 7-foot wide concrete pedestrian path through the open space and a 7-foot bridge across the intermittent stream. The applicant has proposed a landscaping plan along the pedestrian access that meets City standards.

The applicant has not indicated the size of the easement that the pathway shall be placed within nor was a lighting plan provided. The applicant has submitted for a variance to reduce the pedestrian lighting standards along the pathway.

The applicant has proposed to perform a lot line adjustment with Tax Lot 3000 to the west of the subject site. The applicant shall provide the City a pedestrian access easement from the proposed end of the pedestrian accessway to Smoke Tree Drive prior to the City approving the lot line adjustment application for the site. The applicant shall install a temporary connection to Smoke Tree Drive or provide money in lieu of the improvements prior to the issuance of a building permit for any of the housing units on the site.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 14, 15, and 28.

Chapter 16.12.230 Building Sites

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

Finding: 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 street, except for lots 7-13, which will have access from the private drive through the use of flag lots, an allowed design in a PUD. 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. Due to the infill type of development, orientation of the building sites is not practicable, thus 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 Condition of Approval 16.

Chapter 16.12.290 Building Sites—Setback and Building Location

Finding: The subject site is not located on a collector or minor arterial. This standard is not applicable.

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 3 trees to be removed from the site. It is unclear if the proposed trees to be removed are within the building envelopes on the lots.

The applicant shall provide a revised landscaping plan demonstrating the relation of the trees to the proposed setbacks of the lots on which that are located and the replacement location of all trees removed from the site that are not located within the 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 17 and 18.

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 a sanitary sewer easement for the sanitary sewer in the private street along lots 8 through 14.

The applicant proposed two utility easements. The stormwater easement alongside lot 2 is necessary to provide access to the Settlers Point stream channel. The sanitary sewer easement alongside lot 1 is

necessary to connect to the deep existing manhole in Settlers Point. Additional easements/tracts may also be determined with the review of construction plans.

The applicant has proposed to perform a lot line adjustment with Tax Lot 3000 to the west of the subject site. The applicant shall provide the City a pedestrian access easement from the proposed end of the pedestrian accessway to Smoke Tree Drive prior to the City approving the lot line adjustment application for the site. The applicant shall install a temporary connection to Smoke Tree Drive or provide money in lieu of the improvements prior to the issuance of a building permit for any of the housing units on the site.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 15 and 19.

Chapter 16.12.330 Water Resources

Any land division which contains water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed.

Finding: This section is addressed in Planning Files WR 02-16 and WR 03-08.

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 23.

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 6.

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 11.

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 17.10 R-8 Single-Family Dwelling District

[Section 17.64.120(B) requires that PUDs meet the applicable standards of this chapter unless a alternative is approved.]

17.10.040 Dimensional standards.

Dimensional standards in the R-8 district are:

- A. Minimum lot areas, eight thousand square feet;*
- B. Minimum average lot width, seventy 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 feet minimum depth,*
- 2. Interior side yard, nine feet minimum width for at least one side yard; seven 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 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication conference and neighborhood meeting.

Finding: The applicant held a pre-application meeting with staff, identified as PA 02-65, on December 10, 2002 prior to submitting the application (Exhibit 10). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion 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 April 18, 2003. The City deemed the application complete on February 16, 2003.

(d) 17.50.090 Public notices.

Finding: The City has provided the required notice. Property owners within 300 feet of the subject site were noticed of the Type III application on August 4, 2003. The application was advertised in the Clackamas Review on August 13, 2003 and the property was posted on August 7, 2003.

(e) 17.50.100 Notice posting requirements.

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

(f) 17.50.130 Conditions of approval and notice of decision.

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

(g) 17.50.140 Performance guarantees.

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

Finding: The applicant has proposed the PUD option with 89% density, which exceeds the minimum requirement of at least 80% of the gross density allowed by the underlying zone. This standard 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 to the R-8 zone to accommodate the attached and detached housing units. The modifications are necessary to develop on 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 channel that limits useable area on the site (Exhibit 2). Please see the applicant's additional information concerning setbacks contained in exhibit 3.

The applicant has proposed the following modifications:

| Standard | R-8 | Proposed Detached Housing Lots | Proposed Attached Housing Lots 14-15 | Proposed Attached Housing Lots 8-13 |
|-----------------|-----------------------|--------------------------------|--------------------------------------|-------------------------------------|
| Lot Area | 8,000 sf | 5,000 sf | 3,500 sf | 3,500 sf |
| Lot Width | 70 ft min | 48 ft min | 31 ft min | 31 ft min |
| Lot Depth | 100 ft min | 81 ft min | 72 ft min | 72 ft min |
| Setbacks | | | | |
| Front | 20 ft. | 15 ft. (20 ft. Garage) | 15 ft. (20 ft. Garage) | 24 ft |
| Side | 9 / 7 ft | 9 / 5 ft | 0 / 15 ft | 0 / 7 ft |
| Corner | 20 ft. | 15 ft. | 15 ft. | NA |
| Rear | 20 ft. | 20 ft. | 20 ft. | 30 ft. |
| Building Height | 2.5 stories or 35 ft. | 2.5 stories or 35 ft. | 2.5 stories or 35 ft. | 2.5 stories or 35 ft. |

The applicant has proposed to reduce the R-8 setback standards for the detached housing to the existing R-6 standards, which have been approved by the City for 5,000 square foot lots. The applicant has proposed (Exhibit 3 and 4) to provide a 9-foot setback on the east side of lot 25 to provide the maximum separation between this lot and the existing home in the Silverfox subdivision.

Staff concurs with the requested setbacks for the attached housing as proposed in the above chart and explained in the applicant's narrative (Exhibit 3) provided the following conditions are implemented to ensure compatibility with the existing surrounding uses. The applicant shall cause to be recorded a conservation and preservation document that protects the newly landscaped buffer along the rear property line of lots 8-13 and the side yard of lot 15. Staff shall approve the proposed planting plan prior to the issuance of a grading permit for the site. Said document shall specifically prohibit the removal of any of the newly planted landscaping unless such material has been found to be dead or diseased and in danger of dying, or presents a hazard to a property. If landscaping is removed for any reason, the property owner shall replace the landscaping with a similar material from the Oregon City Native Plant and Tree List.

The current design standard for driveway approaches allows a driveway width of 24 feet (30 feet with tapers) for properties zoned below R-8 (Exhibit 14). Such a design would allow a driveway to cover over 50% of the property frontage of the detached housing units and nearly 100% of the property frontage of the attached housing units. Staff would recommend that the driveway width from the property line to the planter strip be limited to a maximum of 16 feet wide (22 feet wide at the street to allow for the taper) for the detached 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. 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.

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 with the recommended conditions of approval.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 24, 25, 26, and 27.

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 in excess of 20% of the total gross area as common open space with a mixture of active and passive uses (Exhibit 2, 3, and 4). The proposed recreation/landscaping scheme of the open space is appropriate, provides for recreational needs of the developments residents, pedestrian connections to surrounding developments, and meets the intent of the Open Space and Landscaping section of this PUD ordinance. If the PUD is approved, the applicant is responsible for submitting for the Site Plan and Design review of the open space and related landscaping and facilities. This standard is met as proposed.

E. Timely Provision of Public Services and Facilities.

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.

Finding: These standard are 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. 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). **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 applicant has not proposed to fill or alter the water resource located on the site as part of the development and has proposed an enhancement plan to improve the resource. 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 03-08 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 and the existing decision of Planning File WR 02-16.

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 301, which is 5.15-acres, could accommodate 28.3 dwelling units at 5.5 units per gross acre under the R-8 Single-Family Dwelling District density requirement. A PUD must have a minimum density of 80 percent for the site, which represents 22 units. The applicant has proposed 25-units, which is 89 percent of the gross density permitted on the site (Exhibit 2).

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 123,106 square feet and is comprised of 17 detached dwellings on approximately 87,201 square feet of developable area, representing 71% of the net developable area. The 8 attached dwellings, located on approximately 35,905 square feet of developable area, represents 29% 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 combined square footage of 7,000 and none of the proposed detached lots are less than 5,000 square feet. This criterion is met as proposed by the applicant.

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 held a pre-application meeting with staff, identified as PA 02-65, on December 10, 2002 prior to submitting the application (Exhibit 10). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion 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.

Finding: The applicant held a pre-application meeting with staff, identified as PA 02-65, on December 10, 2002 prior to submitting the application (Exhibit 10). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion 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 April 18, 2003.

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 February 16, 2003. 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.

Finding: This criterion was met.

17.64.100 Preliminary PUD plan--Narrative statement.

Finding: The Water Resource Report was reviewed as a separate Planning File, identified as WR 03-08. The CC&R's will be submitted to the City prior to final approval of the PUD. This criterion was 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. This criterion was 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 and is identified as Planning File WR 03-08. The PUD shall comply with the decision of the Planning Commission concerning WR 03-08 and the previous decision, WR 02-16. 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.

Finding: The applicant has indicated an application for Site Plan and Design Review of the attached housing and landscaping shall be submitted if the PUD is approved (Exhibit 2). This criterion is met.

17.64.150 Final PUD plan.

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 shall require adequate financial guarantees to ensure compliance.

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 by the Planning Commission with the attached Conditions of Approval.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative; dated July 25, 2003
3. Applicant's Supplemental Narrative; dated September 5, 2003
4. Applicant's Site Plan
5. Clackamas County Fire District 1
6. David Evans and Associates; dated September 4, 2003
7. Tri-Met Comments (On File)
8. Letter from Mr. and Mrs. Smith
9. Letter from Mr. and Mrs. Calvert
10. Pre-application (On File)
11. Preliminary Storm Calculations; dated (On File)

12. Traffic Impact Analysis; dated (On File)
13. Geo Technical Report; dated (On File)
14. Residential driveway drive way standards
15. Engineering Policy 00-01 (On File)

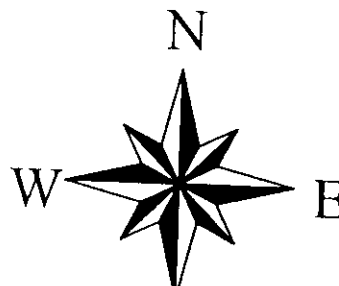
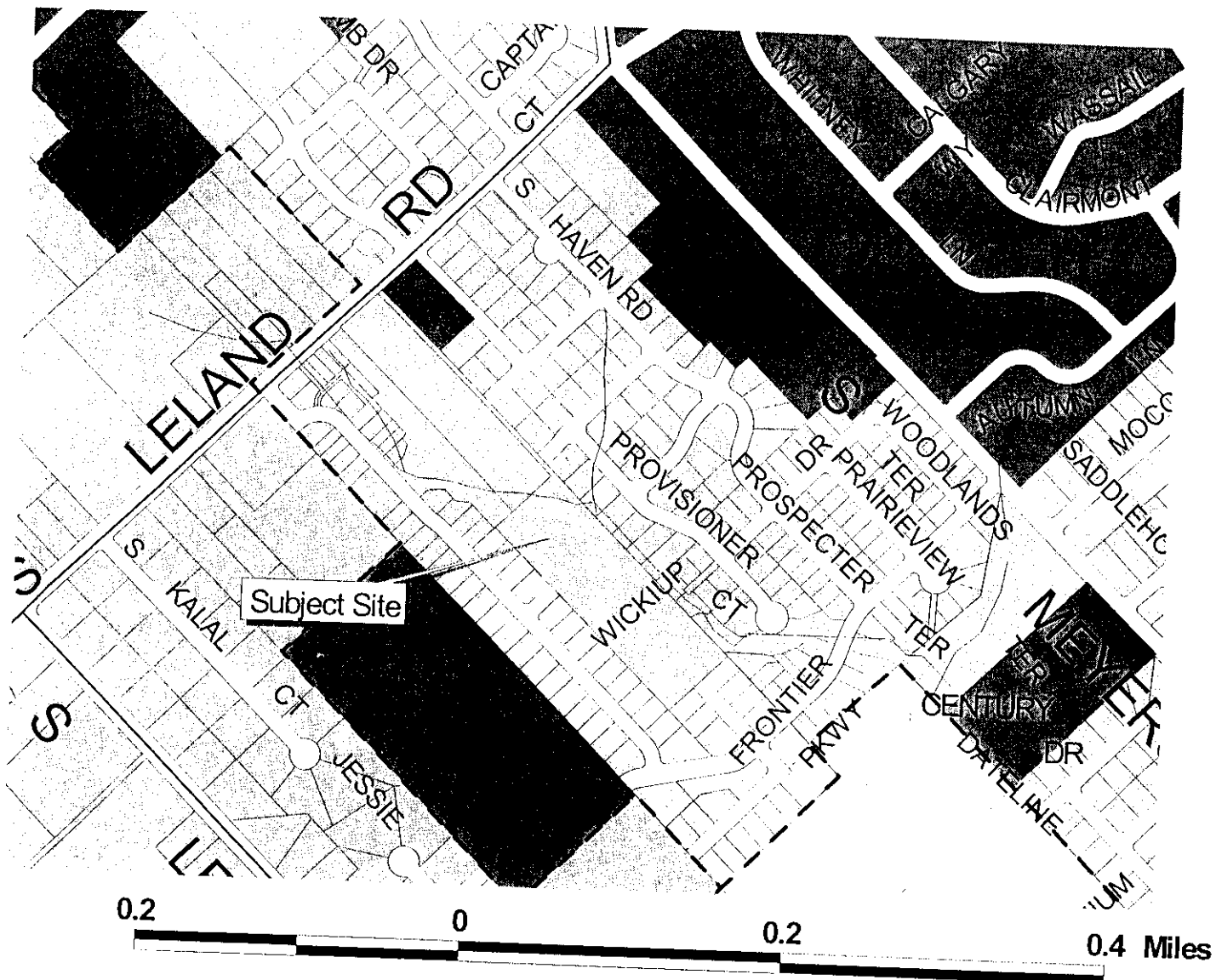
RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILE: PD 03-02
Date: September 15, 2003

1. The applicant shall comply with the conditions of approval of Planning Files WR 02-16 and WR 03-08.
2. As part of the development, the applicant shall loop an 8-inch ductile iron water line in the interior street through the site.
3. Water lines shall be extended to the end of the private street and terminated with a blow-off. Size of main shall be determined by the City Water Department and the Fire Department.
4. The applicant must process and obtain sanitary sewer line design approval from DEQ prior to City plan approval.
5. The developer shall provide detention and water quality systems that conform to current City standards. The design shall be approved by the City prior to the issuance of a grading permit for the site.
6. 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 improvements.
7. The applicant shall follow and incorporate the recommendations in the Geotechnical Report for the design and construction of the site.
8. The 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, 3.5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices, and street lights.
9. The applicant shall install sidewalks along the entire frontage of the open space tract and water resource areas, and along the frontages of all tracts, and all handicap access ramps at the time of street construction.
10. All streets with less than 32 feet but at least 28 feet of pavement width shall be signed "NO PARKING-- TOW AWAY ZONE" on one side of the street.
11. The applicant shall provide approval from Clackamas County Fire to ensure that the proposed private street is adequate for fire and life safety access and the applicant shall provide a legally binding means for the repair and maintenance of the private street. The approval shall be provided to the city prior to the issuance of a grading permit for the site.
12. The applicant shall design a rounded curb extension for the mid-block pedestrian crossing and provide appropriate pedestrian crossing signs as recommended by the City Traffic Engineer (Exhibit 6). The location of the signs and the design of the curb extension shall be approved by the City Engineer prior to the issuance of a grading permit for the site.
13. Street trees shall be established in compliance with the standards of Chapter 12.08 of the Oregon City Municipal Code.

14. The applicant shall comply with the lighting, easement and design requirements concerning of Chapter 12.24-Accessways of the Oregon City Municipal Code and the decision of the Planning Commission concerning VR 03-17.
15. The applicant shall provide the City a pedestrian access easement from the proposed end of the pedestrian accessway to Smoke Tree Drive prior to the City approving the lot line adjustment application for the site. The applicant shall install a temporary connection to Smoke Tree Drive or provide money in lieu of the improvements prior to the issuance of a building permit for any of the housing units on the site.
16. 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.
17. The applicant shall provide a revised landscaping plan demonstrating the trees to be removed in relation to the public ROW or building footprints, and replacement locations of 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.
18. 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 revised landscaping plan (Condition 17) 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.
19. 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.
20. All new utilities shall be placed underground.
21. 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.
22. The drive way for lot 16 shall be placed on the northwest side of the lot (extension of Timm's Way) and in excess of 40 feet from intersection of Morrie Drive and Timm's Way.
23. The applicant is responsible for this project's compliance with Engineering Policy 00-01 (exhibit 15). The policies pertain to any land use decision requiring the applicant to provide any public improvements.
24. The detached housing unit driveways shall be limited from the property line to the back of the planter strip to a maximum of 16 feet wide (22 feet wide at the street to allow for the taper).
25. Prior to the issuance of a building permit for any of the housing units, the applicant shall install the City approved buffering plan behind lots 8-13 and next to lot 15. In addition to including for the preservation and replacement of the landscaping in the CC&R's, the applicant shall cause to be recorded a conservation and preservation document that protects the newly landscaped area. Said document shall specifically prohibit the removal of any of the landscaping unless such material has been found to be dead or diseased and in danger of dying, or presents a hazard to a property. If the landscaping is removed for any reason, the property owner shall replace the landscaping with similar materials from the Oregon City Native Plant and Tree list.

26. The attached housing units 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).
27. 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.
28. The applicant shall perform a lot line adjustment with the property to the west, identified as Clackamas Map 3S-2E-7DB, Tax Lot 3000. The lot line adjustment shall be recorded and evidence provided to the City prior to the issuance of a grading permit on the site.

PD 03-02, WR 03-08, and VR 03-17
19398 Leland Road



Application for Land Division and Planned Unit Development
(Revised July 25, 2003)

| | |
|-------------------|---|
| Applicant | Mike Flury MJF Development 1616 S.E. Reedway Street Portland, OR 97202 |
| Representative | Sisul Engineering. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul |
| Location | 19398 South Leland Road (southeast of Leland Road) |
| Legal Description | Tax Lots 301 (3S-2E-7D) |
| Zoning | R-8 |
| Site Size | 5.31 Acres (5.15 acres after L.L.A.) |
| Proposal | Planned Unit Development and subdivision to create lots for 17 detached single-family residences and eight lots for attached dwelling residences. |

Site Description

The site is located in the southeastern part of Oregon City, southeast of South Leland Road.

The site presently has access to South Leland Road by way of a "flag pole" along the northeast side of Tax Lot 3000. South Leland Road is classified as a collector. Two streets constructed for the Silverfox Subdivision are temporarily terminated at the site's south and east boundaries (Timms Way and Morrie Drive). Street stubs have not been provided from the northeast (Haven Estates No. 2 and Settler's Point Subdivisions).

The site is occupied by a single-family dwelling and several outbuildings, which will be removed for development of the subdivision and Planned Unit Development ("PUD").

There are several large trees on the site, primarily in the vicinity of the existing residence. Trees will have to be removed for street improvements but others will be saved.

The site is crossed from northeast to southeast by a seasonal stream that drains to Mud Creek. The seasonal stream drains through a pond that was constructed on the site many years ago. A wetland delineation has been completed and approved by the Department of State Lands. A "Water Resources Permit" has been approved by Oregon City (WR 02-16), with conditions requiring protection of the seasonal stream, associated wetlands, and pond.

The remainder of the site is nearly flat, with a slight slope towards the drainage channel and pond along the northeast edge of the property.

Adjacent properties are occupied by single-family residences on lots in subdivisions with a mix of R-6 and R-8 zoning. The lot immediately to the northwest is presently underdeveloped, with a residence near South Leland Road (19400 South Leland Road).

Proposal

The applicant requests a subdivision and Planned Unit Development to best utilize the site while retaining the seasonal stream, pond, and associated wetlands. The proposal creates 17 lots for single-family detached dwellings and eight lots for attached single-family dwellings, connection of streets stubbed at the south and east property lines (Timms Way and Morrie Drive, respectively), and a private street in a tract to provide access for eight lots. A pedestrian pathway is proposed to Smoke Tree Terrace (See concurrent applications).

The water resource identified through a previous application (WR 02-16) will be protected within the required buffer spaces that will be incorporated into open space for the PUD. (See concurrent applications.)

The interior street is proposed to have a 50-foot right of way with 32 feet of pavement between curbs, a five foot wide planter and five foot sidewalk. The 28' foot wide access tract will include a 28' foot wide paved private street with curbs and 7' foot wide sidewalk in easements.

The water resources identified through a previous application (WR 02-16) will be protected within the required buffer spaces that will be expanded by incorporation into open space for the PUD.

Public water and sanitary sewer are available from lines in the abutting streets. Public water will be extended 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, located in Tract 'C' of the Settler's Point Subdivision. Storm water will be collected in a system of pipes and directed to the proposed detention facility and released downstream of the existing pond. Please refer to the preliminary "Utility Plan" (Sheet 3) for details and locations of proposed facilities.

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

Concurrent Applications

A lot line adjustment has been applied for between the subject parcel (T.L. 301) and the undeveloped adjoining parcel Map 3 2E 7DB, T. L. 3000. This proposed lot line adjustment would give the owner of T. L. 3000 most of the flag pole portion of subject parcel in exchange for two smaller parcels at the southern portion of T. L. 3000. The proposed lot line adjustment will facilitate better developments on both parcels.

An updated water resources application is also submitted as part of the application package. That information is addressed in a Conceptual Buffer Mitigation Plan prepared by Jay Lorenz, PhD. of Hidden Spring Consulting, Inc. A landscape plan has been prepared by Kathleen Banghahn, L.A. of Gretchen Vadnais, Landscape Architects, LLC.

Deferred Applications

The site plan and design review applications for the attached dwelling units and open space areas will be deferred until after a decision is made by the Planning Commission of the proposed Planned Unit Development.

Applicable Criteria and Standards

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

Title 16 Land Divisions

Title 17 Zoning

Chapter 17.10 R-8 Zone

Chapter 17.12 R-6 Zone

Chapter 17.64 Planned Unit Development

Chapter 17.49 Water Resource Review

Chapter 17.62 Site Plan and Design Review (also: Chapter 12.24

Pedestrian/Bicycle Accessways)

Requirements for the PUD will be discussed first, as the development requires approval of modifications provided in this Chapter. Other requirements of Title 17 will follow, with Title 16 requirements considered as a final section of this narrative. 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 protection is required for the seasonal stream corridor, associated wetlands, and pond, for aesthetic and practical reasons. Open spaces around the natural features also provide visual relief for the development and a buffer for the subdivision to the northeast. Open spaces also promote the natural functions of the drainage channel and associated wetlands.

To retain the seasonal stream 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 six lots suitable for single family attached dwellings. 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.

The applicant believes that 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. Twenty-five (25) dwellings are proposed, satisfying the threshold standard of a minimum of 80% of the gross density allowed by the underlying zone:

Allowable Gross Density

| Tax Lot | Zone Designation | Area | Gross Density | 80% of Gross Density |
|-------------|------------------|------------|---------------------|----------------------|
| Tax Lot 301 | R8 | 5.15 Acres | 28.3 = 28 dwellings | 28 x .8 = 22.4 = 22 |

Note: Density from 17.06.070 Requirements Table: 5.5 dwellings/acre for R8 Zone.

17.64.040 Permitted uses and basic PUD requirements.

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

Modifications 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 modifications to dimensional standards to utilize some of the standards of the R6 Zone for this development in the R8 Zone and other modifications necessary to accommodate lots. The modifications are necessary to enable use of the reduced lot sizes, meet density requirements, and accommodate the project within the constraints that affect the property, including the seasonal stream channel, pond, and wetlands along with required buffers that limit useable area on the.

Standards and Modifications to Standards

| Standard | R8 (17.10.040) | R6 (17.12.040) | Proposed |
|---|---|---|--|
| Single family detached dwellings lot area | 8,000 sq. ft. | 6,000 sq. ft. | 5,000 sq. ft. minimum (17 lots averaging 5,129.5 sq. ft.) |
| Attached single family dwellings lot area | n/a | n/a | 3,500 sq. ft. minimum (8 lots averaging 4,468.9 sq. ft.) |
| Lot width/depth minimum | 70 ft./100 ft. | 65 ft./100 ft. | 48 ft./81.6 (detached) 31.0'/72.0' (attached) |
| Setbacks: (Detached Units) | Front – 20 ft. Side – 9 ft./7 ft. Corner Side – 20 ft. Rear – 20 ft. | Front – 20 ft. Side – 9 ft./5 ft. Corner Side – 15 ft. Rear – 20 ft. | Front – 20 ft. (garage) 15 feet (living space) Side – 9 ft./5 ft. Corner Side – 15 ft. Rear – 20 ft. |
| Setbacks: (Attached Units) | | | <i>Standard:</i> Front – 20 ft. (garage) 15 feet (living space) Side – 9 ft./0 ft. Corner Side – 15 ft. Rear – 20 ft. <i>Preferred Alternative For Lots 8-13*</i> Front – 24 ft. Side – 7 ft./0 ft. Rear – 30 ft. |
| Maximum building height | 2.5 stories or 35 ft. | 2.5 stories or 35 ft. | 2.5 stories or 35 ft. |

Note: The perimeter rear setback for new buildings within the development will satisfy the perimeter setback for the underlying R8 zone of 20 feet.

* See discussion below

The alternative setbacks for attached Lots 8-13 is preferred to the standard to allow a slightly wider attached unit on Lots 8-13. To compensate for the reduced side yard setbacks a deeper rear yard and front yard setback is proposed. In addition, a row of trees are proposed to be planted in the 10 feet adjacent to the rear lot lines, to buffer neighboring parcels. The overall maximum building footprint with the preferred alternative setbacks would be approximately 174 square feet less than using standard setbacks.

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)....

Open space, excluding private access easement and parking areas, constitutes 30.0% of the proposed development, exceeding the minimum requirement of 20%. The proposed open spaces function to protect the water resource areas (seasonal stream, pond, and wetlands) as well as provide a buffer and visual separation. A portion of the open space also provides for recreation area for the site.

Open Space

| Location | Area | Percentage of site |
|-----------------------------------|----------------|--------------------|
| Open Space (Total) | 68,424 sq. ft. | 30.5% |
| Access Tract Easement within O.S. | 608 sq. ft. | 0.3% |
| Parking Area Within O. S. | 486 sq. ft. | 0.2% |
| Usable Open Space | 67,330 sq. ft. | 30.0% |

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. Storm drainage will be managed on the site through a collection and detention system, with measured release to existing drainage systems.

A traffic analysis report has been prepared and is included with the application. It finds that the proposed development will contribute to the increase in traffic volumes in the area, generating 248 weekday trips (20 at AM peak hour and 25 at PM peak hour). 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 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 the elementary and high schools have capacity, but that the middle schools were at the maximum capacity. 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. While this is a problem, there is no reason to believe that the School District will not have a solution by the time residences are constructed and occupied.

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 water resource features as elements of the overall layout. Note how Lots 3 through 7 are tucked around the edge of the open space bordering the seasonal stream, and how both open space areas are utilized to provide visual separation between this project and the adjacent subdivisions.

Several trees are identified on the site (see Sheet 2 "Existing Conditions"), however some are located close to the proposed street where frontage improvements are required or near the centers of lots. Those trees in open space areas will be saved. Also the developer wishes to save a tree that straddles the lot line between Lots 5 and 6 and one on Lot 14 near the sidewalk area.

This requirement is satisfied by the attention to preserving the seasonal stream, pond, 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....

Total area of the site available for development (less dedication for streets and open spaces) is 2.83 Acres (123,106 square feet). The mix of uses are allocated on the site as follows:

Allocation of Uses

| Use | Area Required | Proposed |
|-------------------------------------|--|------------------------|
| Single Family Detached Residences | Minimum 50% = 61,464 sq. ft. Maximum 80% = 98,342 sq. ft. | 87,201 sq. ft. (70.8%) |
| Attached Residential (multi-family) | 20% = 24,691.2 sq. ft. | 35,905 sq. ft. (29.2%) |
| Total | | 123,106 sq. ft. (100%) |

Note: Figures are based on the net site area.

The project proposes 17 single family dwellings and eight attached single-family dwellings, for a split of 71% to 29%. The proposal satisfies the requirement for a mix of single family and other dwelling types with the percentage of dwellings.

17.64.050 Density bonuses.

The application does not request a residential density bonus.

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 the City at a preapplication conference on December 10, 2002. The application requests approval of a PUD and subdivision for the 5.15 Acre site.

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 and private access maintenance agreement 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 301 (After L.L.A.) | 5.15 Ac. (224,441 sq. ft.) | 100% |
| | | |
| Totals | 5.15 Ac. (224,441 sq. ft.) | 100% |

Land Dedications

| Dedication & Purpose | Area | Percentage of Gross Site |
|----------------------|-----------------------------|--------------------------|
| Interior street | 32,911 sq. ft. | 14.7% |
| | | |
| Total dedications | 32,911 sq. ft. (0.76 Acres) | 14.7% |

Net Site Area

| Land Use | Area | Percentage of Net Site |
|--------------------------|-----------------|------------------------|
| Detached Residential | 87,201 sq. ft. | 38.8% |
| Multi-family Residential | 35,905 sq. ft. | 16.0% |
| Dedications | | |
| Right of Way | 32,911 sq. ft. | 14.7% |
| Open Space | 68,424 sq. ft. | 30.5% |
| Totals | 224,441 sq. ft. | 100% |

Density by Dwelling Type

| Dwelling Type | Gross Density | Net Density |
|------------------------------------|--------------------------|---|
| Single family detached residential | | 5,129.5 sq. ft./dwelling (average lot area) |
| Single family attached residential | | 4,488.1 sq. ft./dwelling |
| Total | 8,977.6 sq. ft./dwelling | 4,924.2 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, 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 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 seasonal stream channel, pond, and associated 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 district (R8) are proposed to be modified through the PUD process, to allow creation of lots with reduced area and dimensions, and setbacks corresponding to reduced lot areas. The requested modifications are discussed in a preceding section of this narrative.

Requirements of Chapter 17.49 Water Resource Overlay District has been through a previous review (WR 02-16). It is also addressed further in the "Conceptual Buffer Mitigation Plan" (revised June 2003) by Jay Lorenz. Generally, this chapter is satisfied by preservation of the seasonal stream channel, pond, and associated wetlands with appropriate buffers included within the required open space area.

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 provider has suggested any deficiency of capacity. 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 modified, as discussed in a preceding section of this narrative and set forth in a table responding to Sec. 17.64.040.C. The modifications are justified by the requirement to accommodate the seasonal stream, pond, and associated wetlands within buffer 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.

Concurrent review of dwellings that are not exempt is not requested at this time (i.e. single family detached homes on Lots 1-7 and 16-25 are exempt from site plan and design review requirements of Chapter 17.62). Specific requirements for the eight attached single family dwelling units proposed for Lots 8 through 15 will be deferred for a later site plan and design review on the units if the P.U.D. is approved.

Summary of PUD Requirements

The PUD process provides a means to accommodate a mix of land uses and balance the needs to preserve water resource features with the most economic and efficient use of a site. The applicant believes that 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 17.10 R-8 Single Family Dwelling District

R8 uses and dimensional requirements are proposed to be modified through the PUD, as previously discussed. Building heights will not exceed the maximum standard for this district.

Chapter 17.49 Water Resources Overlay District

17.49.030 Applicability.

This chapter applies to the proposed development as the seasonal stream channel, pond, and associated are identified as resources that require protection. This chapter was satisfied through review of a previous application (WR 02-16) and are addressed further with an updated review submitted with this application. The previous conditions of approval have been incorporated into this proposal and new requirements will be addressed as well.

Chapter 17.62 Site and Design Review

Application of site and design review aspects of this development (the attached units and the details of the open space) is deferred until later.

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: An accessway is proposed to connect the development with the future extension of Smoke Tree Terrace, providing a connection to the sidewalks along the public streets to the north.

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 point to the accessway will be off the end of the sidewalk adjacent to the private drive.

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 will provide a connection between streets in developments to the north. This pathway does not provide a connection within the development, but serves as the means for access to other areas.

As the pathway crosses a resource area a 7 foot wide path and bridge is proposed and the total length from the end of the private driveway to Smoke Tree Terrace will be approximately 150 feet.

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: The accessways satisfy the visibility requirement, as Smoke Tree Terrace is visible from the private street area.

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 the area that is located along the rear property lines of adjacent residences. The applicant requests a variance to this standard, discussed more fully in a following section of this narrative.

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: No fence or vegetative screening is proposed, as the path provides access through the open space.

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

Response: Appropriate measures to prohibit vehicle traffic will be utilized where appropriate and will be shown on construction plans.

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: Accessway is proposed to be a 7 foot wide concrete walkway. The walkway would be wheel chair accessible.

Variance

The applicant requests a variance to the lighting standard in Sec. 12.24.040.D, which requires a lighting level of three foot-candles for accessways. The applicant believes that this level of lighting will be intrusive for adjacent properties, even with "no glare" provisions, and out of character with the open space area that the accessway will traverse. A reasonable standard we feel would be lightening level of a maximum of one foot candle and a minimum of 0.5 foot candle or similar standard recommended by staff along the pedestrian pathway.

Oregon City's Code recognizes that a zoning code cannot provide a "one size fits all" set of requirements and provides that a variance may be granted according to criteria and procedures in Chapter 17.60:

Chapter 17.60 Variances

17.60.020 A variance may be granted only in the event that all of the following conditions exist:

A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;

Response to Criterion A: The applicant's site is affected by unique circumstances, which do not affect adjacent properties. These circumstances include the seasonal stream and wetland that must be protected. It will connect to the future street extension of Smoke Tree Terrace, where there are street lights. These circumstances do not affect adjacent properties, and therefore, this criterion is satisfied.

B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Response to Criterion B: The requested variance is likely to minimize any impact on adjacent properties, by limiting the potential for light from this development—even with appropriate "glare-reducing" measures—will intrude upon the privacy of adjacent residences.

The applicant proposes a sufficient level of lighting to guarantee safety while minimizing effects on adjacent properties. This will include appropriate lighting along the pathway within the open space.

This criterion is satisfied because the requested variance will reduce impacts to adjacent properties.

C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;

Response to Criterion C: The circumstances are not self-imposed, but are a consequence of conditions on the site (water resource area) and adjacent development (existing subdivisions). Therefore, this criterion is satisfied.

D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;

Response to Criterion D: The applicant is proposing a practical alternative to the code requirement, which requires a level of lighting appropriate for a parking lot but not for a residential area "back yard." Therefore, this criterion is satisfied.

E. That the variance requested is the minimum variance which would alleviate the hardship;

Response to Criterion E: The applicant does not propose to eliminate the requirement for lighting, only to reduce the level of lighting required and, in so doing, minimize impacts on adjacent properties and on the natural resource area. Therefore, this criterion is satisfied.

F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Response to Criterion F: The code provision's purpose is to provide for safety and "pedestrian-scale lighting." The applicant believes that the intent of this section is satisfied by a lower level of lighting with less intrusive effects, as previously discussed. Therefore, this criterion is satisfied.

Summary: The foregoing discussion demonstrates that criteria for a variance are satisfied, and should be approved. The applicant has offered an alternative to the standard that will better accomplish the purpose by causing less intrusion into the privacy of adjacent properties and maintaining a level of lighting consistent with the nature and function of the open space and natural resource areas.

Title 16 Land Divisions

Chapter 16 Subdivisions

The applicant proposes a subdivision to create 25 new lots: 17 lots for single family detached dwellings and eight lots for attached dwellings, and a tract for open space (to include the water resource areas identified through Chapter 17.49) and access. 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/or representatives met with Oregon City planning and engineering staff to discuss the development of this property on December 10, 2002.

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 25 lot subdivision to accommodate single family dwellings and attached dwellings. All new lots will have frontage on the new streets.

The new interior street will have a right of way width of 50 feet, with 32 feet of pavement. Five foot wide sidewalks will be provided on both sides of the new street, with five foot wide planter strips between sidewalk and curb. The streets will align with the street stubs in Silverfox.

No off-site improvements have been identified as necessary to satisfy standards of the City's 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. Regarding stormwater detention piping, as currently proposed, the storm detention pipe is to be under the sidewalk area of the public street. Staff raised some concern if such a location may be in conflict with proposed street trees. Landscape Architect Kathleen Baughman of Gretchen Vadnais Landscape Architects, LLC felt as long as the pipe stay under the sidewalk, there would be sufficient room for the tree roots which will tend to grow laterally along the landscape strip.

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. A City park is planned for a large open space approximately 500 to 1,000 feet from lots in this development (maximum of .19 mile). The public open space is proposed to include play structures and ball fields, and is planned for completion in 2004.

5. Traffic and transportation – Construction of a new street linking existing temporarily terminated streets will provide access for lots in this development to make connections to the City's network of collector and arterial streets. The project will generate an estimated daily traffic volume of 248 new weekday trips, according to the Traffic Analysis. The project will generate 20 trips during the morning peak hour and 25 trips during the evening peak hour.

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 nearby intersections.

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. – A variance is requested for lighting for the pedestrian pathway, discussed with relation to SPDR requirements.

Approval standards 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. included with the application.

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. Requirements of Chapter 17.49 were addressed through review of a previous application (WR 02-16) and conditions of approval from that permit have been incorporated into the site design. An additional water resources review is incorporated as a part of this application package.

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.

H. Overall density of the subdivision/PUD and density by dwelling type for each. – The overall density of the subdivision is one dwelling per 8,977.6 square feet, based on the original parcel size of 5.15 Acres. Densities for each dwelling type are as follows: Lots 1-7 and 16-25 intended for single family detached residences average 5,129.5 square feet. Lots 8 through 15 are intended for attached single-family dwellings and have an average lot size of 4,488.1 square feet.

Chapter 16.12 Minimum Improvements and Design Standards for Land Divisions

16.12.020 Street design – Generally.

The proposed street is designed to connect two existing streets and to satisfy local street standards. It is, therefore, appropriate for the development.

Adjoining properties to the northeast are already developed with access from other streets and did not provide connections for this site. The seasonal stream channel provides a barrier to the northwest, so the new street is not proposed to continue to the site's boundary. Stubbed streets have been provided from Haven Estates No. 2 that will be sufficient for access to Tax Lot 3000 when it is developed.

16.12.030 Street design – Minimum right-of-way.

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

16.12.040 Street design – Reserve strips.

No reserve strip is proposed but will be provided if required by the City.

16.12.040 Street design – Alignment.

The proposed new street does not intersect with any other street.

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

A local street is proposed that meet standards of 16.12.030; this section does not apply.

16.12.070 Street design – Intersection angles.

No new intersection is proposed.

16.12.080 Street design – Additional right-of-way.

Additional right-of-way dedication is not required.

16.12.090 Street design – Half street.

No half street dedication is proposed.

16.12.100 Street design – cul-de-sac.

No cul de sac is proposed.

16.12.110 Street design – Private street.

A private access tract is proposed for access to Lots 7 through 13. The tract will have a width of 28 feet and length of approximately 240 feet long. A turnaround for emergency vehicles will not be required as the units with access off the private street will be sprinklered.

16.12.120 Street design – Street names.

The new street is proposed to be named at a later time, but will likely continue the existing street names (Timms Way from the southwest, Morrie Drive from the southeast), subject to City approval.

16.12.130 Street design – Grades and curves.

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

16.12.140 Street design – Access control.

The site does not abut a minor arterial street.

16.12.150 Street design – Pedestrian and bicycle safety.

Proposed street improvements will be designed to comply with city requirements.

16.12.160 Street design – Alleys.

No alley is proposed.

16.12.170 Street design – Transit.

Transit is not available in any street fronting the site. No transit related improvements are proposed.

16.12.180 Street design – Planter strips.

A planter strip is included in the design for the new street.

16.12.190 Blocks – Generally.

The proposed subdivision will create no new block, because existing developments around the site did not extend street stubs to the site's boundary. The seasonal stream channel also limits accessibility to and from adjacent developments, and is likely the reason no street stubs were provided.

16.12.200 Blocks – Length.

16.12.210 Blocks – Width.

No block design is possible, as no street stub was provided from the adjacent subdivisions to the northeast, and no connection is proposed to cross the seasonal stream channel to the north.

16.12.220 Blocks – Pedestrian and bicycle access.

A pedestrian, bicycle and wheel chair access is proposed to connect the new interior street to Smoke Tree Terrace. The pathway will be located in the open space area.

16.12.230 Building sites.

Proposed lots do not meet the requirements of the R-8 District. Modifications 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 7-13, which access on the access tract and have a narrow pole strip back to the public street.

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 at right angles or radial to the new streets.

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.

No special setbacks or building locations are proposed, other than those requested through PUD modifications to dimensional requirements.

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 of the trees onsite within the development areas will conflict with street and home locations. The trees will be removed at some point, whether with the infrastructure development or during home construction. The developer will try and save 2 trees in lot areas, one on the proposed lot line between Lots 5 and 6 and one on Lot 14 near the sidewalk.

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.

The identified water resources are protected as required by Chapter 17.49, in a preceding section of this narrative.

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.

Conclusion

The foregoing narrative describes the proposed land division and PUD to create 25 lots. A variance is requested to lighting standards for pedestrian accessways. The narrative and plans demonstrate that the proposal is generally in conformance with the City's applicable criteria and standards. Therefore, the application should be approved as submitted.

SISUL ENGINEERING

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September 5, 2003

City of Oregon City
PO Box 3040
Oregon City, OR 97045-0304

ATTN: Tony Konkol

RE: Leland Run 2; J.O. SGL 02-105
City File No. PD 03-02

Dear Mr. Konkol:

We wish to provide more support material and information in regards to the proposed Leland Run 2, Planned Unit Development. In particular, we wish clarify the setbacks proposed surrounding the attached units and the landscape buffer proposed between the attached units and those neighboring lots in the Silverfox subdivision. We also wish to note how the lots sizes of this proposed subdivision compare to those of neighboring subdivisions and make clearer the area dedicated to active and passive open space. Finally, we will address with more specificity, how this subdivision meets the intent of Section 17.64.010A and 17.64.040C of the PD ordinance.

REGARDING ATTACHED UNIT SETBACKS AND BUFFER

For attached units on Lots 8 through 13, the applicant has requested an alternative setback standard. The comparison between what the applicant has proposed and requested as compares to the standard is noted below.

Setbacks for Lots 8 – 13

| Setback | Standard | Alternative |
|---------|------------|-------------|
| Front | 20 feet | 24 feet |
| Rear | 20 feet | 30 feet |
| Side | 0 & 9 feet | 0 & 7 feet |

The applicant has requested the alternative setback for these 6 lots to allow for a better and more desirable living units to be constructed on the proposed lots. We note that the applicant has proposed to have larger rear and front yard setbacks than the standard. In

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exchange for these increase front and rear yard setbacks, he requests the side yard setbacks on these 6 lots be reduced to 7 feet on the non-attached sides. We believe that the 7-foot side yard setbacks will still leave a sufficient width between the buildings on the non-attached sides. We note that 2 seven-foot side yards equals the 5 and 9 foot side yard setbacks of R-6 zoning and what has been proposed for the single family detached for this Planned Development.

In addition to the requested alternative setbacks noted above, the applicant also wishes to note that instead of a 9 foot side yard noted for Lot 15 he is now requesting to make it a minimum of 15 feet. The applicant feels that there would have been at least 15 feet between the side yard property line and the home on Lot 15 anyway, and feels that to offer this makes it a positive for existing neighbors in the adjoining Silverfox lot. The wider setback on Lot 15 along with the rear yards of Lots 8 through 13 will allow for a applicant to plant a dense evergreen tree buffer between the proposed homes and those neighboring lots in the Silverfox subdivision (Silverfox Lots 1-4). Please see the enclosed detail of proposed tree buffer. The applicant will plant the dense evergreen tree buffer and will make it a requirement in the development's CC&R's that the trees are to remain.

COMPARISON BETWEEN LOT SIZES WITH SURROUNDING DEVELOPMENTS

We wish to note that the while much of the surrounding area, including this proposed subdivision site, is zoned R-8 the actual lot sizes for most of the neighboring developments have been developed with lot sizes smaller than the R-8 standard. Only the Haven Estates subdivision was developed with lot sizes meeting the R-8 standard. The Silverfox subdivision which surrounds the proposed Leland Run 2 on two sides is zoned R-6 and was developed at that standard. The Settler's Point and Leland Run subdivisions were developed as Planned Developments due to wetland and stream corridors on the parcels, and have average lot sizes of 5712 SF and 4792 SF respectively. For comparison the average lot size of the proposed Leland Run 2 is 4924 SF.

This proposed development like Settler's Point and Leland Run (1) has wetland and stream corridor constraints. Because of those constraints we feel that the Planned Development proposal is reasonable request. We also feel that the proposed development is in character with the surrounding neighborhood in terms of lot sizes and open spaces.

ACTIVE AND PASSIVE RECREATION AREAS

As a Planned Development, the subdivision must have open spaces. More specifically the open space must include active and passive recreation areas. As is noted in the materials previously submitted the dedicated open space area is 68,424 SF or 30.5% of the total site area. Some of the open space area is stream, wetland and adjacent buffer. However, even portions of the buffer area can be used for active or passive uses. The pond area, on the site, has been used for fishing in the past, evident by the fishing string found along and near the pond area. The current owner of the parcel also has noted to the applicant that fishing is actually good in the pond.

Of the total open space area, approximately 20% is proposed for use as active open space area. These areas include the playground structure area, the basketball court area, the grass area that could be used for tossing a ball or frisbee around, as well as the various walking path areas, excluding the public sidewalk areas. The walking path areas within the open space areas total nearly 850 lineal feet. Passive recreation areas include sitting areas, picnic table areas, and the viewing areas, although the viewing areas around the pond could also be used for fishing as noted previously. Other than the pond area most of the remaining open space area will be enhanced with vegetation (trees and shrubs). While not intended for use as active areas, in all likelihood children, and perhaps some adults, will enter stream and buffer areas to climb trees, catch frogs, trap insects and do those things that children do in open areas. We would also like to note that extra landscape areas beyond what is needed for buffer or jurisdictional areas are a part of the open space areas.

ORDINANCE 17.64.010A

This code section states as a purpose of the Planned Development that it should "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... 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 objective of a mix use development including commercial and office uses is not possible by ordinance on this site due to the site of the development being less than 10 acres. However, proposed development does provide pedestrian connection between the Haven Estates subdivision and the proposed Aidans Glen subdivision to the Silverfox subdivision. This pedestrian connection will provide a significant short cut between the Haven Estates area and the future Wesley Lynn Park site as opposed to the street system connections of either via Frontier Parkway or Leland Road. The proposed site configuration places all the attached housing near the large active open space area. The thought being that those residents on the smaller lots could more readily take advantage of the active open space if desired. The active area is also placed away from the public street and placed along a private street and pedestrian connection that will better protect young children, who may "escape" parental guidance momentarily.

ORDINANCE 17.64.040C – ADJUSTMENTS TO DIMENSIONAL STANDARDS

This section of the PD ordinance discusses that the underlying zone's setback may be adjusted. It also states in part "Adjustments from ... dimensional standards may be allowed if the adjustments, in 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 adjustments does not significantly adversely affect adjacent properties."

The primary adjustment from the underlying zone of R-8, other than lot sizes for which the PD ordinance dictates minimums for, is for side yard setbacks. To a lesser extent front yard setback adjustments are also requested. For the underlying zone the side yard setbacks would be 9 feet and 7 feet. What is requested for the detached dwellings are 9 feet and 5 feet side yard setbacks. We note that 9 and 5 foot side yard setback is the standard for the R-6 zoning district. The R-6 zoning surrounds the proposed subdivision on 2 sides, it is on these two sides that most of proposed lots are adjacent to the perimeter of the subdivision's boundaries. The other two sides of the subdivision will be primarily open space areas. Where side yards will be adjacent to the Silverfox lots, such as Lot 25, the minimum side yard will be 9 feet, which the applicant is willing to accept as a condition. (Lot 1 as a proposed sanitary sewer easement along its southeasterly side that will effect make the side yard a minimum of 14 feet and more likely closer to 20 feet). Therefore we would see meeting the R-6 setback standard as not significantly adverse to the adjoining lots in the R-6 (Silverfox) subdivision. Open space buffers will exist between the proposed lots and lots in other neighboring subdivisions.

For the attached lots the applicant has proposed a 30 foot rear yard setback and to better buffer the adjoining R-6 lots. He has also proposed a 24 foot front yard setback to allow a more "boulevard" feel along the private street and in exchange to have the side yard setbacks be 7 feet. This subject discussed in more detail above provides a better buffer from neighboring lots allows for a more open feel and more distance between the proposed home sites and neighboring homes. Again we do not see the proposed adjustment to the setback as being significantly adverse to neighboring lots.

The final proposed adjustment, requested at the suggestion of staff, is to allow the detached dwelling units a reduced front yard setback of 15 feet for the living area only, garages would still have a 20 foot setback. This proposed adjustment would allow the homes closer to the street, something that is being encouraged in many jurisdictions, and we understand may be incorporated into City's setbacks standards. This proposed adjustment, as a front yard adjustment, would not have impact on neighboring lots. The applicant though wishes to know that obtaining the reduced front yard setback is not critical for placing homes on the proposed lots, if granted however he would likely take advantage on some of the lots to move living area and porch areas closer to the sidewalks.

CONCLUSION

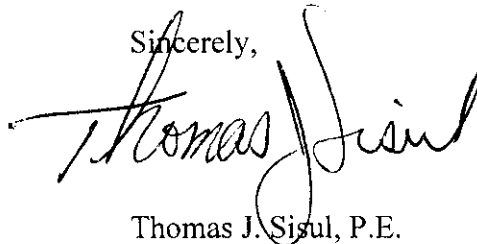
The proposed Planned Development in conjunction with the proposed Lot Line Adjustment allows for 3 beneficial things to occur. First, it provides for a continuation of the enhanced protection of the drainageway that has occurred with the development of the Settler's Point and Leland Run (1) subdivisions, both of which are Planned Developments. In fact, this proposed development would provide much more enhancement of the drainageway and buffer area than either of the other two adjoining planned developments provided. Second, through the Lot Line Adjustment as proposed, the 16.5 wide pole strip to Leland Road is handled in a manner that makes much more

sense in terms of ultimate development. By swapping with the developer of the Aidan's Glen subdivision the 16.5 pole strip for additional drainageway and resource area, the developer better connects drainageways, and allows 3 homeowner associations to control and protect the entire stretch of the drainageway from Leland Road through Settler's Point. Finally, the pedestrian connection proposed from Smoke Tree Place to Timms Way will allow a very good pedestrian connection to be made between the Haven Estates subdivision towards the Wesley Lynn Park site. This pedestrian connection will include a scenic bridge crossing of the drainageway and be adjacent to tot lot area within the Leland Run 2 active recreation area.

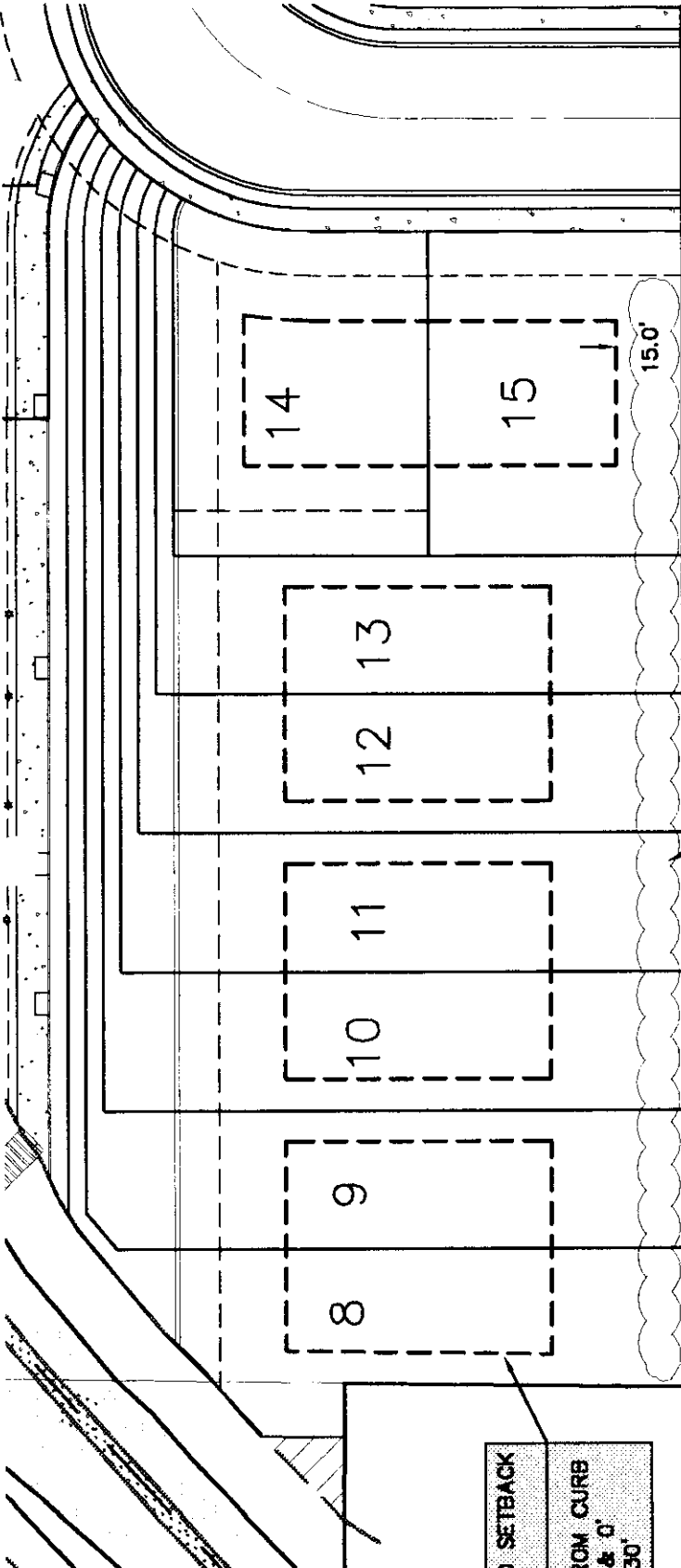
For all of these reasons, this planned development should be recommended for approval.

We have also included 5 copies of the application plans on 11"x17" size sheets for the Planning Commissioners. These are the same as the full size plan sheets previously submitted for staff and PC use, except the color photos included in the full size sheets are not included.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Sigul". The signature is fluid and cursive, with a large, stylized "T" and "S".

Thomas J. Sigul, P.E.



OPTION TO STANDARD SETBACK
 LOTS 8-13
 FRONT YARD: 24' FROM CURB
 SIDE YARD: 7' & 0'
 REAR YARD: 30'

TIMMS WAY

DENSE EVERGREEN
 TREE BUFFER AT
 THE PROPERTY LINE

LELAND
 RUN
 PUD

LOT
 18

4

3

2

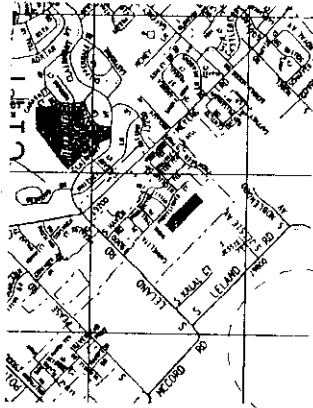
1

SILVERFOX
 SUBDIVISION

SILVERFOX PARKWAY

PRELIMINARY PLAT
OF
LELAND RUN NO.2

LELAND RUN NO.2

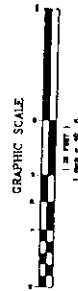


INDEX

SHEET DESCRIPTION

- 1 COVER
- 1A SITE PLAN
- 1B SITE DETAILS
- 2 EXISTING CONDITIONS
- 3 UTILITY PLAN
- 4 GRADING & EROSION CONTROL PLAN
- 5 PROPOSED SETBACKS
- 1L LANDSCAPE PLAN
- 2L LANDSCAPE PLAN
- 3L LANDSCAPE PLAN
- 6 PLAY AREA DETAILS

WILLS DRIVE



PROVISIONER COURT

SMOKE TREE PLACE

MORRIE DRIVE

THOMAS WAY

FRONTIER PARKWAY

DEVELOPER:

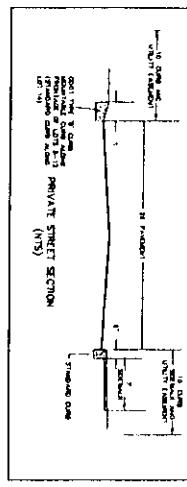
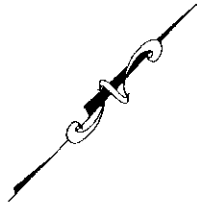
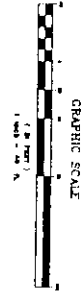
MJF DEVELOPMENT

1616 SE REEDWAY
PORTLAND, OR 97202

SISUL ENGINEERING

375 PORTLAND-AVE.
GLADSTONE, OR. 97027
(503) 657-0188

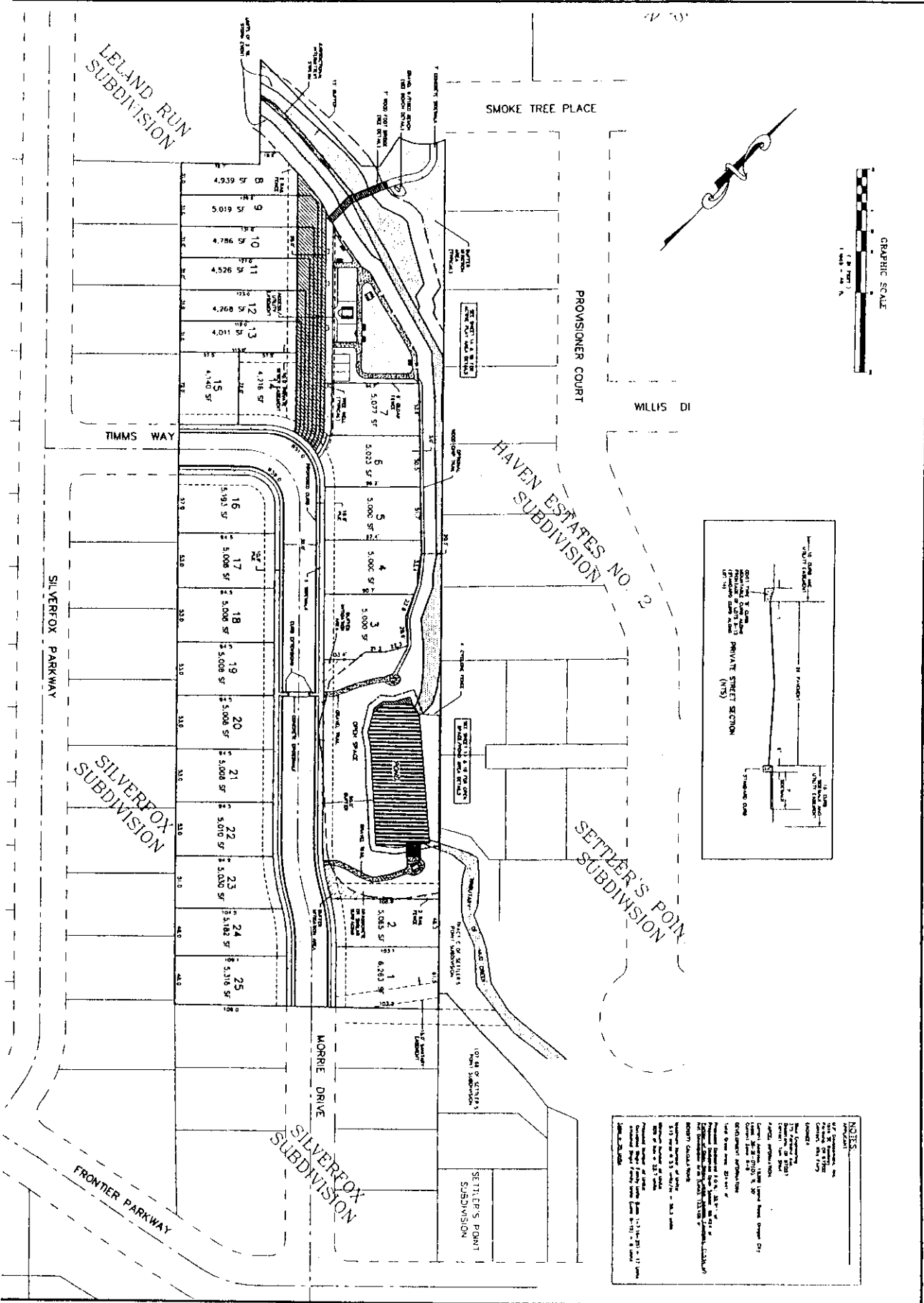
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1. SEE SHEET NO. 1
2. SEE SHEET NO. 2
3. SEE SHEET NO. 3

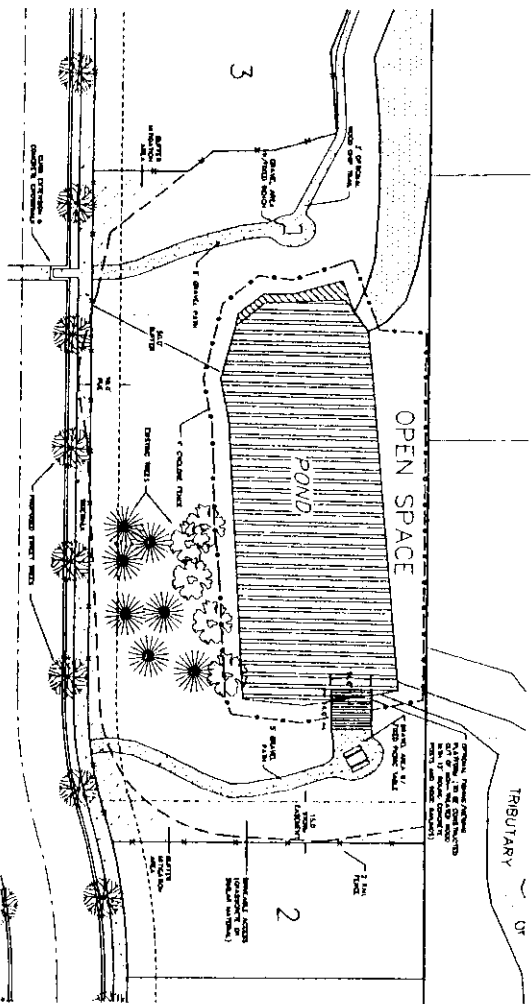
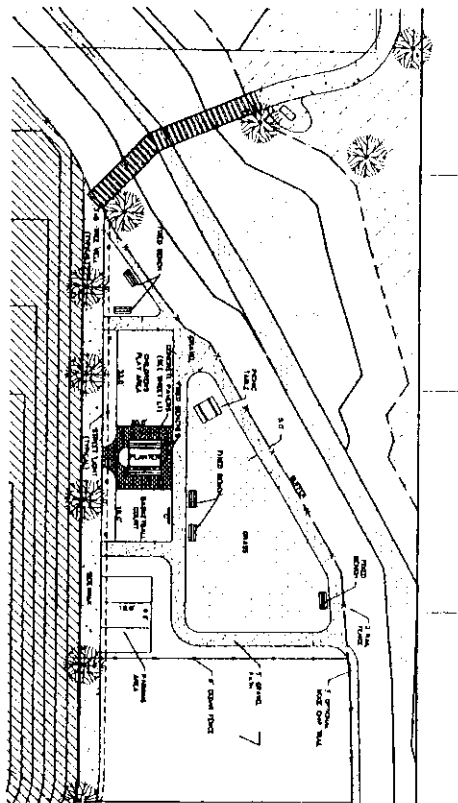
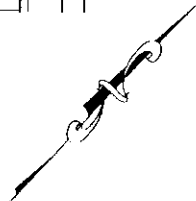
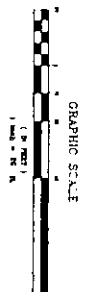


LELAND RUN NO.2
M/J DEVELOPMENT

Site Plan

SISUL ENGINEERING
275 PORTLAND AVENUE
CLATSOP, OREGON 97021
(503) 467-9188





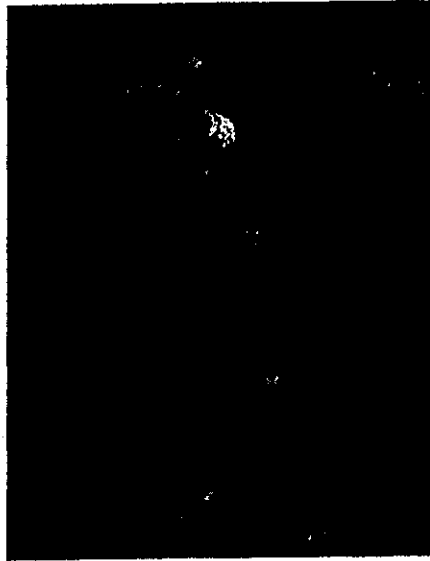
LELAND RUN NO.2

M.J.F. DEVELOPMENT

Site Plan

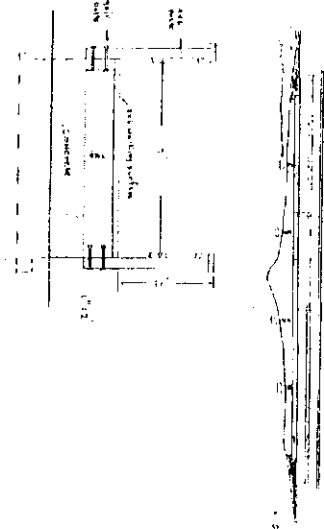
SISUL ENGINEERING
378 PORTLAND AVENUE
CLATSOP, OREGON 97087
(503) 857-0188

| | |
|---------|----------|
| DATE | 1-28-88 |
| BY | ES |
| NO. | 02-05 |
| SCALE | 1" = 20' |
| PROJECT | 1 Δ |

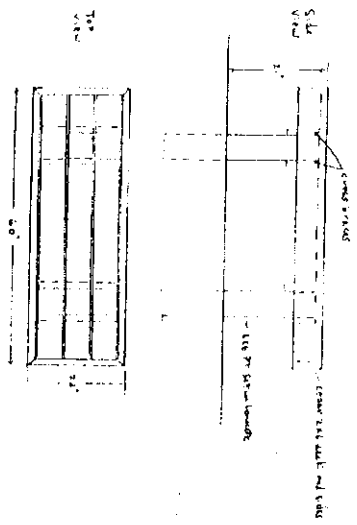


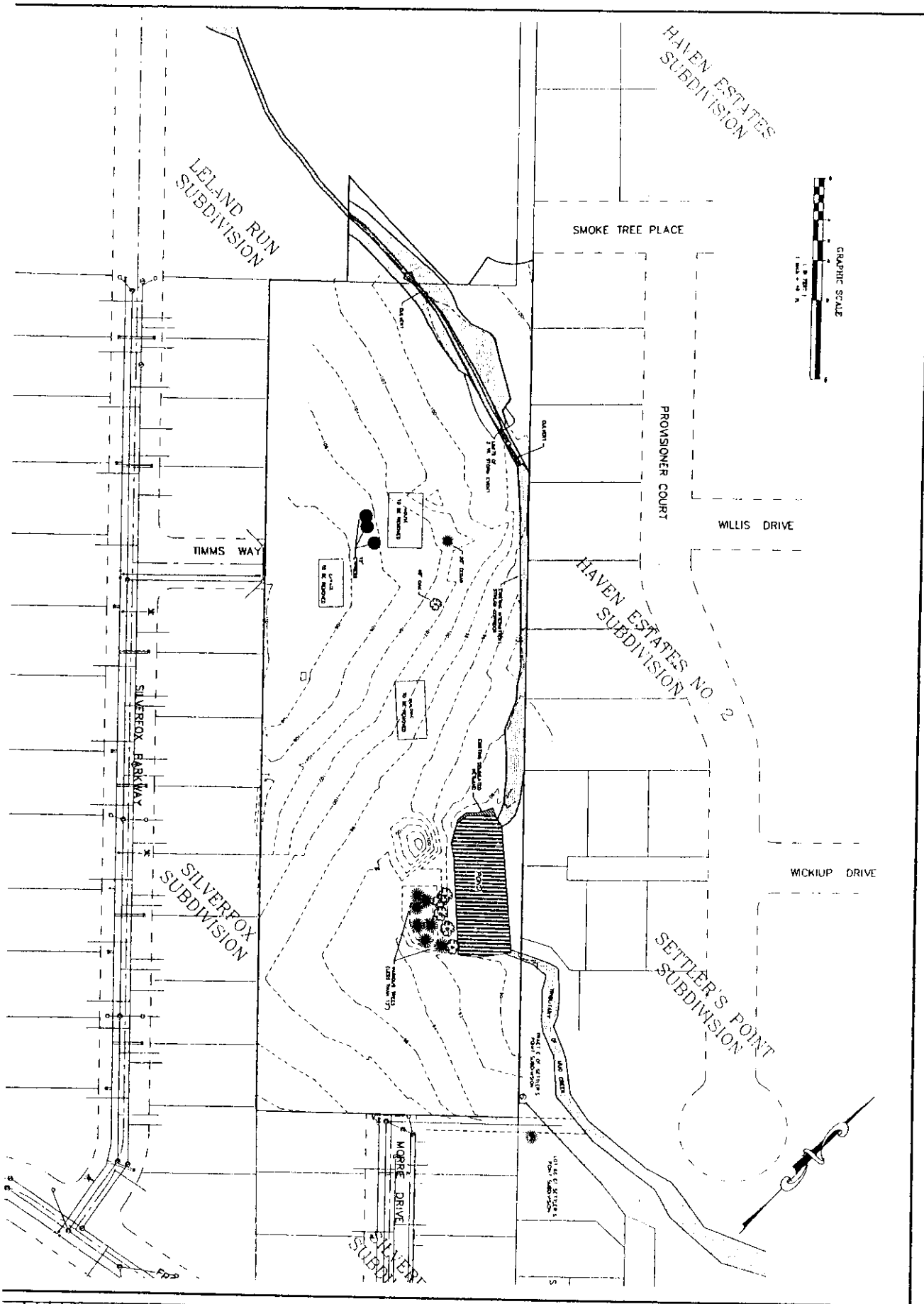
EXAMPLES OF PROPOSED
FOOT BRIDGE

FOOT BRIDGE DETAIL



BENCH DETAIL





SISUL ENGINEERING
 5716 PORTLAND AVENUE
 CLATSOP, OREGON 97027
 (503) 867-0168

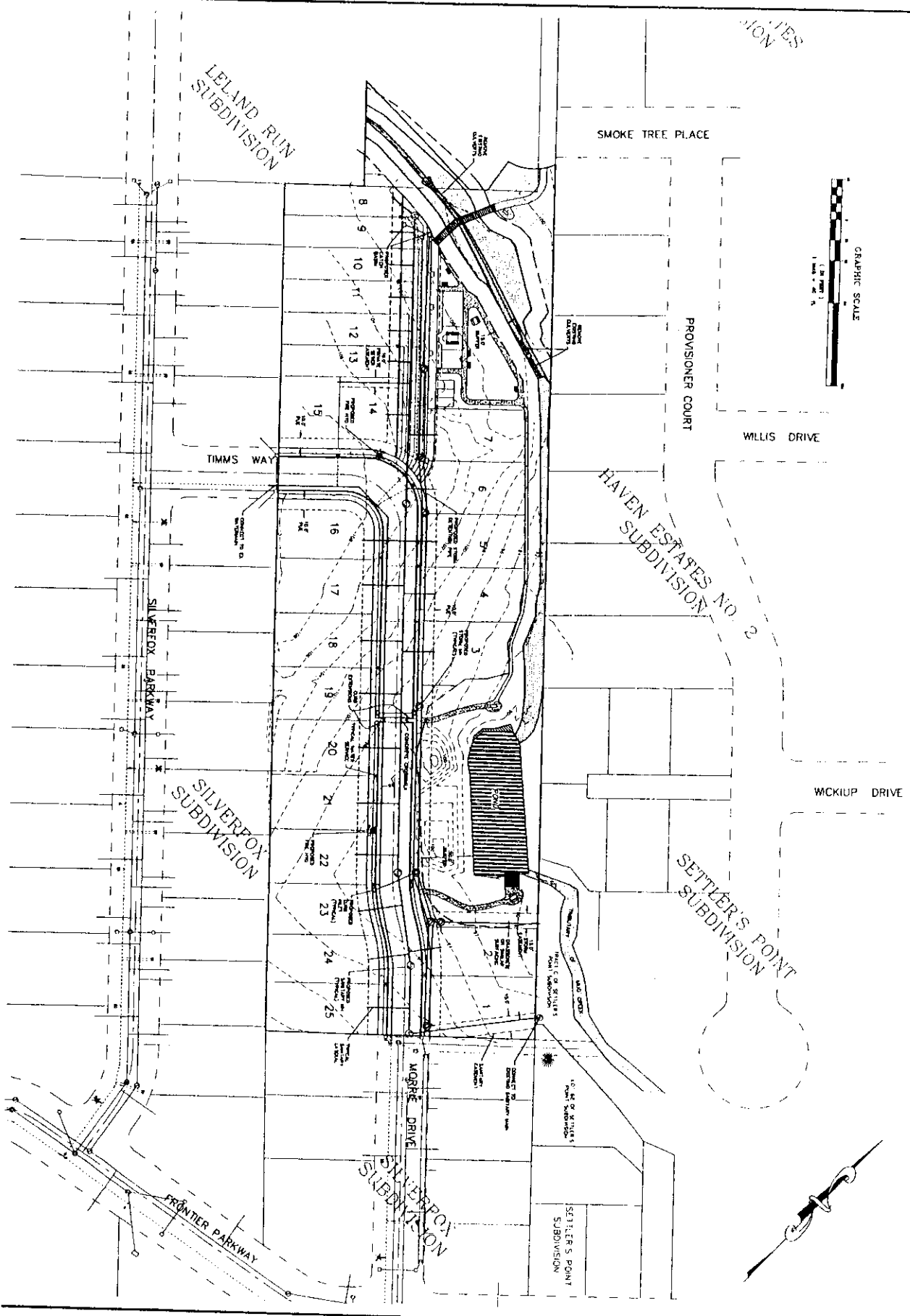
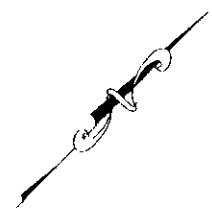
Existing Conditions

LELAND RUN NO. 2

MJF DEVELOPMENT

| | |
|---------|------------------|
| DATE | 11/11/03 |
| BY | MMJ |
| CHECKED | MMJ |
| SCALE | AS SHOWN |
| PROJECT | LELAND RUN NO. 2 |
| SHEET | 1 OF 1 |

ION
IES



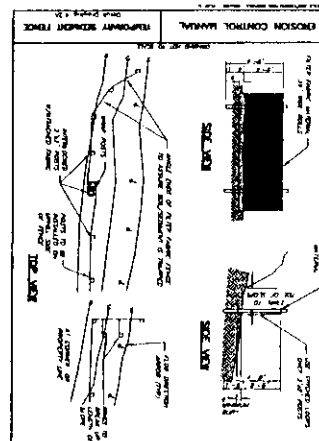
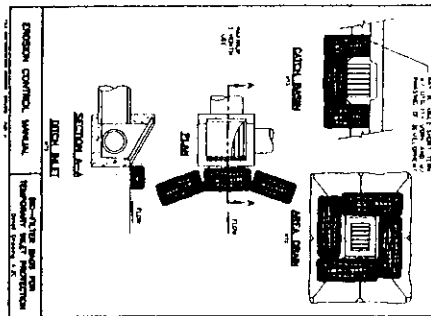
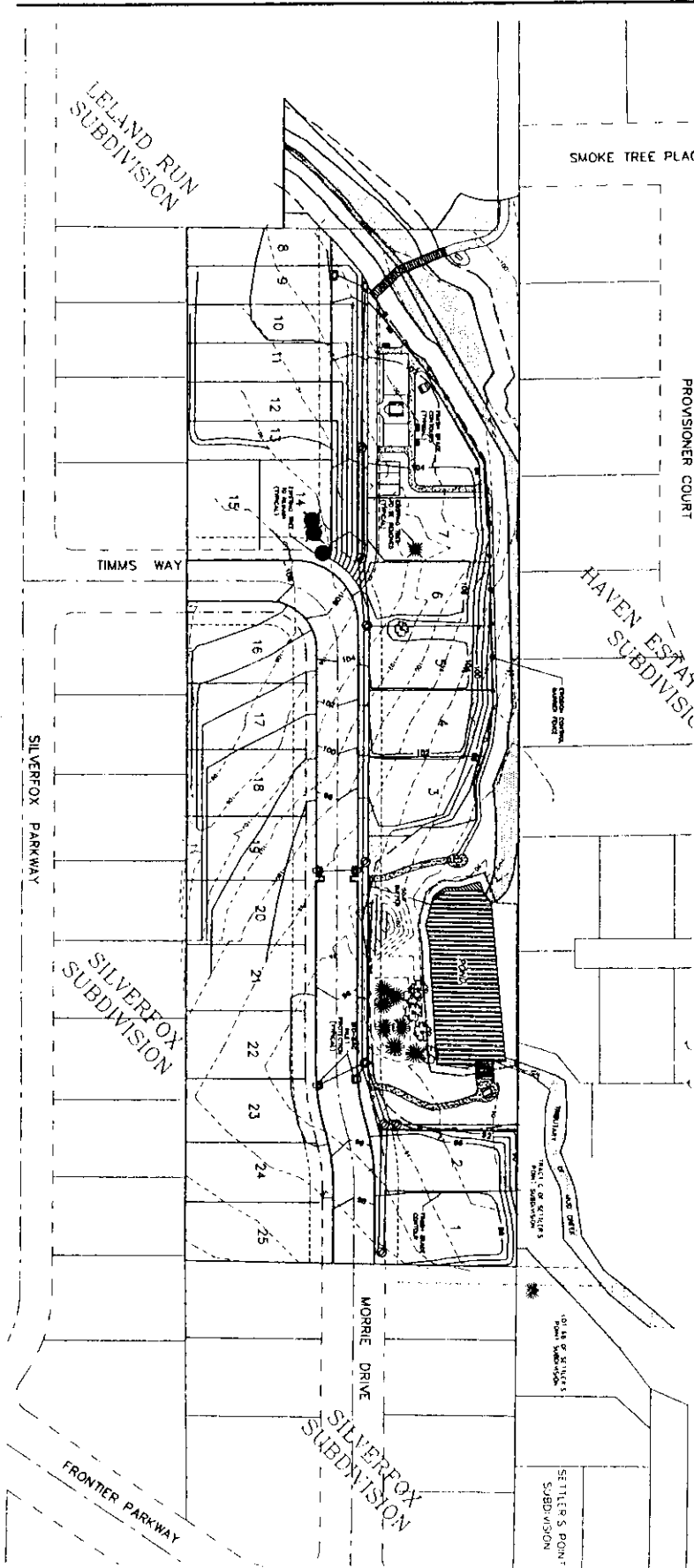
SISUL ENGINEERING
315 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 867-0166

DATE: 11-14-06
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

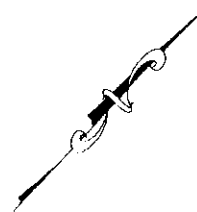
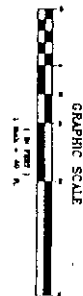
Utility Plan

LELAND RUN NO. 2
M/J DEVELOPMENT

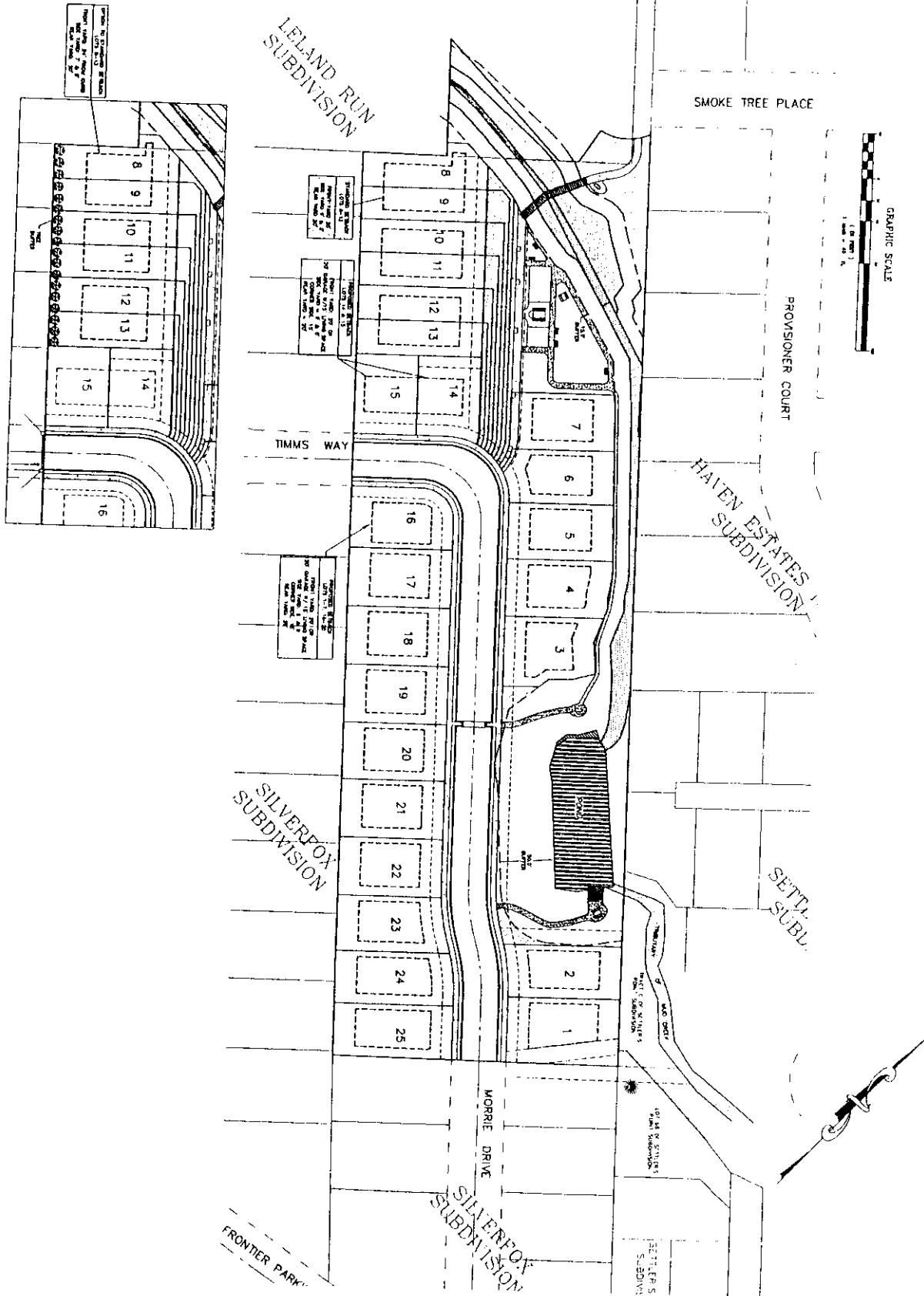
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| REVISION | |
| NO. | |
| DATE | |
| BY | |
| CHECKED | |
| APPROVED | |

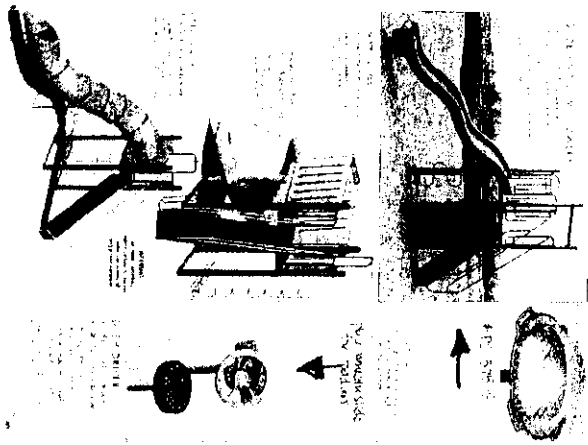


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 FILL: 5,800 C.Y.
 NET: 950 C.Y. (FILL)

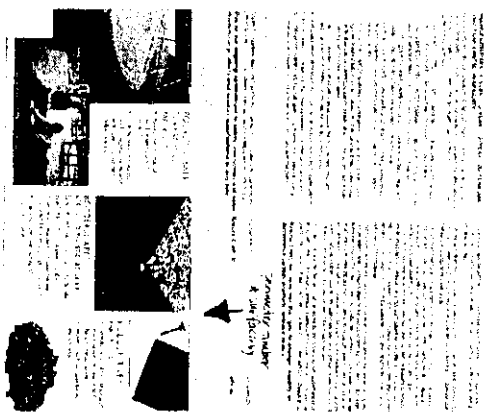
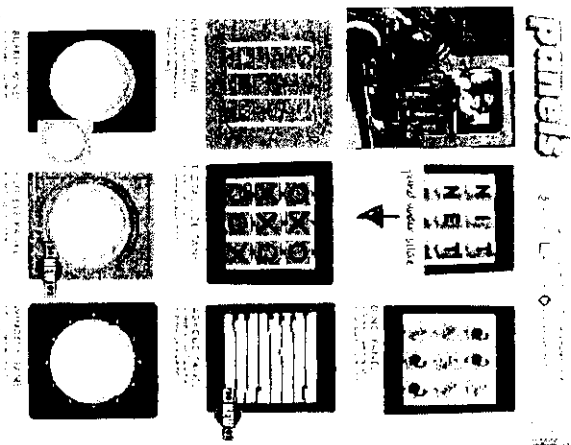
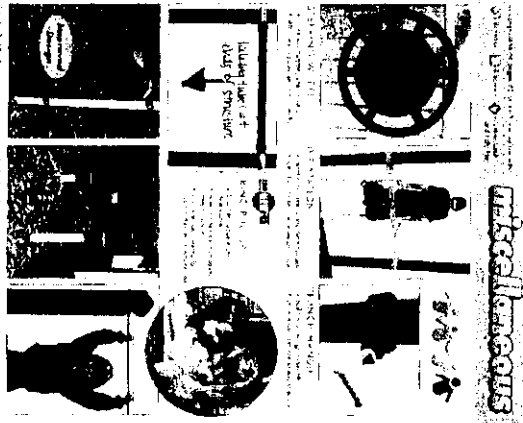


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|------|---------|-----|-------------------|
| REV. | DATE | BY | DESCRIPTION |
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| 2 | 10/1/01 | MJF | ISSUED FOR PERMIT |
| 3 | 10/1/01 | MJF | ISSUED FOR PERMIT |
| 4 | 10/1/01 | MJF | ISSUED FOR PERMIT |





PLAY AREA DETAILS

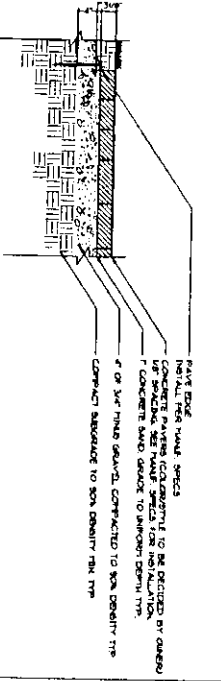


| | |
|-------------|----------|
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| BY | J. L. S. |
| CHECKED BY | J. L. S. |
| APPROVED BY | J. L. S. |
| REVISIONS | |
| NO. | 1 |
| DATE | 10/1/83 |
| BY | J. L. S. |
| CHECKED BY | J. L. S. |
| APPROVED BY | J. L. S. |

LELAND RUN SUBDIVISION

HAVEN ESTATES NO. 2 SUBDIVISION

SAND-SET PAVEMENT DETAIL (active open space area)



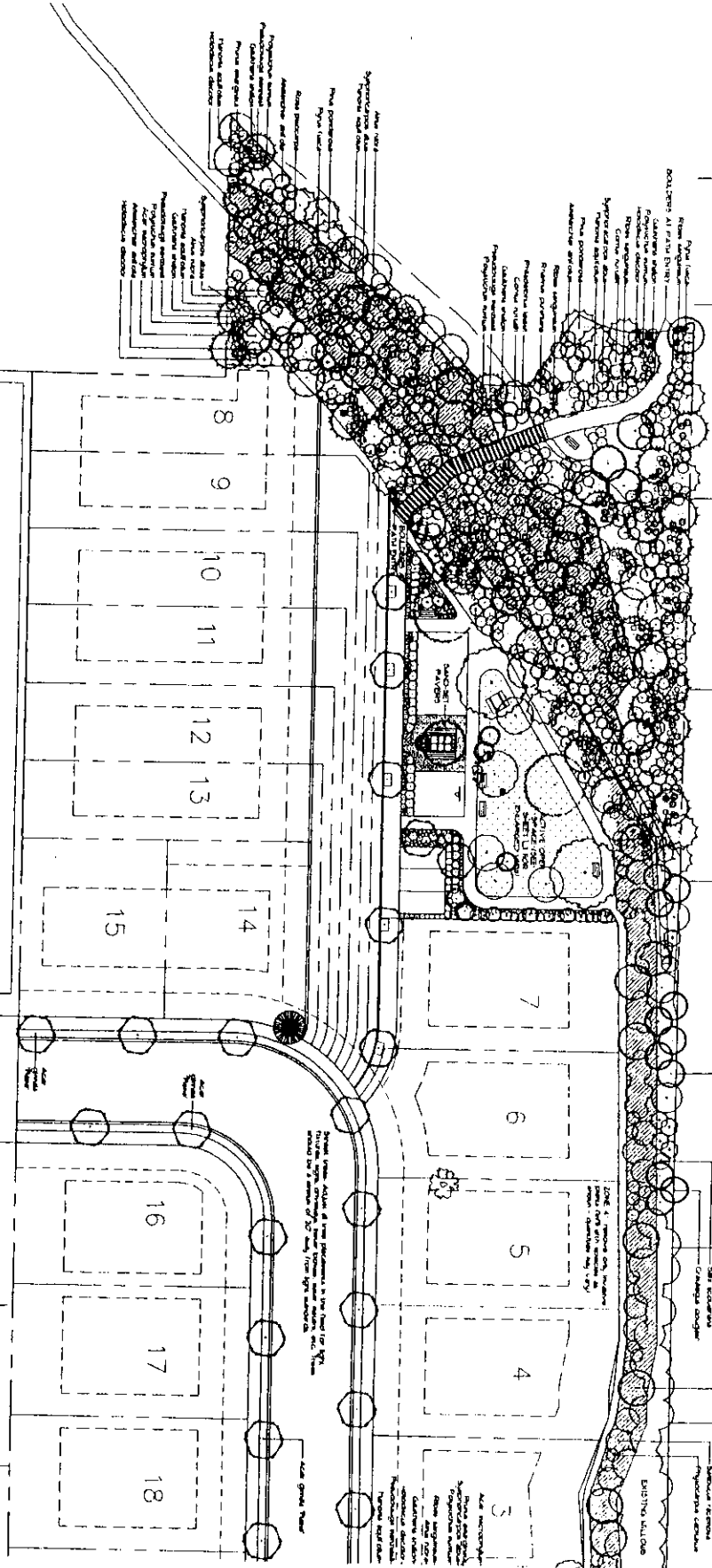
SCALE 1\"/>

PLANTING PLAN



SILVERFOX PARKWAY

TIMMS WAY



LELAND RUN II

oregon city, oregon

landscape plan

my development, inc.
1616 se roadway street
portland, oregon 97202
tel 503.736.9011
fax 503.736.9047

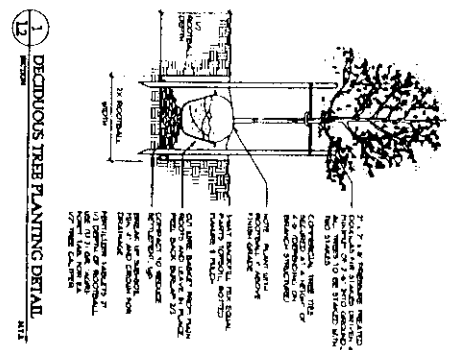
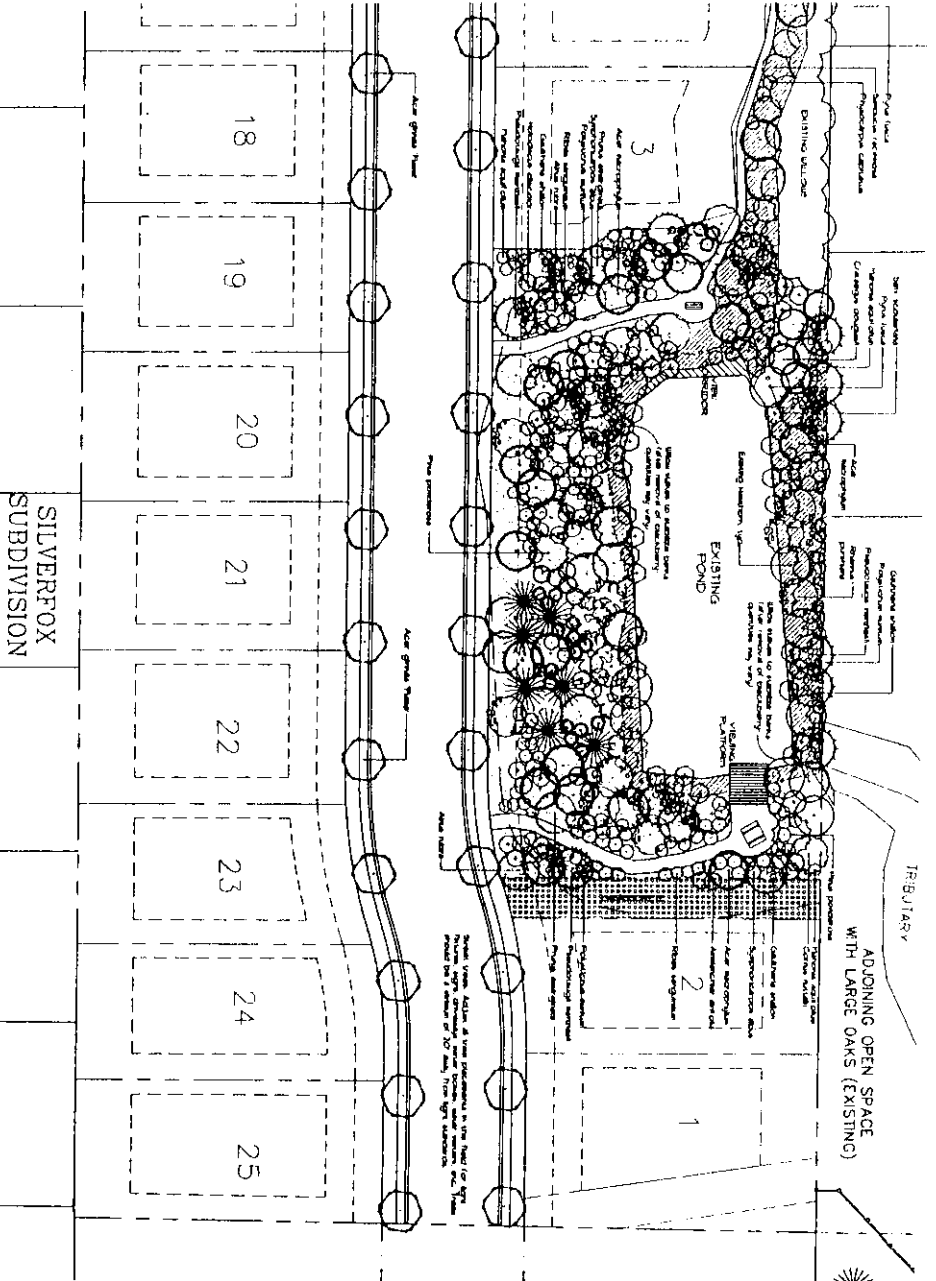
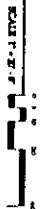


David L. Smith
Registered Landscape Architect
No. 503.286.8743

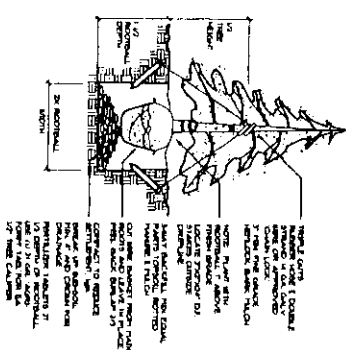
L1

SILVERFOX PARKWAY

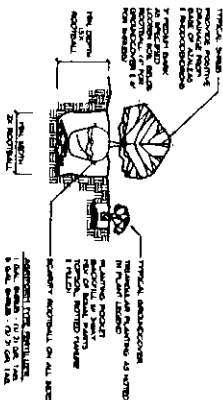
PLANTING PLAN
NORTH



1
12 DECIDUOUS TREE PLANTING DETAIL
REV. 12/04
MTA



2 EVERGREEN TREE PLANTING DETAIL



3 SHrub AND GROUNDCOVER DETAIL.
L2



ACTIVE OPEN SPACE AREA

| Case | Year | Age | Sex | Occupation | Education | Marital Status | Religion | Political Party | Income | Assets | Liabilities | Net Worth | Assets | Liabilities | Net Worth |
|------|------|-----|-----|------------|-------------|----------------|------------|-----------------|----------|----------|-------------|-----------|----------|-------------|-----------|
| 1 | 1960 | 35 | M | Engineer | High School | Married | Catholic | Democrat | \$10,000 | \$50,000 | \$20,000 | \$30,000 | \$10,000 | \$50,000 | \$40,000 |
| 2 | 1961 | 40 | F | Teacher | College | Married | Protestant | Republican | \$15,000 | \$60,000 | \$25,000 | \$35,000 | \$15,000 | \$60,000 | \$45,000 |
| 3 | 1962 | 25 | M | Student | College | Single | Jewish | Democrat | \$5,000 | \$20,000 | \$10,000 | \$10,000 | \$5,000 | \$20,000 | \$15,000 |
| 4 | 1963 | 50 | F | Homemaker | High School | Married | Catholic | Democrat | \$8,000 | \$30,000 | \$15,000 | \$15,000 | \$8,000 | \$30,000 | \$22,000 |
| 5 | 1964 | 30 | M | Engineer | College | Married | Protestant | Republican | \$12,000 | \$45,000 | \$18,000 | \$27,000 | \$12,000 | \$45,000 | \$33,000 |
| 6 | 1965 | 45 | F | Teacher | College | Married | Catholic | Democrat | \$18,000 | \$70,000 | \$30,000 | \$40,000 | \$18,000 | \$70,000 | \$52,000 |
| 7 | 1966 | 20 | M | Student | College | Single | Jewish | Democrat | \$3,000 | \$15,000 | \$8,000 | \$7,000 | \$3,000 | \$15,000 | \$12,000 |
| 8 | 1967 | 55 | F | Homemaker | High School | Married | Catholic | Democrat | \$10,000 | \$35,000 | \$20,000 | \$15,000 | \$10,000 | \$35,000 | \$25,000 |
| 9 | 1968 | 35 | M | Engineer | College | Married | Protestant | Republican | \$14,000 | \$50,000 | \$22,000 | \$28,000 | \$14,000 | \$50,000 | \$36,000 |
| 10 | 1969 | 40 | F | Teacher | College | Married | Catholic | Democrat | \$16,000 | \$65,000 | \$28,000 | \$37,000 | \$16,000 | \$65,000 | \$49,000 |
| 11 | 1970 | 25 | M | Student | College | Single | Jewish | Democrat | \$6,000 | \$25,000 | \$12,000 | \$13,000 | \$6,000 | \$25,000 | \$19,000 |
| 12 | 1971 | 50 | F | Homemaker | High School | Married | Catholic | Democrat | \$9,000 | \$32,000 | \$17,000 | \$15,000 | \$9,000 | \$32,000 | \$23,000 |
| 13 | 1972 | 30 | M | Engineer | College | Married | Protestant | Republican | \$13,000 | \$48,000 | \$20,000 | \$28,000 | \$13,000 | \$48,000 | \$35,000 |
| 14 | 1973 | 45 | F | Teacher | College | Married | Catholic | Democrat | \$17,000 | \$68,000 | \$32,000 | \$36,000 | \$17,000 | \$68,000 | \$51,000 |
| 15 | 1974 | 20 | M | Student | College | Single | Jewish | Democrat | \$4,000 | \$18,000 | \$9,000 | \$9,000 | \$4,000 | \$18,000 | \$14,000 |
| 16 | 1975 | 55 | F | Homemaker | High School | Married | Catholic | Democrat | \$11,000 | \$38,000 | \$21,000 | \$17,000 | \$11,000 | \$38,000 | \$27,000 |
| 17 | 1976 | 35 | M | Engineer | College | Married | Protestant | Republican | \$15,000 | \$52,000 | \$24,000 | \$28,000 | \$15,000 | \$52,000 | \$37,000 |
| 18 | 1977 | 40 | F | Teacher | College | Married | Catholic | Democrat | \$19,000 | \$72,000 | \$35,000 | \$37,000 | \$19,000 | \$72,000 | \$53,000 |
| 19 | 1978 | 25 | M | Student | College | Single | Jewish | Democrat | \$7,000 | \$28,000 | \$14,000 | \$14,000 | \$7,000 | \$28,000 | \$21,000 |
| 20 | 1979 | 50 | F | Homemaker | High School | Married | Catholic | Democrat | \$12,000 | \$40,000 | \$23,000 | \$17,000 | \$12,000 | \$40,000 | \$28,000 |
| 21 | 1980 | 30 | M | Engineer | College | Married | Protestant | Republican | \$16,000 | \$55,000 | \$26,000 | \$29,000 | \$16,000 | \$55,000 | \$39,000 |
| 22 | 1981 | 45 | F | Teacher | College | Married | Catholic | Democrat | \$20,000 | \$75,000 | \$38,000 | \$37,000 | \$20,000 | \$75,000 | \$55,000 |
| 23 | 1982 | 20 | M | Student | College | Single | Jewish | Democrat | \$5,000 | \$22,000 | \$11,000 | \$11,000 | \$5,000 | \$22,000 | \$17,000 |
| 24 | 1983 | 55 | F | Homemaker | High School | Married | Catholic | Democrat | \$13,000 | \$42,000 | \$24,000 | \$18,000 | \$13,000 | \$42,000 | \$29,000 |
| 25 | 1984 | 35 | M | Engineer | College | Married | Protestant | Republican | \$17,000 | \$58,000 | \$28,000 | \$30,000 | | | |

PLANTING NOTES

[illegible]

IRRIGATION NOTES

IRRIGATION NOTES

MAINTENANCE NOTES

MAINTENANCE NOTES

PLANT LEGEND - MITIGATION BUFFERS

[illegible]

PLANT LEGEND - STREETSCAPE & OPEN SPACE

[illegible]

- for -
myl development, inc
1616 s.e reedway street
portland, oregon 97202
tel: 503.736.9011
fax: 503.736.9047

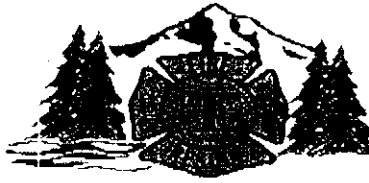
LELAND RUN II
oregon city, oregon
landscape plan

5

of 3 sheets

450
L. B. ...
Kathleen ...
Boughton ...
OREGON ...
5726 ...
LANDSCAPE ARCHITECTS

American Values
 landscape architects
 llc
 1405 The Broadway
 Suite 200
 Portland, OR 97221
 tel. 503.296.9238
 fax: 503.296.9243



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/E-mail Memorandum

To: Tony Konkol, Oregon City Planning Department
From: Mace Childs, Deputy Fire Marshal, Clackamas County Fire District #1
Date: 8/25/2003
Re: PD 03-02, Leland Run 2

This review is based upon the Fire Code as adopted 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) Attached single family dwellings are commercial structures for purposes of fire department access. Provide an approved turnaround at or near the end of the private street. Fire sprinkler installation may waive this requirement.
- 2) Attached single family dwellings are commercial structures for purposes of fire fighting water supply calculation and hydrant distribution. Reductions may be granted for fire sprinkler installation.



DAVID EVANS
AND ASSOCIATES INC.

September 4, 2003

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

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
MJF SUBDIVISION – PD03-02**

Dear Mr. Konkol:

In response to your request, David Evans and Associates, Inc. (DEA) has reviewed the Traffic Impact Study (TIS) and site plan submitted by Lancaster Engineering for the proposed MJF Subdivision Development. The proposed project site is located in Oregon City between Leland Road and Frontier Parkway, northwest of Silverfox Parkway. The TIS is dated April 2003 and the site plan is dated June 2003.

The current development proposal is to build a new subdivision consisting of 17 single-family detached homes and 8 single-family attached homes. The existing single-family dwelling and existing outbuildings located on the proposed site would be demolished to accommodate the proposed development.

Access from the proposed site would be via two existing road stubs to the Silverfox and Settlers Point developments south of the site. These road stubs eventually connect to Meyers Road at Frontier Parkway and Leland Road at Caddis Place.

Overall Findings

The applicant's TIS generally meets City guidelines. Documentation is thorough and analysis based on reasonable methods and assumptions. I concur that the project is not expected to trigger off-site mitigation-rather it will simply add to the eventual need for planned improvements already included in the City's TSP. I recommend that the Lot 16 driveway be placed as far away from the Timms Way/Morrie Drive intersection as possible and that any landscaping blocking sight distance at that driveway be removed.

Signage should be used to warn drivers in advance of the proposed midblock pedestrian crossing on Morris Drive. The City might want to consider requesting that a rounder bulb-out treatment be used instead of the sharp, rectangular curb extensions proposed at the mid-block crosswalk. It may also be beneficial to install a street light in close proximity to the mid-block crosswalk.

Comments

1. ***Existing, Background, and with Project conditions*** – The applicant considered a reasonable study area, utilized current intersection AM and PM peak hour traffic counts, and provided a reasonably thorough description of the transportation system including bicycle, pedestrian, and transit facilities.

Exhibit 6

Reasonable methods were used to distribute site trips, account for in-process developments and area growth, and develop future background and with-project trips.

Although the TIS assumes a different number of housing units being developed than what is shown on the current site plan (22 instead of 17 single-family detached homes and 6 instead of 8 single-family attached homes), the trip generation results are acceptable as the TIS assumptions are more conservative than what's shown on the site plan.

The roadway classifications listed in the TIS are incorrect for S Haven Road, Meyers Road, and Frontier Parkway; however, this error does not affect the results of the analysis. S Haven Road and Frontier Parkway are classified as neighborhood collectors according to Figure 5-1 of Oregon City's Transportation System Plan. Meyers Road is classified as a minor arterial.

2. **Turn Lane Warrants and Site Access** – I concur with the applicant's methods to evaluate left-turn lane warrants within the study area. I concur that the locations evaluated do not demonstrate a need for mitigation as a result of this proposed project. The TIS suggests that access spacing and sight distance would be adequate at the proposed site accesses.
3. **Traffic Operations** – The applicant based their traffic operations analysis on procedures outlined in the Highway Capacity Manual (HCM). For the intersections evaluated, this approach is reasonable. Their findings suggest that the study area intersections considered will operate within the City's level of service (LOS) standards on opening day with and without the proposed project.
4. **Mitigation** – The applicant has not identified the need for any off-site mitigation. I concur with this finding.
5. **Site Plan Review** – In general, the site plan looks adequate from a traffic standpoint. I am not certain whether there would be any sight distance issues concerning the Lot 16 driveway as the site plan does not illustrate residential driveway locations. It appears that the Lot 16 driveway might potentially be located very close to the Timms Way/Morrie Drive intersection and that there is the potential that vehicles exiting the driveway may not be able see vehicles turning the corner at that intersection soon enough to avoid potential conflicts. From a traffic standpoint, it would be best to locate the Lot 16 driveway as far from the Timms Way/Morrie Drive intersection as possible to allow vehicles exiting driveway to see roadway vehicles as far in advance as possible. Landscaping blocking sight distance at that intersection should be removed.

Although midblock pedestrian crossings are not usually desirable, the site plan suggests that the proposed midblock concrete crosswalk on Morrie Drive would meet American Association of State Highway and Transportation Officials (AASHTO) stopping sight distance requirements. I recommend that signage be implemented to alert drivers in advance of the proposed midblock concrete crosswalk on Morrie Drive. The City might want to consider requesting that a rounder bulb-out treatment be used instead of the sharp, rectangular curb extensions proposed at the mid-block crosswalk. It may also be beneficial to install a street light in close proximity to the mid-block crosswalk.

Mr. Tony Konkol
PD03-02
Page 3

If you have any questions or need any further information concerning this review, please call me at 503.223.6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Orlena Chiu, P.E.
Transportation Engineer

OWC

O:\PROJECT\O\Orct0009-0009\CORRESPO\Technical reviews\Reviews 2003\PD03-02.DOC

Kevin and Marion Smith
13001 Smoke Tree Place
Oregon City, OR 97045
503-742-9095

September 4, 2003

City Hall of Oregon City
320 Warner-Milne Rd
Oregon City, OR 97045

FILE #PD 03-02, WR 03-08 AND VR 03-17

LOCATION: TAX LOT 301

CONTACT PERSON: Tony Konkol, Associate Planner

Re: CONCERNS over planning for a planned 17 detached single family lots and 8 attached single family lots.

Our home sits at 13001 Smoke Tree Place, Oregon City, which has a direct view of this planned location. We moved our family to Oregon City to get away from the city living of Portland to raise our family. Our home sits on a 9,200 square foot lot with homes around us much the same. We put a lot of pride in to our home and in to the neighborhood we live. Having row homes/apartments in direct view and contact with our home is not acceptable. This location sits approximately 200 yards from the front of our house. This planned site would sit directly in the middle of four neighborhoods, with homes that are much bigger in square feet. The row homes simply do NOT fit in this neighborhood; they belong over in the commercial part of town. We are very concerned over what having "row houses" so close to our home will do to the value of a house we have put a lot of work and money into. We are also very concerned over the plans of what will be done with these homes. They are small and I am very sure will be offered at a low cost. Will they be bought for rentals? Will they be sold to low income families? What type of people will we have moving into our neighborhood? We urge you to reconsider these plans or help our neighborhood meet a happy medium in regards to the proposed plans. Thank you for your consideration.

Sincerely,



Kevin and Marion Smith

September 4, 2003

To: The City of Oregon City Planning Commission
CC: Tony Konkol
File PD 03-02, WR 03-08, and VR 03-17

My wife and I are writing in regards to the current proposal made by MJF Engineering identified as Map 3S-2E-7D, Tax Lot 301. I recently met with Tony Konkol and discussed the current plans set forth by MJF Engineering. Tony explained to me that behind homes #3, 4, 5, 6, & 7 on the preliminary plat of Leland run #2 is a stretch of greenway that is protected. The protection consists of a 15 ft. buffer on either side of the intermittent stream that runs behind these proposed homes. Tony also explained to me that there is a proposed plan to cut into the described greenway and form a trail through this area.

We are writing you to voice our concern for the protection of the greenway. We moved to this area nearly two years ago and have seen the wildlife dwindle due to population and housing increase in the area. When we arrived it was quite common to see deer, raccoons, skunks, frogs, newts, several species of birds, and other critters taking advantage of an uninhabited area. The buffer zone along the intermittent stream is only 15 ft. and reduction to this area would prove costly to the current wildlife habitat. Allowing access to this protected area would do more harm than good to the greenway. We understand the land that is not protected will be used for roads and houses, but we would appreciate any consideration into leaving the insufficient "green way" a green way and not a pedestrian walkway.

Sincerely,

Scott and Corrie Calvert
19441 Provisioner Ct. Private Dr.
(503) 656-1198

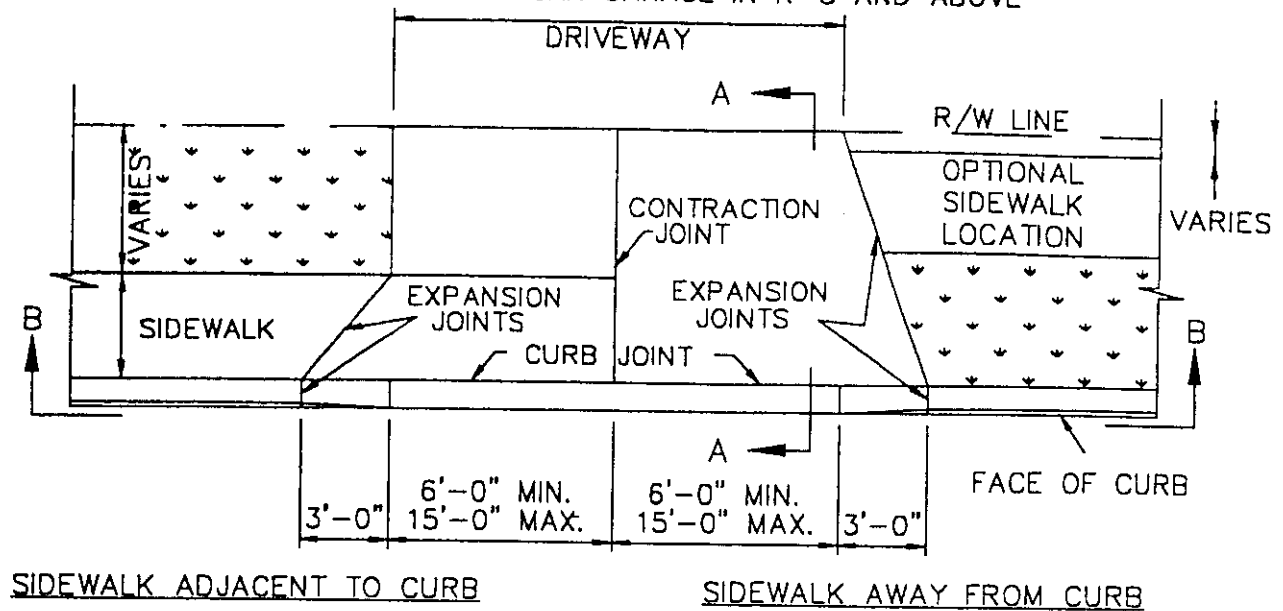


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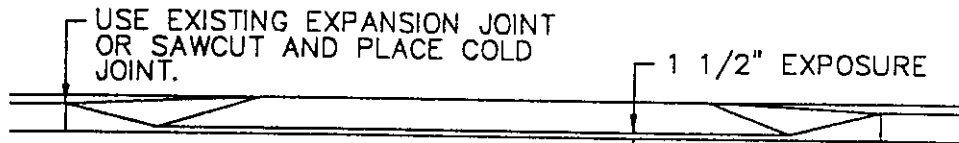
Exhibit

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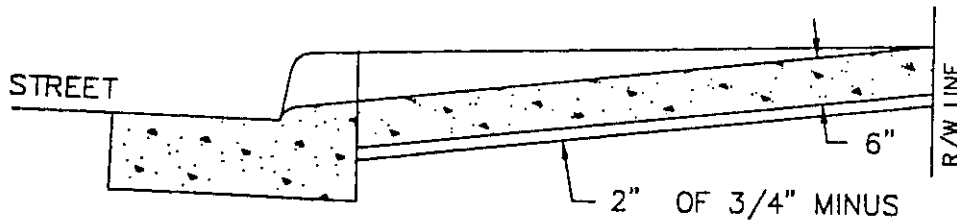
24'-0" MAX. 12'-0" MIN.
 28'-0" MAX. FOR 3 CAR GARAGE BELOW R-8
 30'-0" MAX. FOR 3 CAR GARAGE IN R-8 AND ABOVE



PLAN



ELEVATION B-B



SECTION A-A

NOTES

1. CONCRETE SHALL BE AIR ENTRAINED AND HAVE A MINIMUM BREAKING STRENGTH OF 3300 P.S.I. AFTER 28 DAYS.
2. CURB JOINT SHALL BE A TROWELED JOINT WITH A MINIMUM 1/2" RADIUS ALONG BACK OF CURB.
3. EXPANSION JOINTS SHALL BE 1/2" PREMOLDED ASPHALT IMPREGNATED MATERIAL OR EQUAL, EXTENDING FROM SUBGRADE TO FINISHED GRADE.
4. CONTRACTION JOINTS SHALL BE 1/8" TO 1/4" WIDE, AND A MINIMUM OF 1/3 THE THICKNESS OF THE CONCRETE.
5. SEE CURB KNOCKOUT FOR DRIVEWAY DETAIL.
6. RV PAD MAY BE CONSIDERED AS A SINGLE GARAGE FOR FIGURING DRIVEWAY WIDTH.

| | |
|-------------|--------|
| DESIGN | J.T.W. |
| ENGR. | J.W.H. |
| DATE | APPR. |
| R.C.C. 6/99 | J.E.T. |

City of Oregon City
 Public Works Standard Drawings
 320 Warner Milne Rd. Oregon City, Oregon 9
 RESIDENTIAL DRIVEWAY
 APPROACH

SCALE N.T.S.

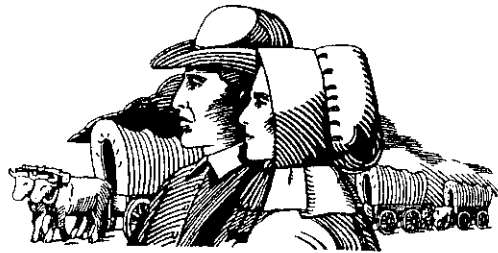
Exhibit 14

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



FILE NO.: WR 03-08

APPLICATION TYPE: Quasi-Judicial/Type III

Complete: August 4, 2003
120-Day: December 2, 2003

HEARING DATE: September 22, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Leroy Tiedtke
19398 South Leland Road
Oregon City, Oregon 97045

REPRESENTATIVE: MJF Development
Mike Flury
1618 SE Reedway Street
Portland, Oregon 97202

REQUEST: The applicant is requesting a Water Resource determination and mitigation plan approval.

LOCATION: The subject site is located at 19398 Leland Road and identified as Clackamas County Map 3S-2E-7D, Tax Lot 301 (Exhibit 1).

DECISION CRITERIA: *Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT*
Chapter 17.50 ADMINISTRATION AND PROCEDURES

REVIEWER: Tony Konkol, Associate Planner

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. 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.

I. BACKGROUND

The application received approval of the delineation of the water resource from the Planning Commission at the February 24, 2003 public hearing that determined there was an intermittent stream that required a 15-foot buffer and the pond and associated wetlands required a 50-foot buffer (Exhibit 2). The applicant has submitted for a second water resource determination (WR 03-08) due to pedestrian pathways being placed in the corridor and a proposed planting plan and other improvements to mitigate the encroachment that are to be reviewed concurrently with this PUD application.

The 5.31-acre (5.15-acre after a lot line adjustment) site is developed with an existing home, a seasonal stream crossing from northeast to southeast that flows through a pond, several large trees. The remainder of the site is nearly flat and dominated by field grass.

II. FACTS

1. **Location.** The subject site is located southeast of Leland Road next to Silverfox, Haven Estates, Settlers Point, and Leland Run subdivisions and identified on the Clackamas County Tax Assessor Map as 3S-2E-7D, Tax Lot 301.
2. **Overlay District Zoning.** The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District covering the site. The site is identified within a Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon.
3. **Surrounding Zoning and Land Uses.** Tax lot 301 is zoned R-8 Single-Family Dwelling District.
 - Northeast:** Directly northeast is the Haven Estates Subdivision and the Settlers Point PUD that are zoned R-8 Single-Family and developed with single-family dwellings.
 - Southwest:** Directly southwest is Silverfox subdivision zoned R-6 and developed with single-family dwellings.
 - Southeast:** The southeast end of the site borders on Silverfox subdivision zoned R-6 and developed with single-family dwellings.
 - Northwest:** The northwest end of the site borders on the Leland Run PUD, which is zoned R-8 and developed with single-family dwellings, and a proposed subdivision, which is currently a parcel zoned R-8 with an existing home.
4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 25 dwelling units (17 detached single-family lots and 8 attached single-family dwellings). Access to the site would be from two existing connections. Timm's Way stubs from the southwest and Morrie Drive stubs from the southeast. The applicant has proposed full street improvements connecting Morrie Drive to Timm's Way. The applicant also proposes a private drive connecting to this full street to serve as access for a detached home and seven attached homes. The private street is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the 8 attached housing units. The applicant also proposes a walking path crossing the seasonal stream leading to Smoke Tree Terrace at the north corner of the site.

The PUD includes a long open space in one tract, containing a Water Quality Resource Area (WQRA), representing 30.5% (usable is 30% due to access tract easement and parking within the open space) of the gross area of the site. As a result of the decision of WR 02-16, the applicant has proposed to provide a buffer to protect the existing on-site wetlands/pond and seasonal stream.

The applicant has requested a variance to reduce the required pedestrian lighting standard for the pedestrian pathway in the open space from a minimum of 3-footcandles to a 1.0 foot-candle maximum, and a 0.5 foot-candle minimum, or a similar standard recommended by staff (VR 03-17).

This request will be heard by the Planning Commission if the Water Resource and Planned Unit Development are approved.

5. **Public Notice.** Notice of this proposal was sent to property owners within three hundred feet of the subject property and various City departments and other agencies on August 4, 2003. The subject site was posted on August 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on August 13, 2003 requesting comments.

Comments have been received from the following individuals:

Mr. and Mrs. Calvert of 19441 Provisioner Court Private Drive, Oregon City, OR 97045 (Exhibit 4).

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

III. DECISION-MAKING CRITERIA

****The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over the entirety of Tax Lot 301****

CONSISTENCY CRITERIA

Oregon City Comprehensive Plan

Natural Resources and Hazards Goals 1, 2, and 3, and Policies 3, 4, 5, and 6 (as amended by Ordinance No. 93-1007)

Municipal Code

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT

Chapter 17.50 ADMINISTRATION AND PROCEDURES

Oregon City Comprehensive Plan

The City's Comprehensive Plan identifies the following goals and policies related to the proposed subject site:

Natural Resources and Hazards Goals and Policies

Goal: Preserve and manage our scarce natural resources while building a livable urban environment.

Water Resources Map – Site is Within Area of Potentially High Groundwater

Description of Water Resources, Rivers and Creeks

6. Mud Creek.

Description: This resource appears to begin in the area of the Hilltop near City Hall, through the Red Soils industrial area, to Hillendale Park and then underground through the Hillendale subdivision (constructed in the 1970's). Out of the subdivision, creek flows under Meyers Road and into a pond on private property to meet up with Beavercreek Creek in the canyons beyond the Urban Growth Boundary. When it is above ground, the creek has a variety of plant communities surrounding it, such as spreading rush, reed canarygrass, ash, alder, cottonwood, and willow. The area of the creek through the industrial can be enhanced and improved, as well as the area in the park and on private property. A number of wildlife species were observed along the course of the stream. The quality of the resource is good.

Potential Impacts: Maintenance in the park area should be undertaken with care, such as mowing to close to the creek edge, accidental spillage of fertilizers and other chemicals. The properties along the route are zoned industrial and residential. Both types of development could be accommodated if adequate setbacks are maintained and an enhancement program is undertaken to protect and preserve the resource.

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: It appears the Conflict Concerns of the Comprehensive Plan pertain to the two-acre pond and vegetative area in the vicinity. The concerns include increased encroachment of the stream corridor. The Comprehensive Plan indicates that residential uses could be accommodated, provided the vegetated buffer around the stream is maintained.

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 can satisfy this section by complying with the conditions of approval provided in this report.

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT

17.49.030 Applicability.

Finding: This site has been identified as having two water quality features (stream) and the pond and associated wetland on the subject site. The applicant has proposed a 25-unit development on the site that includes the enhancement of the existing resource and the placement of a pedestrian pathway through the resource. The standards of this section are applicable.

17.49.040 Administration.

Finding: The City's Water Quality and Water Management Map identifies the Water Quality Resource Area Overlay District over the entirety of Tax Lot 301. A stream feature, pond, and wetlands have been identified and delineated on Tax Lot 301 per the decision of Planning File WR 02-16. This area drains into Mud Creek and then Beavercreek Creek.

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, which identified the stream on the north/northeast side of the subject site (Exhibit 3).

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.

Finding: The water quality resource area was delineated and approved per the decision of Planning File WR 02-16 (Exhibit 2). This standard is met.

3. *The standards for development contained in this chapter are applicable to areas located within a water quality resource area*

Findings: The water quality resource area was delineated and approved per the decision of Planning File WR 02-16 (Exhibit 2). This standard is met.

4. *Compliance with Federal and State Requirements.*

Findings: The Oregon Division of State Lands concurred with the delineation approved through file WR 02-16 (DSL Wetland Determination #2002-0581). No direct impacts are proposed within the jurisdictional waters and no state removal/fill permit will be required (Exhibit 5). The applicant shall provide the DSL permit to the City prior to the issuance of a grading permit on the site.

This standard is not met. The applicant can satisfy this criterion by complying with Conditions of Approval 1 and 2.

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.*

Findings: WR 02-16 identified the appropriate vegetated corridors for the water resources located on the site, which includes a 15-foot buffer around the intermittent stream and a 50-foot buffer around the pond and associated wetlands (Exhibit 2).

C. *Uses Permitted Outright.*

Findings: The applicant has proposed a planned unit development for the site, including pedestrian accessways and recreational activities within the vegetated corridor, which does not fit under these permitted use categories.

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 proposed a planned unit development for the site, including pedestrian accessways and recreational activities within the vegetated corridor, which does not fit under these prescribed conditions categories.

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: The applicant has proposed provisional uses 3 and 5.

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: No prohibited uses are proposed.

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: This criterion has been met (Exhibit 6).

2. The location of all existing

Findings: This criterion has been met (Exhibit 6).

3. Location of Title 3 wetlands

Findings: The location of the water resources has been identified per WR 02-16 and a wetland delineation has been approved by the Division of State (DSL Wetland Determination #2002-0581).

4. An inventory and location of existing debris and nuisance plants;

Findings: The Water Resource Report notes that nuisance plants are located within the vegetated corridor. The location of the nuisance plants is not indicated on a map of the site. The applicant shall provide a map demonstrating the location of the existing debris and nuisance plants within the vegetated corridor.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 5.

5. An assessment of the existing condition of the water quality resource area in accordance with Table 17.49-2;

Findings: This criterion has been met in the application (Exhibit 5).

6. An inventory of vegetation, including percentage ground and canopy coverage;

Findings: This criterion has been met in the application (Exhibit 5).

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;

Findings: This criterion has been met in the application (Exhibit 5).

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: This criterion has been met in the application (Exhibit 5).

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: This criterion has been met in the application (Exhibit 5).

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 report was prepared by Jay R. Lorenz, Ph.D., Hidden Spring Consulting, Inc.. 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,*
- b. *Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,*
- c. *The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,*
- d. *It will be consistent with a water quality resource area mitigation plan,*
- 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: This criterion has not specifically been addressed by the applicant. It appears the standards would be met based on the narrative and mitigation plan provided by the applicant addressing the other standards of this section of the code. The applicant shall provide a narrative addressing this section prior to the issuance of a grading permit for the site.

This standard is not met. The applicant can meet this standard by complying with condition of approval 3.

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,*
- 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,*
- 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,*
- d. *A map showing where the specific mitigation activities will occur,*
- e. *A maintenance program assuring plant survival for a minimum of three years,*
- 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.*

Findings: The applicant provided a mitigation plan, schedule, and map showing the area (Exhibits 5 and 6). The applicant shall show the increased buffer areas on a map, with supporting calculations demonstrating that all areas removed have been replaced, prior to the issuance of a grading permit on the site. The applicant shall provide a copy of a recorded deed restriction protecting the vegetated corridor and mitigation areas in perpetuity.

This standard is not met. The applicant can meet this section by complying with Conditions of Approval 6 and 7.

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 mitigation plan (item 12, above) and the specifications of Table 17.49-2 (see item 11.c and 11.d above).

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: Work boundaries and clearing limits will be clearly flagged and trees will be protected and not use to anchor or stabilize the work equipment per Condition of Approval 4.

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 project will include restoration and maintenance in accordance with the mitigation plan (item 12, above) and the specifications of Table 17.49-2 (see item 11.c and 11.d above). The applicant provided a revegetation plan indicating the proper planting season and nuisance plant removal plans (Exhibit 5). This standard is met as proposed.

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: This criterion will be met per Condition of Approval 4.

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.*
- 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*
- c. *A walkway or bike path shall not exceed twelve feet in width.*

Findings: The applicant has proposed two pathway within the vegetated corridor. The first path is approximately 3 feet wide wood chip path that is greater than 10 feet from the boundary of the water resource. The second pathway within the vegetated corridor will be a paved pathway less than twelve feet in width. The applicant has proposed an increase in the vegetated buffer area equivalent to the area of the bike path within the vegetated corridor (Exhibit 5). The applicant shall provide the calculations demonstrating that the vegetated buffer has been replaced and an updated map showing the location and expansion of the vegetated corridor.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 6.

6. *Stormwater quantity control and quality control facilities.*

Findings: The applicant has not proposed a stormwater facility within the vegetated corridor. This standard is not applicable.

7. Additions, Alterations, Rehabilitation and Replacement of lawful structures.

Findings: The applicant has not proposed additions, alterations, rehabilitation, or replacement of lawful structures. This standard is not applicable.

8. Off-Site Mitigation

Findings: The applicant has proposed on site mitigation. This standard is not applicable.

1. 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

Findings: The applicant has not requested a vegetated corridor width reduction

17.49.090 Map Administration.

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.

Findings: This criterion does not apply.

(E) Chapter 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication conference and neighborhood meeting.

Finding: The applicant held a pre-application meeting with staff, identified as PA 02-65, on December 10, 2002 prior to submitting the application. The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion 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 April 18, 2003. The City deemed the application complete on February 16, 2003.

(d) 17.50.090 Public notices.

Finding: The City has provided the required notice. Property owners within 300 feet of the subject site were noticed of the Type III application on August 4, 2003. The application was advertised in the Clackamas Review on August 13, 2003 and the property was posted on August 7, 2003.

(e) 17.50.100 Notice posting requirements.

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

(f) 17.50.130 Conditions of approval and notice of decision.

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

(g) 17.50.140 Performance guarantees.

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

Conclusion and Decision

Based on the analysis and finding as described above, staff recommends that the proposed application for the Water Quality Resource Area can be approved by the Planning Commission with the following Conditions of Approval.

Exhibits

1. Vicinity Map
2. WR 02-16 Condition of Approval (Full report On File)
3. Local Wetland Inventory
4. Mr. and Mrs. Clavert letter
5. Applicant's Narrative, dated July 2003
6. PD 03-02 Site Plan

RECOMMENDED CONDITIONS OF APPROVAL

September 15, 2003

WR 03-08

1. 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 a grading permit. Copies of the approvals shall be supplied to the City.
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 prior to the approval of a grading permit.
3. The applicant shall address the standards of Section 17.49.050.G.11. The revised report shall be approved by the City prior to the issuance of a grading permit for the site.
4. The Water Quality Resource Area boundary, work boundaries, and clearing limits shall be clearly flagged and trees shall be properly protected and not used to anchor or stabilize the work equipment. These limit lines and protections shall be in place prior to the issuance of any permit for sitework and shall remain in place throughout the construction process.
5. The applicant shall provide a map demonstrating the location of the existing debris and nuisance plants within the vegetated corridor.
6. The property owner shall provide a detailed Landscape/Mitigation Plan and demonstrate compliance with Section 17.49.050.11c. and 17.49.050.12. The plan shall demonstrate that new resource area is being added equivalent in area to that being removed.
7. Deed restrictions shall be prepared and recorded describing the location of the wetland mitigation. The deed shall protect the mitigation area in perpetuity. Copy of the recorded deed shall be provided to the City of Oregon City prior to issuance of the certificate for final occupancy.

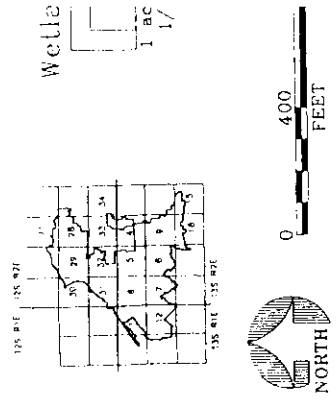
CONDITIONS OF APPROVAL:

1. The applicant shall provide the Bank Full Stage or Bank Full Flow to the City to determine where the required vegetated corridors shall begin.
2. The applicant shall protect the existing drainage swale/intermittent stream, pond, and wetlands. The applicant shall provide the following vegetated buffer widths along the water resource as follows:
 - 1) A 15-foot wide buffer from the edge of the bank full flow shall be provided for the drainage swale/intermittent stream;
 - 2) A 50-foot wide buffer from the edge of the bank full flow shall be provided around the pond; and
 - 3) A 50-foot wide buffer from the edge of the delineated wetland shall be provided.

Exhibit 2

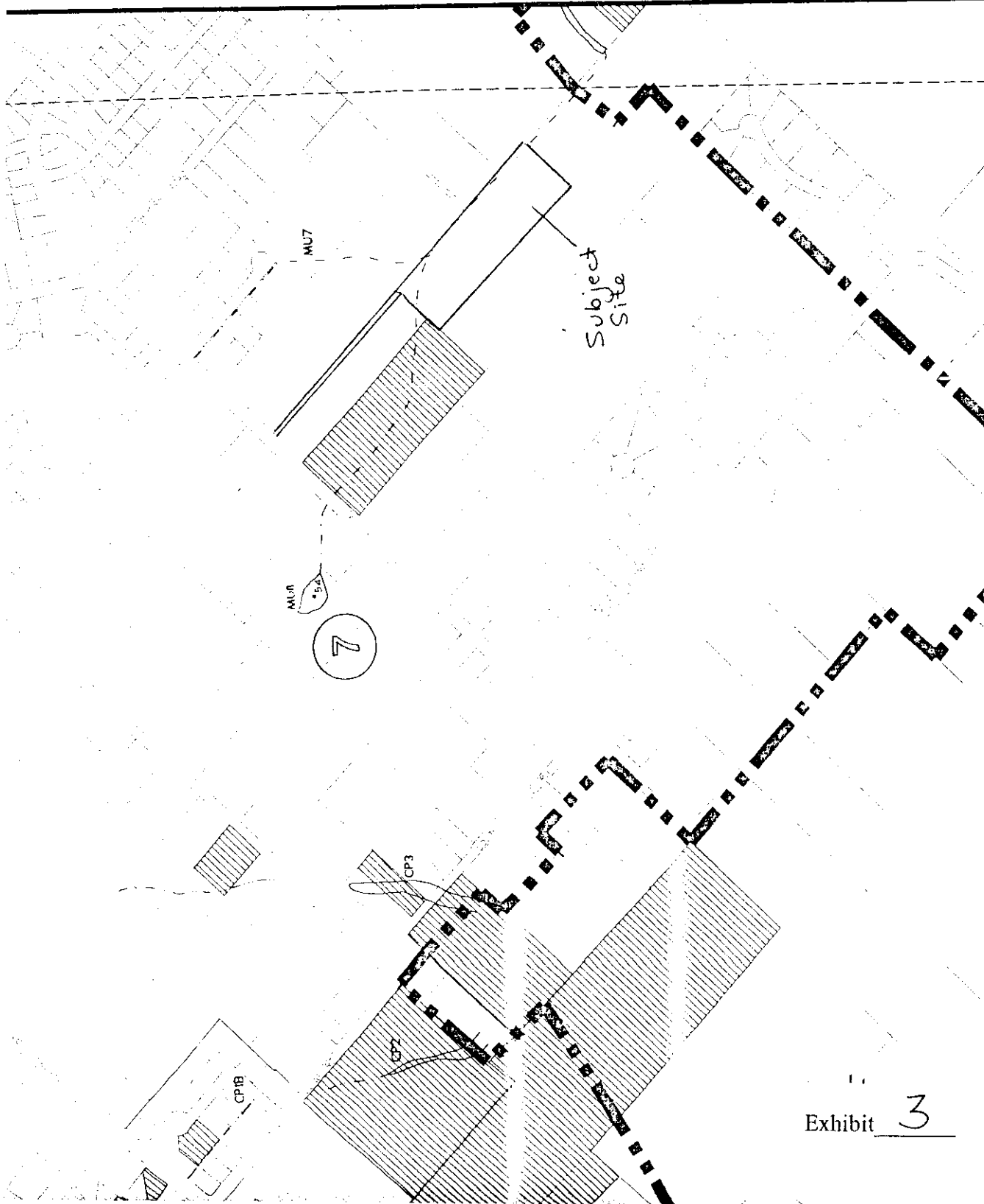
LEGEND

- Urban Growth
- Wetland
- Wetland label
- AC2
- Riparian label
- Sample site
- DSL DET wetland
- DSL DET label
- Mitigation wetland
- Site access
- Stream



WETLAND INFORMATION IS SUBJECT TO CHANGE. This map is for planning purposes only. Mapped wetlands were not flagged or surveyed (unless noted as a delisted wetland). On-site verified wetlands are accurate to within 20 feet. Unmapped wetlands are subject to regulation. In all cases, wetland boundaries are approximate. If site alteration is planned, the applicant is advised to contact the Oregon Division of State Land Engineers with regulatory questions. This study was prepared for the City of Oregon Department of Land Conservation and Development.

City of Oregon



September 4, 2003

To: The City of Oregon City Planning Commission
CC: Tony Konkol
File PD 03-02, WR 03-08, and VR 03-17

My wife and I are writing in regards to the current proposal made by MJF Engineering identified as Map 3S-2E-7D, Tax Lot 301. I recently met with Tony Konkol and discussed the current plans set forth by MJF Engineering. Tony explained to me that behind homes #3, 4, 5, 6, & 7 on the preliminary plat of Leland run #2 is a stretch of greenway that is protected. The protection consists of a 15 ft. buffer on either side of the intermittent stream that runs behind these proposed homes. Tony also explained to me that there is a proposed plan to cut into the described greenway and form a trail through this area.

We are writing you to voice our concern for the protection of the greenway. We moved to this area nearly two years ago and have seen the wildlife dwindle due to population and housing increase in the area. When we arrived it was quite common to see deer, raccoons, skunks, frogs, newts, several species of birds, and other critters taking advantage of an uninhabited area. The buffer zone along the intermittent stream is only 15 ft. and reduction to this area would prove costly to the current wildlife habitat. Allowing access to this protected area would do more harm than good to the greenway. We understand the land that is not protected will be used for roads and houses, but we would appreciate any consideration into leaving the insufficient "green way" a green way and not a pedestrian walkway.

Sincerely,

Scott and Corrie Calvert
19441 Provisioner Ct. Private Dr.
(503) 656-1198



RECEIVED
CITY OF OREGON

13 SEP - 4 PM 4:20

Exhibit

4

CONCEPTUAL BUFFER MITIGATION PLAN

Leland Run 2

Tax Lot 301, Clackamas County Tax Map 3S-2E-7D

Oregon City, Oregon

Prepared for:

**MJF Development
1618 S.E. Reedway St.
Portland, Oregon 97202**

By:

**Jay R. Lorenz, Ph.D.
Hidden Spring Consulting, Inc.
P.O. Box 2208
Bothell, Washington 98041
(425) 814-4870**

**April 2003
Revised June 2003
Revised July 2003**

INTRODUCTION

MJF Development contracted with Jay R. Lorenz (Consultant) to prepare a mitigation plan for the water resources overly area located within the proposed subdivision known as Leland Run 2. The subject property is identified as Tax Lot 301 on Clackamas County Tax Map 3S-2E-7D.

A jurisdictional wetland determination was conducted on the subject property by the Consultant (under the auspices of Terra Associates, Inc.). The Oregon Division of State Lands (DSL) concurred with the Consultant's wetland delineation (DSL Wetland Determination #2002-0581). An intermittent drainage, generally flowing northwest to southeast, was delineated on the property. A constructed pond in the southeast portion of the site was delineated on the property. The constructed pond was determined to be jurisdictional water because it is located within the intermittent drainage. Sisul Engineering estimated and mapped the bankfull stage of the intermittent drainage (as defined in City of Oregon City 17.49.020).

No direct impacts are proposed within jurisdictional waters. Therefore, no state or federal removal/fill permitting will be required. The drainage requires a 15-foot buffer measured from the bankfull stage because it is intermittent, drains an area of less than 100 acres, and slopes adjacent to the protected water feature are less than 25 percent (City of Oregon City 17.49.050). This report is based on the Site Layout Plan prepared by Sisul Engineering dated June 2003 and focuses on biological portions of the code. Features referred to in this narrative are illustrated on the Site Layout Plan (June 2003).

Oregon City Code 17.49.050

G.4. Inventory and location of existing debris and nuisance plants

For purposes of discussion the intermittent drainage is divided into two reaches. The first reach enters the property from the northwest, extending a distance of about 230 feet. The second reach flows southeast along the property line a distance of about 490 feet and includes the constructed pond.

There are two existing culverts in the first reach: one is a deteriorated pipe located on the northwest property line and the second located under a driveway crossing. The deteriorated culvert is non-functioning and may best be described as debris within the channel. No nuisance plants grow along the northwest reach between the property line and the driveway crossing. Some thistles (*Cirsium arvense*) are present in the field in the northwest portion of the site.

Thickets of Himalayan blackberry (*Rubus discolor*) grow along the edge of the 490-foot reach between the current gravel driveway and channel outlet.

G.5. and 6. Assessment of existing conditions in accordance with Table 17.49-2.

The existing condition of the first reach in the northwest portion of the site is degraded. Aerial coverage of the herbaceous material (primarily orchard grass, *Dactylis glomerata*) is 80 percent or more within the buffer. However, there is no canopy cover of woody shrubs or trees.

The existing condition of the second reach flowing along the eastern property line is marginal. Existing trees and shrubs are dominated by black hawthorn (*Crataegus douglasii*), willows (*Salix scouleriana*), and Himalayan blackberry. Aerial coverage of these species is about 75 percent within 15 feet of the bankfull stage. However, Himalayan blackberry accounts for about 50 percent of the canopy

G.7. Analysis of the impacts of the proposed development.

In general, no direct filling or removal of wetlands, streams, or ponds are proposed within the proposed development. The intermittent drainage does not provide native fish habitat. However, fish habitat is present in streams below the site. Therefore, the primary concern is to maintain or improve water quality that passes through the site in order to maintain flows and water quality downstream.

The applicant is proposing a fishing/viewing platform as an optional feature at the south end of the constructed pond. If constructed, it would extend an average of 3 feet beyond the top of the bank and over the pond. Approximately 42 square feet of the fishing/viewing platform would extend over the pond (amounting to less than 1 percent of the pond). A 14-foot wide strip of the buffer would also be affected.

The Oregon Division of State Lands provides a general authorization for pilings to support such structures under OAR 141-089-0400. The applicant, in accordance with state rules, is proposing concrete pilings that would not introduce pollutants or harmful chemicals into the water. Alternatively, a platform constructed on fill would require less than 50 cubic yards, below the threshold required for a permit from the Oregon Division of State Lands. Less impact would occur if the platform were constructed on pilings.

Impacts of the fishing/viewing platform would be minimal for several reasons. The area of the platform is minimal in the context of the total area of the pond. Impacts to water habitat would be nearly negligible. Indeed, docks often provide cover for fish. Effects on spawning habitat would be negligible. The proposed platform would have no effect on water flows. Currently, riparian cover at the south end of the pond is minimal. The viewing platform would not require removal of significant riparian cover. However, a viewing platform would affect the potential for riparian enhancement in that location.

Providing a fishing/viewing platform will increase human activity around the pond. There is potential for increased trash and debris where human activity is present.

A wooden bridge for pedestrians is proposed near the northern property boundary. The bridge will cross wetlands and buffer. Footings and support pillars will not be constructed within delineated wetlands. There will be neither fill nor removal in wetlands as a result of bridge construction.

Water flow and water quality can be effected by the quality of stormwater runoff. Potential contaminants to the drainage include debris from increased human activity in the area, stormwater runoff carrying contaminants from streets, and increased nitrogen and phosphorous from excessive fertilizer placed on lawns.

Hazards from flooding are minimal because the watershed is less than 100-acres. Proposed footprints of homes are above and beyond any areas of potential flooding. The drainage is a low-gradient system and does provide a water storage function that can ameliorate flooding down stream. In addition, the developer will provide stormwater detention in underground vaults.

Wildlife habitat along the drainage corridor is degraded or minimal for two reasons. Development to the northwest and northeast has eliminated large tracts of open space. Habitat along the existing corridor lacks woody riparian cover or is degraded by thickets of Himalayan blackberry. The existing corridor does provide some habitat for songbirds, raccoon, and opossum. The existing drainage potentially provides a source of water for wide ranging mammals such as deer and coyotes.

A vegetated drainage corridor exists through the Leland Run Phase 1 subdivision to the northwest and the drainage corridor continues off-site to the southeast. Maintaining a vegetated corridor through the subject property will maintain connectivity along this drainage system.

G.8. Potential impacts of the proposed development.

Proposed impacts will be limited to indirect impacts associated with controlling stormwater runoff and impacts for recreational use within the vegetated corridor. A pedestrian bridge will span the intermittent drainage in the northwestern portion of the site.

Two gravel paths (5-feet wide) will be constructed between the sidewalk and the constructed pond. The two gravel paths will impact about 900 square feet of the buffer on the west side of the pond. A 3-foot wide path will be constructed in open space from the sitting area at the north side of the pond and the open space on the west side of Lot 7. Behind Lots 3 through 7 the path will be located on the open space side of the boundaries of the house lots. The path between the pond and the west side of Lot 7 will cover about 960 square feet.

The sidewalk along Morrie Drive will impact about 90 square feet of the buffer. A mound of dirt (material excavated to create the pond) is located between the northwest

corner of the pond and the proposed sidewalk. A cut into the mound of dirt will be required to construct the sidewalk. A retaining wall, no more than 12 inches wide and about 18 to 24 inches high, will be constructed along the face of the slope. The retaining wall will impact about 50 square feet of the buffer.

A pedestrian bridge will span the intermittent drainage and buffer in the northwest portion of the site. Stormwater pipes will outlet into the existing drainage on the north side of Lot 2. There will be temporary impacts to the buffer (north of Lot 2) due to construction of the stormwater line. All these features are not expected to impair water quantities or water quality within the drainage and wetlands.

G.9. Measures to reduce or mitigate proposed impacts.

A number of measures will be taken to reduce or mitigate the impacts of development. Stormceptor catch basins will be used to control sediment and oils from flowing to the natural drainage. Stormwater will be detained in over-sized detention pipes with a narrow outlet. Underground storage and detention will reduce the likelihood of flash-flooding due to runoff from impervious surfaces.

Impacts to small areas of the buffer (i.e., pedestrian bridge, sidewalk, and paths) can be mitigated by buffer averaging. Space is available to increase buffer width in the northeast corner of the site.

Best management practices will be provided during construction when bare ground is present beyond the vegetated corridor. This includes a silt fence between construction areas and the vegetated corridor. Existing grass cover and native trees and shrubs must not be removed within the vegetated buffer (except as needed for utility trenches). Maintaining existing grass and native tree/shrub cover will provide for biofiltration within the vegetated corridor, maintain existing wildlife habitat, and maintain existing thermoregulatory functions.

Natural fiber matting may be required on the mound of dirt between the sidewalk and constructed pond. Blackberries will be removed from the mound of dirt, exposing bare soil. Fiber matting will provide temporary erosion control until native plants become established.

Enhancing native tree and shrub cover will improve the vegetated corridor. Enhanced plantings will improve wildlife habitat and increase shading over the drainage (thermoregulatory function), and increase detritus (nutrients) for downstream fish habitat.

The developer will provide a two-rail wooden fence to demarcate the wetland buffer from house lots. Homeowners will be instructed (in the Conditions, Covenants, and Restrictions) that dumping of yard waste and debris within the buffer or wetlands is prohibited. Removal of native plant cover will be prohibited.

G.12. Mitigation plan.

Objectives of the mitigation plan are to 1) Remove nuisance vegetation (Himalayan blackberry); 2) Replace Himalayan blackberry cover with native trees and shrubs; 3) Increase canopy coverage of native shrubs and trees, especially along the first reach in the northwest portion of the site; and 4) Increase species diversity within the vegetated corridor.

Thickets of Himalayan blackberry within the vegetated corridor will be removed. Mechanical removal at root level is recommended. Chemical treatment with an herbicide approved for use within a waterway may be considered if it can be applied without harming existing native trees, shrubs, and forbs. Mechanical removal will likely require a repeated effort to kill regenerating sprouts.

Native trees and shrubs will be planted to replace Himalayan blackberry cover and to provide woody riparian cover where none now exists. Six planting zones are summarized in the following tables. Gretchen Vadnais Landscape Architects (GVLA) is providing a detailed planting plan, under separate cover.

Table 1. Zone 1—Wetland drainage in northwestern portion of the site (upper portion of drainage).

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | APPROXIMATE SPACING |
|--|----------------------|---------------------------|--|
| Oregon ash <i>Fraxinus latifolia</i> | 3-5 feet | 75 feet | 12 –15 feet on center with other trees |
| Willow <i>Salix scouleriana</i> | Slips | 10 to 20 feet | 5 feet on center with other shrubs |
| Small-fruited rose <i>Rosa pisocarpa</i> | 2-gallon | 5 to 10 feet | 5 feet on center with other shrubs |
| Red-osier dogwood <i>Cornus stolonifera</i> | 2-gallon | 5 to 20 feet | 5 feet on center with other shrubs |
| Douglas spirea <i>Spiraea douglasii</i> | 2-gallon | 6 to 10 feet | 5 feet on center with other shrubs |

Table 2. Zone 2—Two-Year floodplain in northern portion of the site.

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | SPACING |
|--|---------------|--------------------|---|
| Western red cedar <i>Thuja plicata</i> | 3-5 feet | 200 feet | 12 –15 feet on center with other trees |
| Cascara <i>Rhamnus pershiana</i> | 3-5 feet | 30-35 feet | 12 – 15 feet on center with other trees |
| Pacific crabapple <i>Pyrus fusca</i> | 3-5 feet | 10- 25 feet | 12 –15 feet on center with other trees |
| Pacific ninebark <i>Physocarpus capitatus</i> | 2-gallon | 10-15 feet | 4-6 feet on center with other shrubs |
| Small-fruited rose <i>Rosa pisocarpa</i> | 2-gallon | 5 to 10 feet | 4-6 feet on center with other shrubs |
| Snowberry <i>Symphoricarpos albus</i> | 2-gallon | 3-5 feet | 4-6 feet on center with other shrubs |
| Red-osier dogwood <i>Cornus stolonifera</i> | 2-gallon | 5 to 20 feet | 5 feet on center with other shrubs |
| Douglas spirea <i>Spiraea douglasii</i> | 2-gallon | 6 to 10 feet | 5 feet on center with other shrubs |

Table 3. Zone 3—Buffer in northern portion of the site.

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | SPACING |
|--|--|--------------------|---|
| Ponderosa pine <i>Pinus ponderosa</i> | 3-5 feet | 200 feet | 12-15 feet with other trees |
| Douglas fir <i>Pseudotsuga menziesii</i> | 6-8 feet | 225 feet | 12 to 15 feet with other trees |
| Big-leaf maple <i>Acer macrophyllum</i> | 1.5 inch caliper | 100 feet | 12 to 15 feet with other trees |
| Red alder <i>Alnus rubra</i> | 1 inch caliper | 75 feet | 12 to 15 feet with other trees |
| Bitter cherry <i>Prunus emarginata</i> | 3-4 feet | 10- 50 feet | About 10 feet with other trees |
| Cascara <i>Rhamnus purshiana</i> | 3-4 feet | 35 feet | About 10 feet with other trees |
| Oceanspray <i>Holodiscus discolor</i> | 2-3 feet | 12 feet | 4-6 feet on center with other shrubs |
| Pacific dogwood <i>Cornus nuttallii</i> | 5 gallon | 60 feet | About 10 to 12 feet with other small trees |
| Serviceberry <i>Amelanchier alnifolia</i> | 2-3 feet | 5-15 feet | About 10 to 12 feet with other small trees |
| Mock orange <i>Philadelphus lewisii</i> | 1 gallon | 10 feet | About 10 to 12 feet with other small trees |
| Red-flowering currant, <i>Ribes sanguineum</i> | 2-gallon | 3-9 feet | 4-6 feet on center with other shrubs |
| Snowberry <i>Symphoricarpos albus</i> | 2-gallon | 3-5 feet | 4-6 feet on center with other shrubs |
| Sword fern <i>Polystichum munitum</i> | 1-gallon, in clusters of 3 to 5 plants | 2-3 feet | Plant clusters around base of trees or 4-6 feet from other shrubs |
| Salal <i>Gautheria shallon</i> | 1-gallon, in clusters of 3 to 5 plants | 1-3 feet | Plant clusters around base of trees or 4-6 feet from other shrubs |
| Oregon grape <i>Mahonia aquifolium</i> | 1-gallon, in clusters of 3 to 5 | 1-3 feet | Plant clusters around base of trees |

Table 4. Zone 4—Riparian area in back of Lots 3 through 7.

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | SPACING |
|--|----------------------|---------------------------|--|
| Willow <i>Salix scouleriana</i> | Slips | 10 to 20 feet | Fill in gaps along drainage channel after blackberries are removed |
| Black hawthorn <i>Crataegus douglasii</i> | 3-5 feet | 10-45 feet | Fill in gaps along drainage channel |
| Red elderberry <i>Sambucus racemosa</i> | 3-5 feet | 15-20 feet | 10-12 feet with other small trees |
| Pacific crabapple <i>Pyrus fusca</i> | 3-5 feet | 10- 25 feet | 10-12 feet with other small trees |
| Pacific ninebark <i>Physocarpus capitatus</i> | 2-gallon | 10-15 feet | 6 feet from small trees |

Table 5. Zone 5—50-Foot buffer to pond.

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | SPACING |
|--|--|--------------------|---|
| Big-leaf maple <i>Acer macrophyllum</i> | 3-5 feet | 100 feet | 12-15 feet with other trees |
| Douglas fir <i>Pseudotsuga menziesii</i> | 3-5 feet | 225 feet | 12 to 15 feet with other trees |
| Bitter cherry <i>Prunus emarginata</i> | 3-5 feet | 10-45 feet | 12-15 feet with other trees |
| Oceanspray <i>Holodiscus discolor</i> | 2-gallon | 3-10 feet | 4-6 feet with other shrubs |
| Indian plum <i>Oemleria cerasiformis</i> | 2-gallon | 4-15 feet | 4-6 feet on center with other shrubs |
| Red-flowering currant, <i>Ribes sanguineum</i> | 2-gallon | 3-9 feet | 4-6 feet on center with other shrubs |
| Snowberry <i>Symphoricarpos albus</i> | 2-gallon | 3-5 feet | 4-6 feet on center with other shrubs |
| Sword fern <i>Polystichum munitum</i> | 1-gallon, in clusters of 3 to 5 plants | 2-3 feet | Plant clusters around base of trees or 4-6 feet from other shrubs |
| Salal <i>Gautheria shallon</i> | 1-gallon, in clusters of 3 to 5 plants | 1-3 feet | Plant clusters around base of trees or 4-6 feet from other shrubs |
| Oregon grape <i>Mahonia aquifolium</i> | 1-gallon, in clusters of 3 to 5 | 1-3 feet | Plant clusters around base of trees |

Table 6. Zone 6—Bank of constructed pond.

| SPECIES | PLANTING SIZE | HEIGHT AT MATURITY | SPACING |
|------------------------------------|---------------|--------------------|---|
| Willow <i>Salix scouleriana</i> | Slips | 10 to 20 feet | Plant along bank. Fill in gaps after blackberries are removed.* |

* Leave 20-foot wide openings for viewing at north and south ends in front of bench and picnic areas.

Removal of blackberries will take place during the spring and summer of the first construction season. Plant installation will occur during the dormant season (October to December) following the first summer of construction. A final (detailed) planting plan will be submitted to the City of Oregon City after the Planned Unit Development has been approved.

Plant installation will be the responsibility of the developer and his landscaper. The developer's biologist or landscape architect will coordinate and advise the landscaper in insure proper placement of plants.

At the time of planting, grass shall be removed in a 1-foot diameter ring around the base of each stem. Bark mulch (2 inches thick) shall be placed in a 1-foot diameter ring to reduce competition from grasses and to help retain soil moisture during the summer.

Bare soils shall be seeded with an upland (Zones 3 and 5) or floodplain (Zones 2 and 4) seed mix as specified in the detailed landscape plan prepared by GVLA.

A qualified biologist will monitor the plantings for a period of three growing seasons. An as-built inspection will be conducted within 60 days of installation. The as-built monitoring will provide a base-line count of installed trees and shrubs.

Survivorship of trees and shrubs will be evaluated between August and October of each growing season for three years following plant installation. Written reports will be provided to Oregon City by December 15. Reports will include photographs from fixed photo points.

The mitigation plantings will be considered successful if survivorship of native trees and shrubs is 80 percent of the initial planting. Survivorship of shrubs and trees should be 90 percent the first year after planting. Density of trees and shrubs must be adequate to create a canopy cover of over 50 percent at the end of three years. Native species of invading trees and shrubs may be included when evaluating plant survivorship. The initial planting plan will be the basis for the minimum plant density. Presence of trees and shrubs at the recommended planting densities may be substituted or used as a proxy for plant survivorship. The species diversity objective will be satisfied with a minimum of three different species of native trees and five different species of native shrubs. Aerial cover of nuisance plants such as Himalayan blackberry and English ivy (*Hedera helix*) must be no greater than 10 percent at any time during the three-year period of monitoring.

Survivorship and aerial cover of trees and shrubs will be estimated by counting stems within a 15 foot by 15 foot square at intervals of 100 feet along the drainage corridor. Survivorship will be summed and averaged over all sample plots to produce an estimate of plant survivorship for the entire buffer. Estimates of aerial coverage of each plant layer (ground, shrubs, trees) shall be made at each sample plot. Aerial coverage of each plant layer will be generalized as 0-25 %, 26-50%, 51-75%, and >75%.

The consulting biologist will evaluate reasons for sub-par plant survivorship, annually. Contingency measures may include replacement plantings, replacement plantings with species more suitable for the site, replacement plantings of a different size than originally planted, recommendations to support survivorship such as summer irrigation,

and maintenance activity such as control of nuisance vegetation. Trees invading at densities of more than one stem every 10 feet may require thinning.

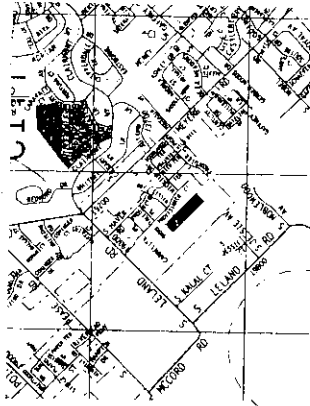
Consulting Biologist

The project biologist responsible for preparing the conceptual mitigation plan, coordinating plant installation, and providing monitoring is Dr. Jay R. Lorenz. Dr. Lorenz is certified as a Professional Wetland Scientist by the Society of Wetland Scientists. His training includes specialized courses in methods of jurisdictional wetland delineation, wetland plant identification, and hydric soils. He has been providing wetland consulting services in Oregon for over 10 years. Dr. Lorenz prepared the instrument for the Frazier Creek Wetland Mitigation Bank in Corvallis, Oregon and was the co-principal investigator for the Salem-Keizer Wetland Inventory.

The detailed landscaping plan, prepared by Gretchen Vadnais Landscape Architects, LLC, is based on the Conceptual Mitigation Plan. The principals of GVLA are licensed landscape architects. They have worked in the Portland metropolitan area for many years and are well known for their work with non-profit conservation organizations.

PRELIMINARY PLAT
OF
LELAND RUN NO.2

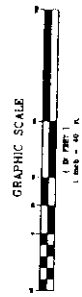
LELAND RUN NO.2



INDEX

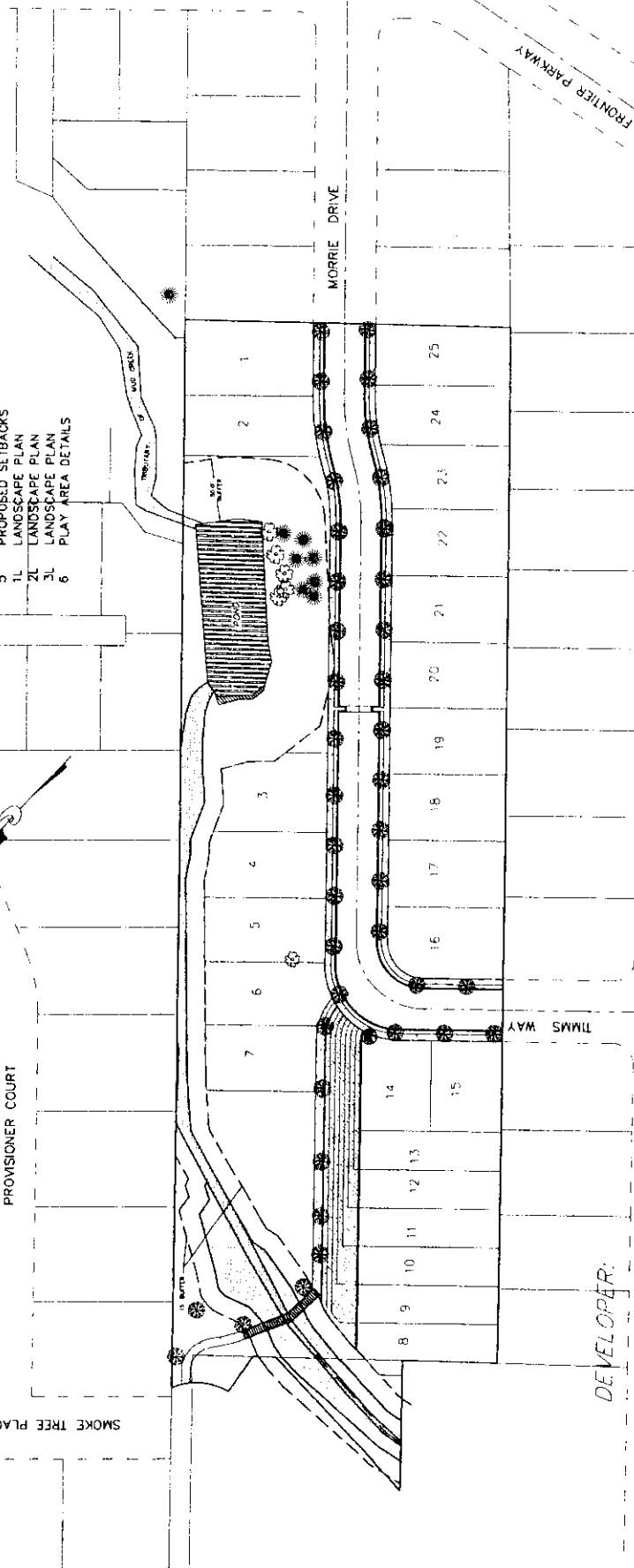
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| 1B | SITE DETAILS |
| 2 | EXISTING CONDITIONS |
| 3 | UTILITY PLAN |
| 4 | GRADING & EROSION CONTROL PLAN |
| 5 | PROPOSED SETBACKS |
| 1L | LANDSCAPE PLAN |
| 2L | LANDSCAPE PLAN |
| 3L | LANDSCAPE PLAN |
| 6 | PLAY AREA DETAILS |

WILLIS DRIVE



PROVISIONER COURT

SMOKE TREE PLACE



DEVELOPER:

MJF DEVELOPMENT

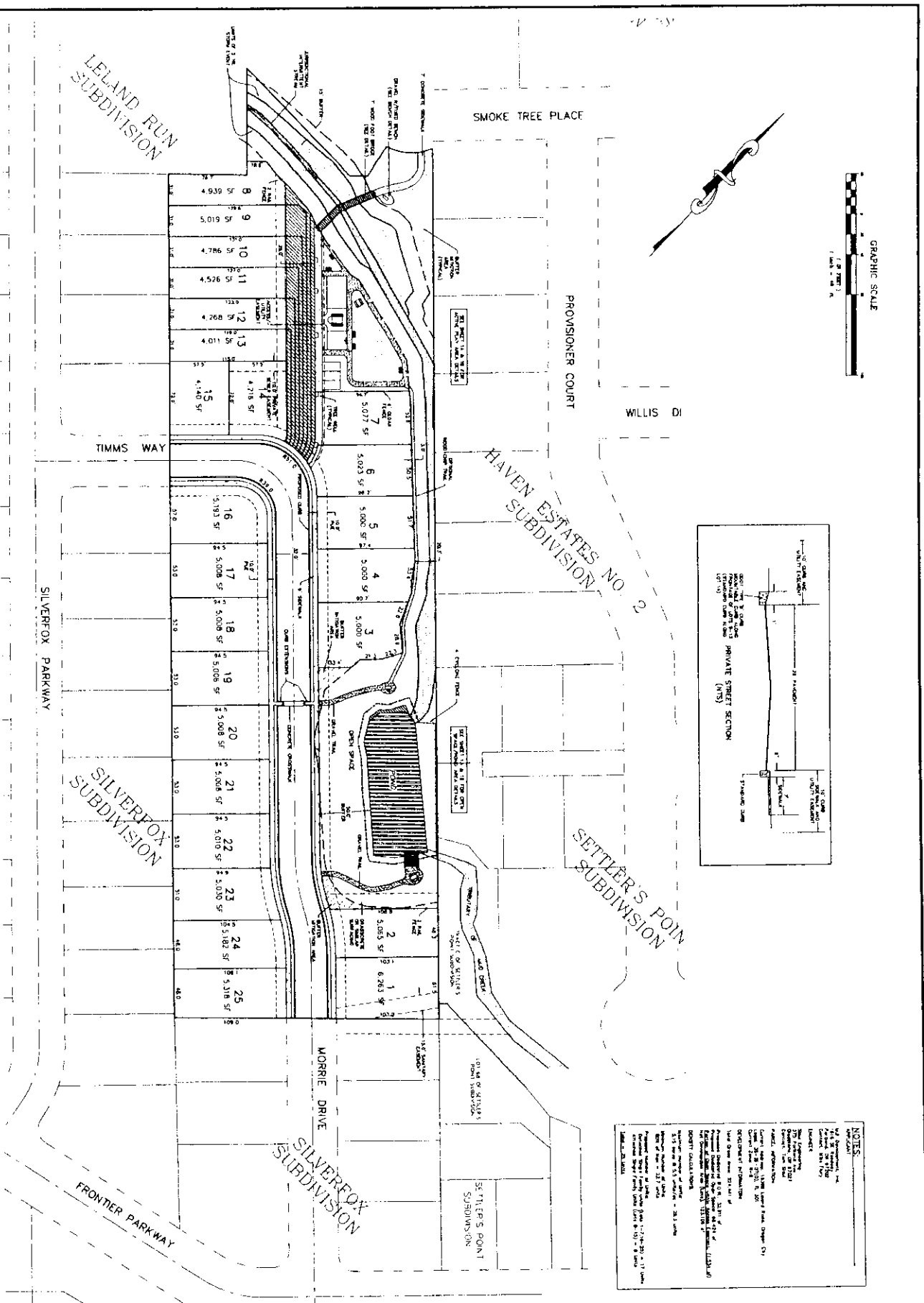
1616 SE REEDWAY
PORTLAND, OR 97202

SISUL ENGINEERING

375 PORTLAND-AVE.
GLADSTONE, OR. 97027
(503) 657-0188

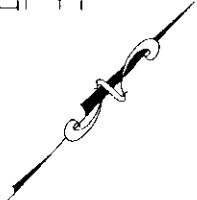
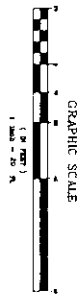
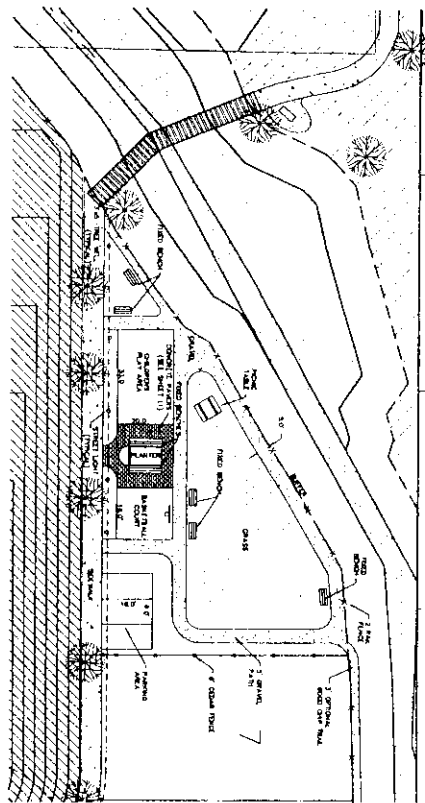
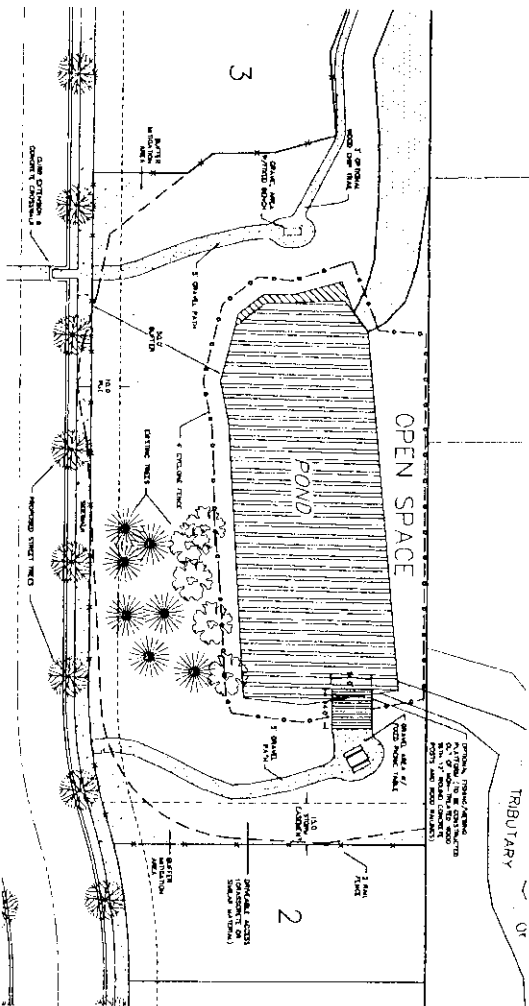
Exhibit

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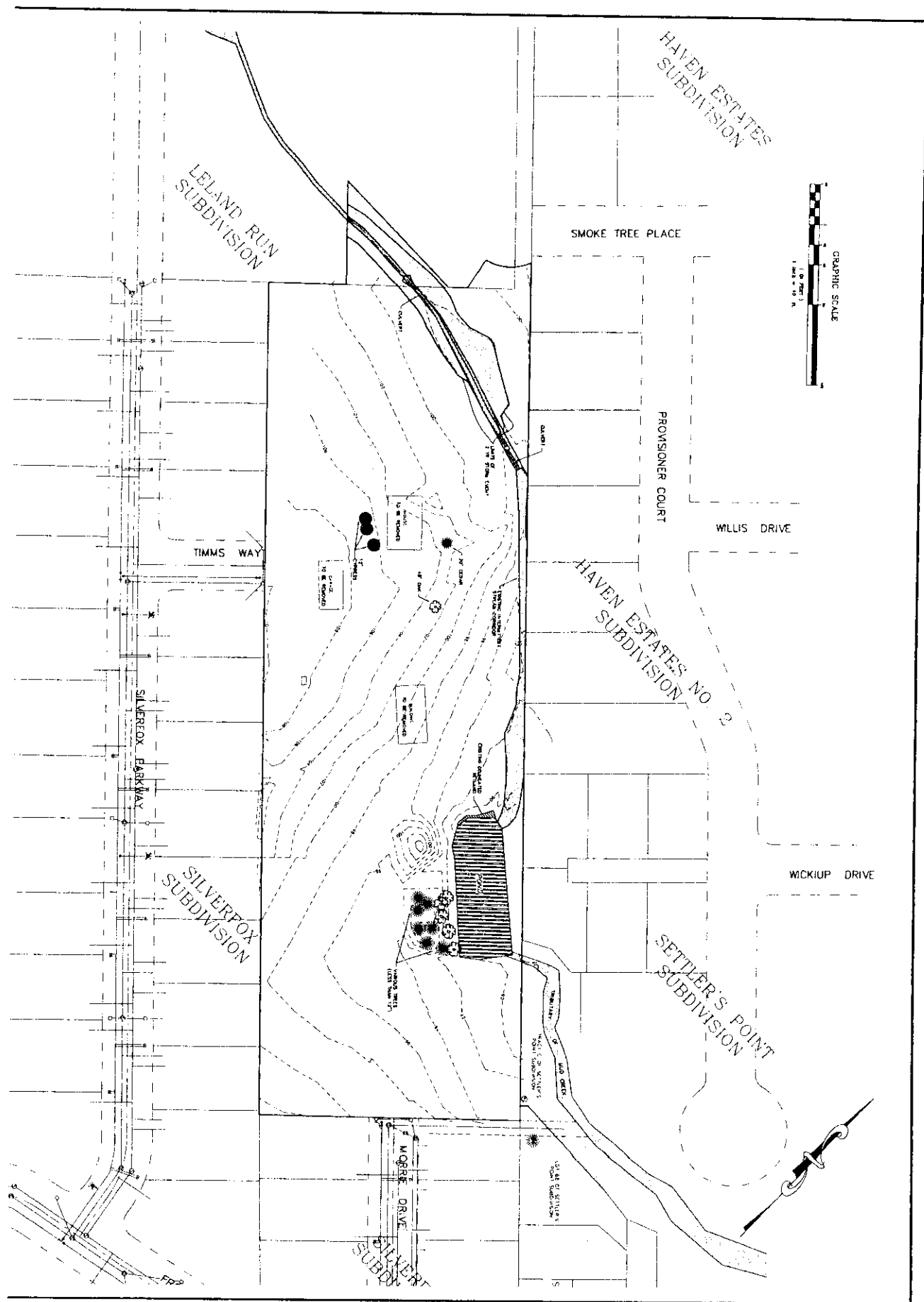


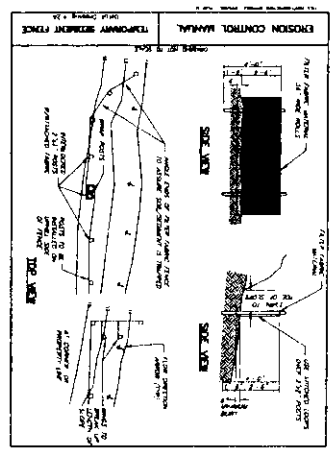
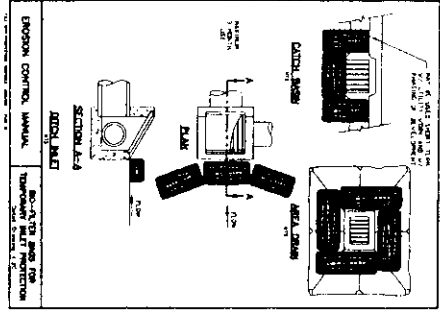
NOTES

1. All lots are to be developed for residential use.
2. The subdivision is subject to the following conditions:
3. The subdivision is subject to the following conditions:
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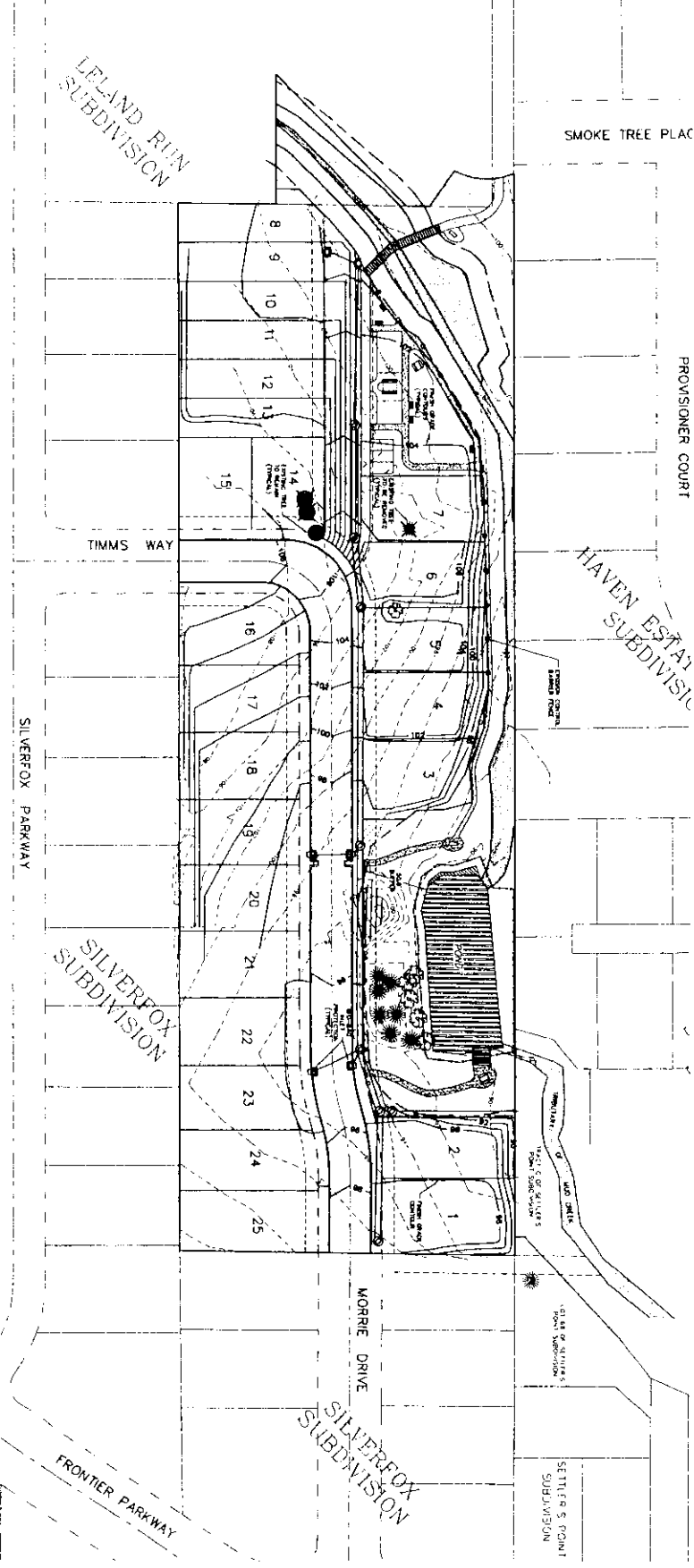
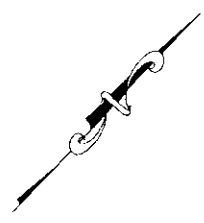
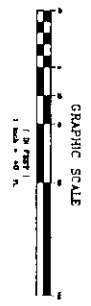


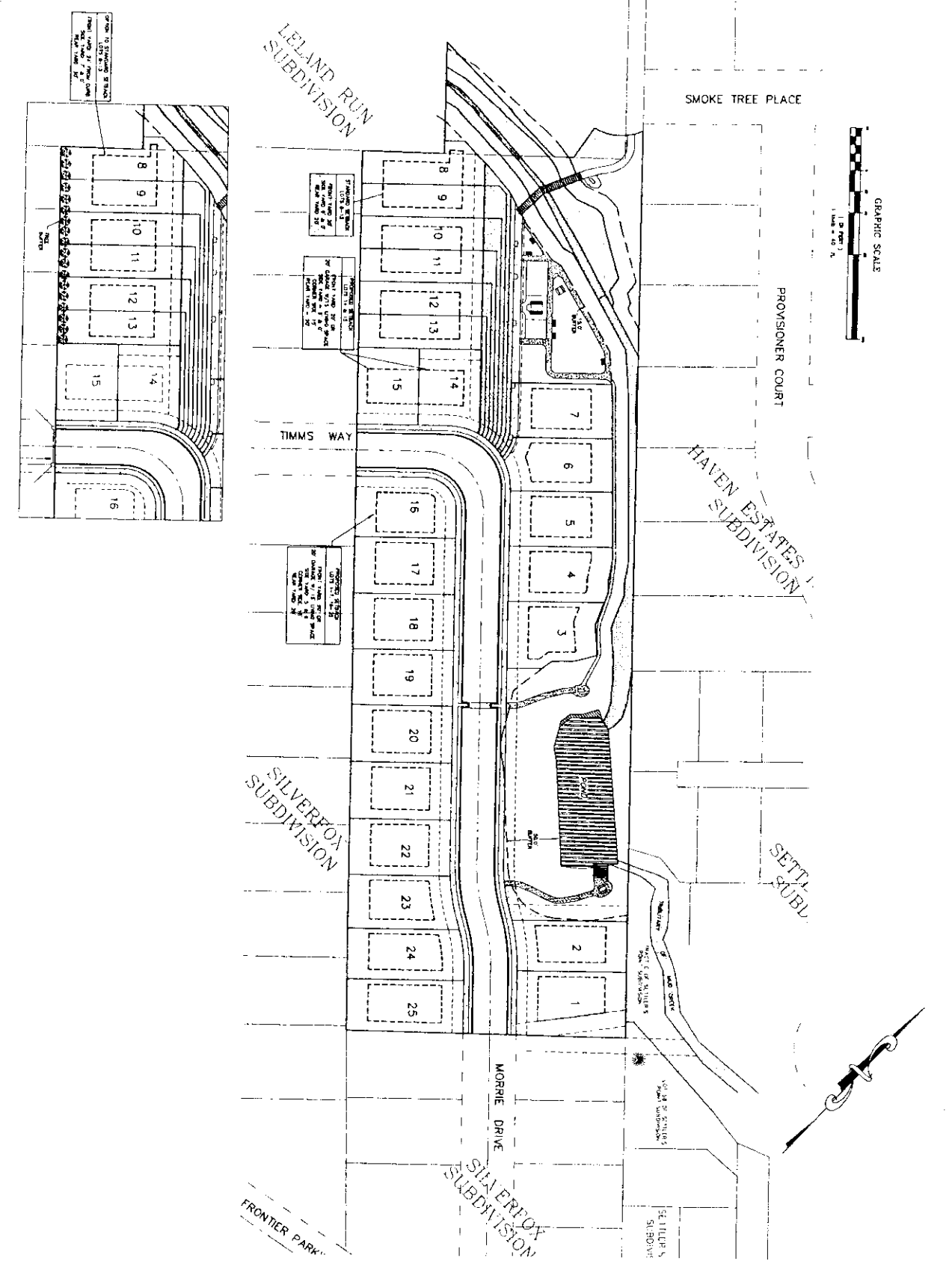
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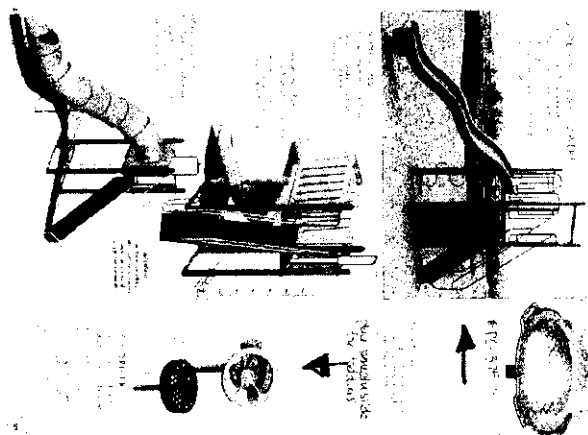




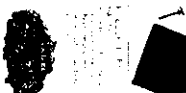
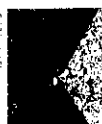
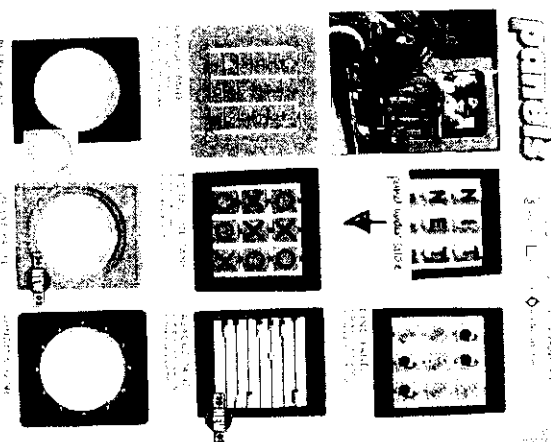
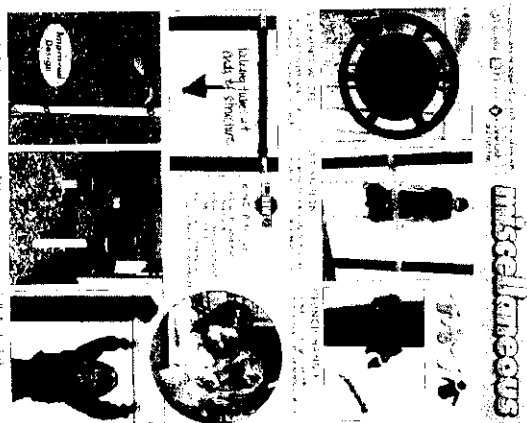
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 FILL: 3,800 C.Y.
 NET: 950 C.Y. (FILL)





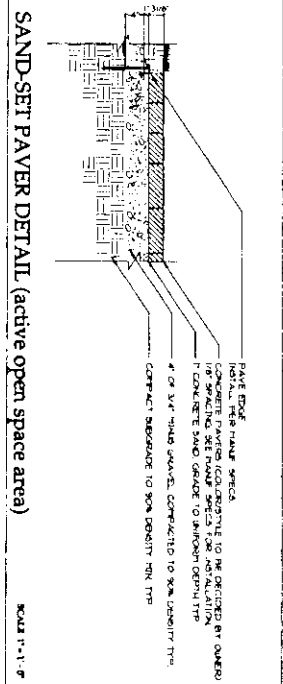


PLAY AREA DETAILS



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HAVEN ESTATES NO. 2
SUBDIVISION _____



TIMMS WAY

SILVERFOX PARKWAY

PLANTING PLAN

Figure 1 is a line graph showing the variation of the ratio of the rate of polymerization to the initial concentration of the monomer, $R_p / [M]_0$, as a function of the initial concentration of the monomer, $[M]_0$. The y-axis is labeled $R_p / [M]_0$ and ranges from 0 to 4. The x-axis is labeled $[M]_0$ and ranges from 0 to 4. The curve starts at (0,0) and increases, passing through approximately (1, 1.5), (2, 2.5), and (3, 3.5), approaching a value of 4 as $[M]_0$ increases. A vertical line is drawn at $[M]_0 = 2.5$, and a horizontal line is drawn at $R_p / [M]_0 = 2.5$, intersecting the curve at approximately $[M]_0 = 1.5$.

LELAND RUN II

oregon city, oregon

landscape plan

- for -
mjf development, inc.
1616 s.e. roadway street
portland, oregon 97202
tel 503 736 9011
fax 503 736 9047

- for -

[illegible]

REGISTERED
4150
• K. Bergman •
Kathleen A. Arai
Bergman
OREGON
57200
LANDSCAPE ARCHITECT

1405 1/2 Brown Way
Suite 220
Portland, OR 97232
tel. 503.286.9308
fax 503.288.9343

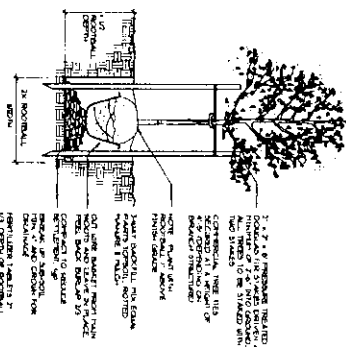
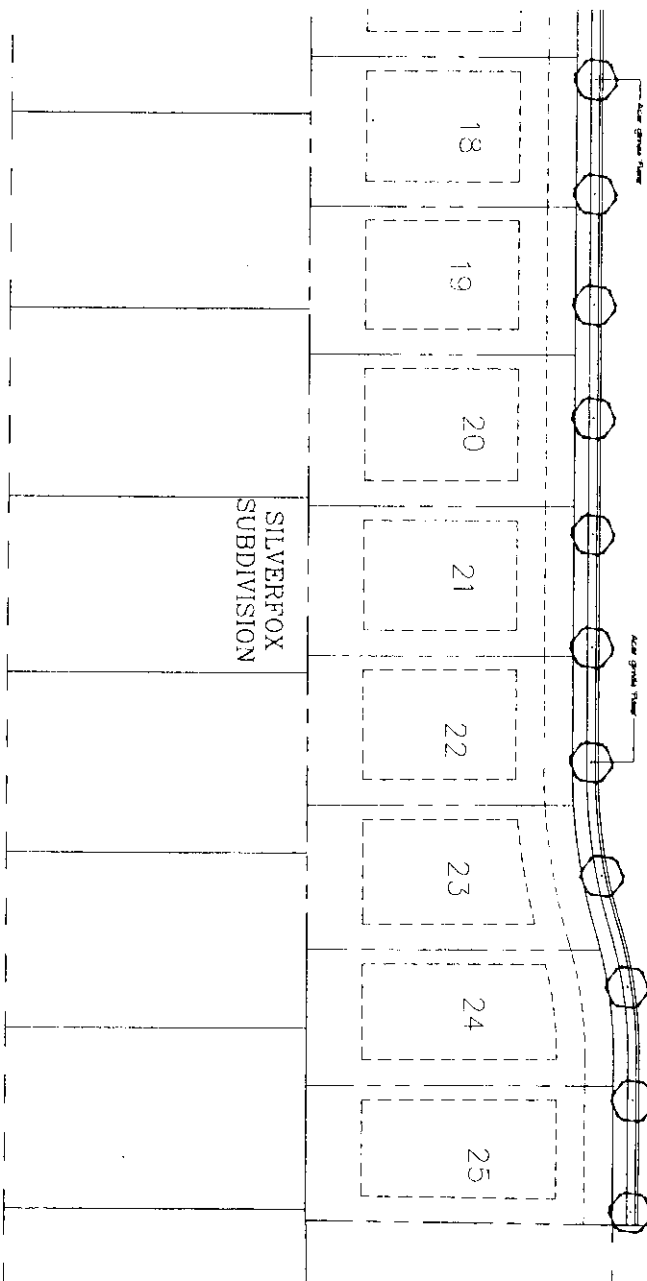
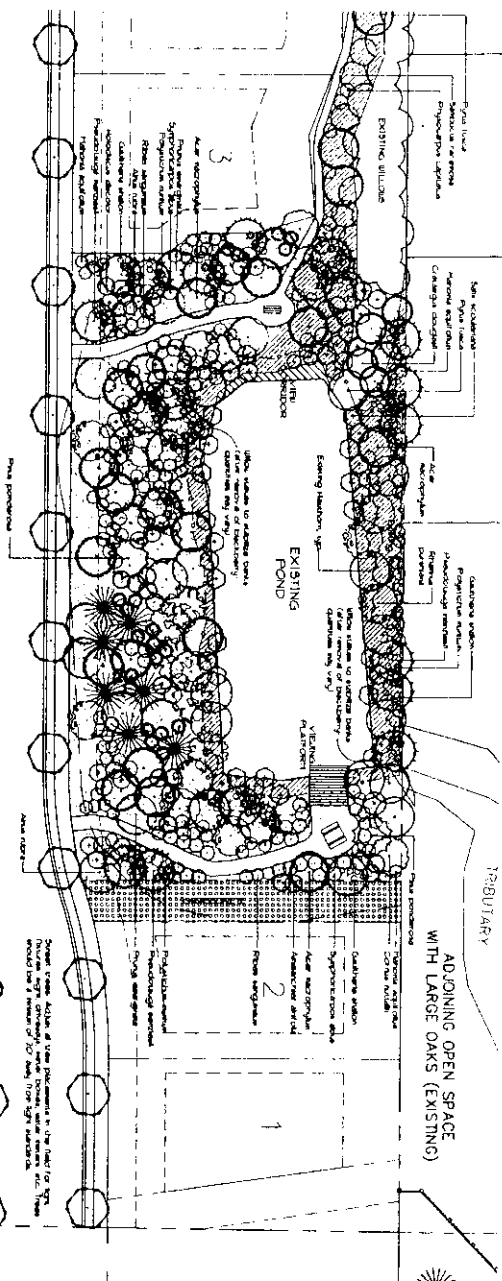
Greetham Vedraia
landscape architects
llc

3. **Speed** of **City**

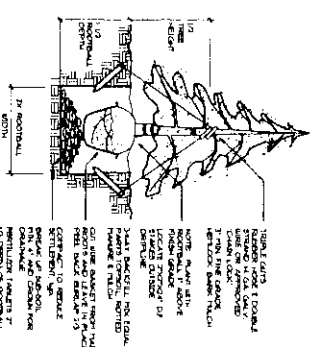
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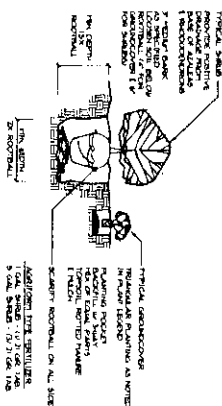
PLANTING PLAN
NORTH



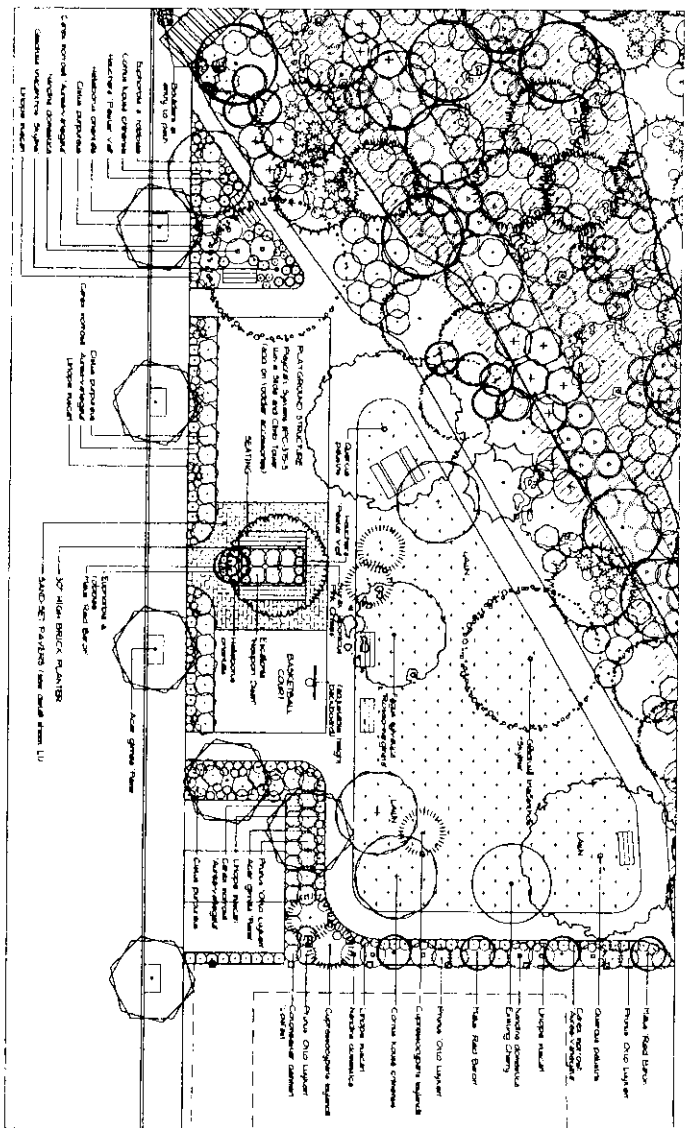
1 DECIDUOUS TREE PLANTING DETAIL
 12 SECTION M13



2. EVERGREEN TREE PLANTING DETAIL.



3 SHRUB AND GROUND COVER DETAIL
L2 SECTION
M 7.1.6



ACTIVE OPEN SPACE AREA

SCALE 1" = 10'-0"

PLANTING NOTES

1. All plantings shall be installed by the Contractor. The Contractor shall be responsible for the selection of the plants and for the proper installation and maintenance of the same. The Contractor shall be responsible for the selection of the plants and for the proper installation and maintenance of the same. The Contractor shall be responsible for the selection of the plants and for the proper installation and maintenance of the same.

IRRIGATION NOTES

1. The irrigation system shall be installed by the Contractor. The Contractor shall be responsible for the selection of the system and for the proper installation and maintenance of the same. The Contractor shall be responsible for the selection of the system and for the proper installation and maintenance of the same. The Contractor shall be responsible for the selection of the system and for the proper installation and maintenance of the same.

MAINTENANCE NOTES

1. The maintenance of the landscape shall be the responsibility of the owner. The owner shall be responsible for the selection of the maintenance contractor and for the proper installation and maintenance of the same. The owner shall be responsible for the selection of the maintenance contractor and for the proper installation and maintenance of the same. The owner shall be responsible for the selection of the maintenance contractor and for the proper installation and maintenance of the same.

PLANT LEGEND - MITIGATION BUFFERS

| Symbol | Plant Name | Plant Name | Plant Name |
|--------|------------|------------|------------|
| (1) | Red Alder | (12) | Red Alder |
| (2) | Red Alder | (13) | Red Alder |
| (3) | Red Alder | (14) | Red Alder |
| (4) | Red Alder | (15) | Red Alder |
| (5) | Red Alder | (16) | Red Alder |
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| (10) | Red Alder | (21) | Red Alder |
| (11) | Red Alder | (22) | Red Alder |

PLANT LEGEND - STREETSCAPE & OPEN SPACE

| Symbol | Plant Name | Plant Name | Plant Name |
|--------|------------|------------|------------|
| (1) | Red Alder | (12) | Red Alder |
| (2) | Red Alder | (13) | Red Alder |
| (3) | Red Alder | (14) | Red Alder |
| (4) | Red Alder | (15) | Red Alder |
| (5) | Red Alder | (16) | Red Alder |
| (6) | Red Alder | (17) | Red Alder |
| (7) | Red Alder | (18) | Red Alder |
| (8) | Red Alder | (19) | Red Alder |
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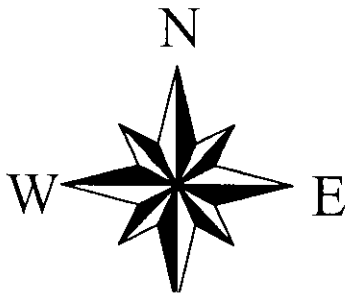
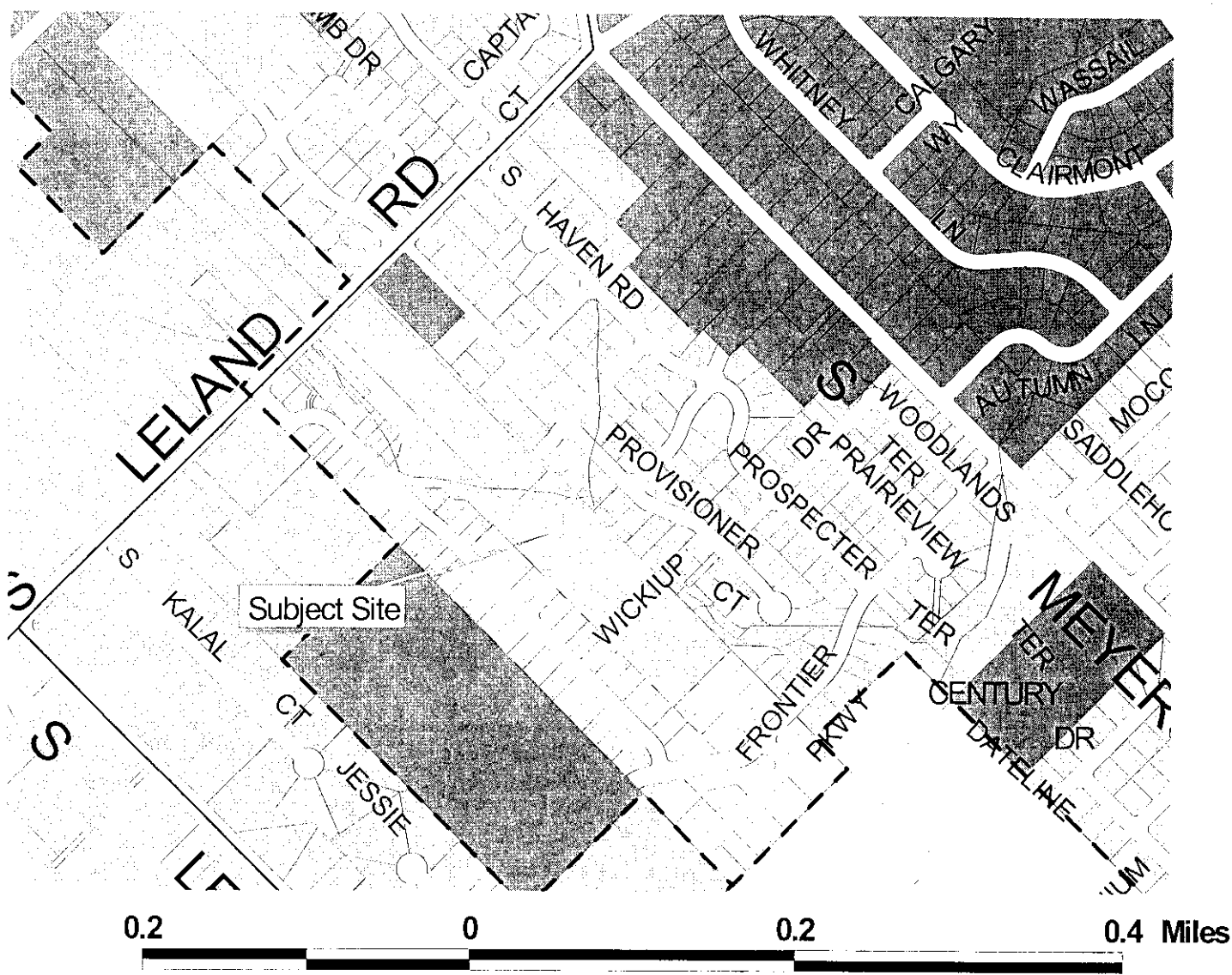
GARDEN VISION
 LANDSCAPE ARCHITECTS
 400 N. Broadway
 Portland, OR 97227
 Tel: 503.226.0333
 Tel: 503.226.0340

- for -
 m/l development, inc.
 1616 s.e. roadway street
 portland oregon 97202
 tel: 503.736.9011
 fax: 503.736.9047

LELAND RUN II
 oregon city, oregon
 landscape plan

project no. 418 date 7/19/70
 drawn by K.S. checked by C.V.
 of 3 sheets

PD 03-02, WR 03-08, and VR 03-17
19398 Leland Road

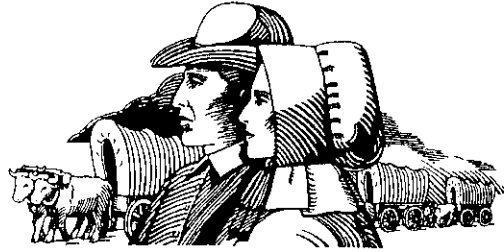


CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



FILE NO.: VR 03-17

APPLICATION TYPE: Type III

Complete: August 4, 2003
120-Day: December 2, 2003

HEARING DATE: September 22, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT/OWNER: Mike Flury – MJF Development
1618 SE Reedway Street
Portland, Oregon 97202

**APPLICANT'S
REPRESENTATIVES:** Sisul Engineering
Tom Sisul
375 Portland Avenue
Gladstone, Oregon 97027

REQUEST: The applicant is requesting a variance to reduce the minimum 3 foot-candle pathway lighting standards required in Section 12.24.040.D of the Oregon City Municipal Code to a 1.5 foot-candle average, 0.5 foot-candle minimum, and a maximum to minimum ratio of 7:1.

LOCATION: The subject site is located at 19398 Leland Road and identified as Clackamas County Map 3S-2E-7D, Tax Lot 301 (Exhibit 1).

REVIEWER: Tony Konkol, Associate Planner

RECOMMENDATION: Approval

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.

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

BACKGROUND:

The existing site currently gains access to Leland Road by way of a “flag pole” along the northeast side of Tax Lot 3000. A lot line adjustment has been applied for between the subject parcel and Tax Lot 3000 (Exhibit 2). Currently, a subdivision request (TP 03-05) has been applied for on Tax Lot 3000. The Lot Line adjustment was proposed in order to provide a continuous, intact vegetated corridor as part of the PUD and allow the applicant of Tax Lot 3000 to better utilize the remaining developable property for public road ROW. The applicant submitted additional information concerning the proposed setbacks of the attached housing and how compatibility with surrounding developments is being achieved. The applicant provided a site plan detailing the existing conditions, site details, PUD layout, and open space design and landscaping.

The application received approval of the delineation of the water resource from the Planning Commission at the February 24, 2003 public hearing that determined there was an intermittent stream that required a 15-foot buffer and the pond and associated wetlands required a 50-foot buffer. The applicant has submitted for a second water resource determination (WR 03-08) due to pedestrian pathways being placed in the corridor and a proposed planting plan and other improvements to mitigate the encroachment that are to be reviewed concurrently with this PUD application.

The applicant has proposed an approximately 870-foot pedestrian walkway connecting Timm’s Way to Smoke Tree Drive. The walkway will cross the Water Quality Resource Area and the open space associated with the PUD (Exhibit 3). The applicant has indicated the current lighting level will be intrusive to adjacent properties, even with “no glare” provisions, and will be out of character with the open space and natural resource areas that the accessway will traverse. The applicant is requesting a reduction of the minimum 3-foot candle lighting standard to a 1.5 foot-candle average, 0.5 foot-candle minimum, and a 7:1 maximum to minimum lighting ratio (Exhibit 2).

BASIC FACTS:

1. **Location.** The subject site is located southeast of Leland Road next to Silverfox, Haven Estates, Settlers Point, and Leland Run subdivisions and identified on the Clackamas County Tax Assessor Map as 3S-2E-7D, Tax Lot 301.
2. **Existing Conditions.** The 5.31-acre (5.15-acre after a lot line adjustment) site comprises an existing home, a seasonal stream crossing from northeast to southeast that flows through a pond, several large trees, with the remainder of the site nearly flat.

The site is identified within the Oregon City Water Resource Overlay District and the site has already received approval from the City (Planning File WR 02-16) with conditions requiring protection of the seasonal stream, associated wetlands, and pond. The site is 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 301 is zoned R-8 Single-Family Dwelling District.
 - Northeast:** Directly northeast is the Haven Estates Subdivision and the Settlers Point PUD that are zoned R-8 Single-Family and developed with single-family dwellings.
 - Southwest:** Directly southwest is Silverfox subdivision zoned R-6 and developed with single-family dwellings.
 - Southeast:** The southeast end of the site borders on Silverfox subdivision zoned R-6 and developed with single-family dwellings.
 - Northwest:** The northwest end of the site borders on the Leland Run PUD, which is zoned R-8 and developed with single-family dwellings, and a proposed subdivision, which is currently a parcel zoned R-8 with an existing home.

4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 25 dwelling units (17 detached single-family lots and 8 attached single-family dwellings). Access to the site would be from two existing connections. Timm's Way stubs from the southwest and Morrie Drive stubs from the southeast. The applicant has proposed full street improvements connecting Morrie Drive to Timm's Way. The applicant also proposes a private drive connecting to this full street to serve as access for a detached home and seven attached homes. The private street is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the 8 attached housing units. The applicant also proposes a walking path crossing the seasonal stream leading to Smoke Tree Terrace at the north corner of the site.

The PUD includes a long open space in one tract, containing a Water Quality Resource Area (WQRA), representing 30.5% (usable is 30% due to access tract easement and parking within the open space) of the gross area of the site. As a result of WR02-16, the applicant has proposed to provide a buffer to protect the area of existing on-site wetlands/pond and seasonal stream.

The applicant has requested a variance to reduce the required pedestrian lighting standard for the pedestrian pathway in the open space from a minimum of 3-footcandles to a 1.0 foot-candle maximum, and a 0.5 foot-candle minimum, or a similar standard recommended by staff(VR 03-17).

5. **Comments.** Notice of this proposal was sent to property owners within three hundred feet of the subject property and various City departments and other agencies on August 4, 2003. The subject site was posted on August 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on August 13, 2003 requesting comments. No comments were received concerning this application.

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements

| | |
|--|--|
| Title 12, Streets, Sidewalks, Public Places | Chapter 12.24, Pedestrian/Bicycle Accessways |
| Title 17, Zoning: | Chapter 17.50, Administration and Procedures |
| | Chapter 17.60, Variances |

ANALYSIS:

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

- A. **That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**

The applicant indicates that the subject site for the PUD is affected by unique circumstances, which do not affect adjacent properties. These circumstances include the drainage channel that must be protected. The site is a long, narrow parcel that is between existing development to the north, south and east and the water resource to the west. The applicant is required to provide a pedestrian connection across the water resource to the existing ROW at Smoke Tree Drive. These circumstances do not affect adjacent properties, and therefore this criterion is satisfied.

Staff concurs that the site is affected by unique circumstances, specifically; the lack of a pedestrian and automobile connection to Smoke Tree Drive to the east. Minimizing the impacts of the walkway on the

natural resource by reducing light pollution is an extraordinary circumstance that applies, and is unique, to this site.

Therefore, the applicant satisfies this criterion.

B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

The requested variance is likely to minimize any impacts on adjacent properties by limiting the potential for light pollution from the development impacting the properties to the north of the site. The applicant has proposed a sufficient level of lighting to guarantee the safety of the pathway users and limiting the negative lighting impacts associated with a standard lighting level that seem excessive.

The proposed lighting level is based on an average foot-candle standard with a low maximum to minimum lighting ratio that is a more carefully calibrated standard that will provide a safe and secure lighting pattern and result in a beneficial reduction of glare and light trespass on adjacent residential properties, resulting in a net benefit.

Therefore, the applicant satisfies this criterion.

C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;

The applicant states that the circumstances are not self-imposed and do not represent a monetary hardship, but are a consequence of site conditions (natural resources) and requirements for providing direct and convenient pedestrian access.

Due to the existing natural resources that are being protected through the PUD process and the narrow shape of the subject site, the applicant is required to provide a pedestrian walkway system to accommodate pedestrian circulation throughout the site to Smoke Tree Drive. Additional connections to surrounding properties by crossing the natural resource area with a roadway would alleviate the need for the pedestrian walkway, and the 3 foot-candle minimum lighting standard associated with the walkway; however, this street connection is not desired due to the negative impacts on the natural resource.

Therefore, the requested variance satisfies this criterion.

D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;

The applicant states that a practical alternative is being proposed to reduce what is considered an excessively high lighting standard for a pedestrian walkway in a residential area.

The requested variance is to the City's 3 foot-candle numeric minimum for lighting luminance and there is no practical alternative to address the numeric standard. An even level of light on the pedestrian walkway with better transitions between light and dark areas will improve the safety and security of the pedestrians.

Therefore, the applicant satisfies this criterion.

E. That the variance requested is the minimum variance which would alleviate the hardship;

The requested variance to the 3 foot-candle standard is the minimum reduction that will allow safe and secure pedestrian circulation at night through the development, while also reducing the impacts on the neighboring properties to the north and the natural areas the pathway traverses through.

Therefore, the applicant satisfies this criterion.

F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Section 12.24.040(D) of the Oregon City Municipal Code states in part:

To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of three footcandles 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.

The applicant states that the code provision's purpose is to provide for safety and "pedestrian-scale lighting." The applicant believes that the intent of this section is satisfied with a lower, more consistent level of lighting with less intrusive effects. The proposed standard is more appropriate than a strict application of the 3 foot-candle minimum because the proposal is sensitive to the natural areas and surrounding residential development.

Therefore, the applicant satisfies the criterion.

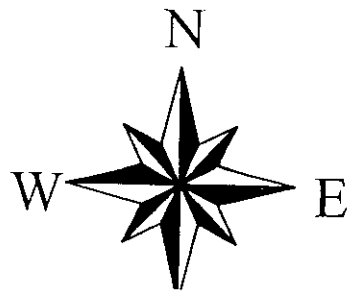
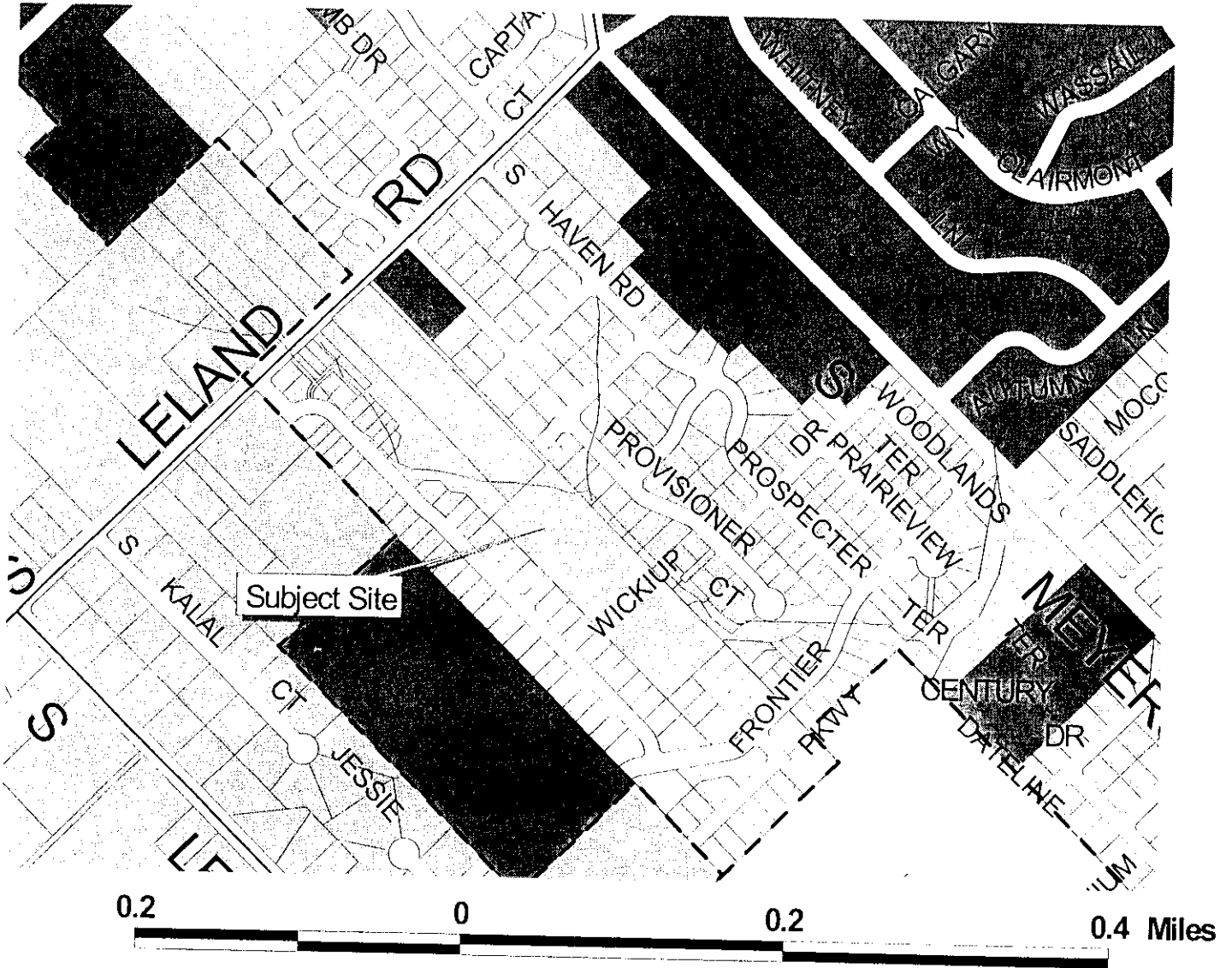
STAFF RECOMMENDATION:

In conclusion, Staff has determined that the requested variance before the Planning Commission, VR 03-17, from which the applicant is seeking a variance to the Pedestrian/Bicycle Accessway Development Standards contained in Section 12.24.040(D) of the Oregon City Municipal Code, has satisfied the variance approval criteria in Chapter 17.60. Therefore, Staff would recommend approval of VR 03-17 by the Planning Commission to reduce the lighting standard to a 1.5 foot-candle average, 0.5 foot-candle minimum, and a maximum to minimum ratio of 7:1 for the property located at 19398 Leland Road and identified as Clackamas County Map 3S-2E-7D, Tax Lot 301 (Exhibit 1).

EXHIBITS:

1. Vicinity Map
2. Application Narrative
3. Site Map

PD 03-02, WR 03-08, and VR 03-17
19398 Leland Road

Exhibit 1

Application for Land Division and Planned Unit Development
(Revised July 25, 2003)

| | |
|-------------------|---|
| Applicant | Mike Flury MJF Development 1616 S.E. Reedway Street Portland, OR 97202 |
| Representative | Sisul Engineering. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul |
| Location | 19398 South Leland Road (southeast of Leland Road) |
| Legal Description | Tax Lots 301 (3S-2E-7D) |
| Zoning | R-8 |
| Site Size | 5.31 Acres (5.15 acres after L.L.A.) |
| Proposal | Planned Unit Development and subdivision to create lots for 17 detached single-family residences and eight lots for attached dwelling residences. |

Site Description

The site is located in the southeastern part of Oregon City, southeast of South Leland Road.

The site presently has access to South Leland Road by way of a "flag pole" along the northeast side of Tax Lot 3000. South Leland Road is classified as a collector. Two streets constructed for the Silverfox Subdivision are temporarily terminated at the site's south and east boundaries (Timms Way and Morrie Drive). Street stubs have not been provided from the northeast (Haven Estates No. 2 and Settler's Point Subdivisions).

The site is occupied by a single-family dwelling and several outbuildings, which will be removed for development of the subdivision and Planned Unit Development ("PUD").

There are several large trees on the site, primarily in the vicinity of the existing residence. Trees will have to be removed for street improvements but others will be saved.

The site is crossed from northeast to southeast by a seasonal stream that drains to Mud Creek. The seasonal stream drains through a pond that was constructed on the site many years ago. A wetland delineation has been completed and approved by the Department of State Lands. A "Water Resources Permit" has been approved by Oregon City (WR 02-16), with conditions requiring protection of the seasonal stream, associated wetlands, and pond.

The remainder of the site is nearly flat, with a slight slope towards the drainage channel and pond along the northeast edge of the property.

Adjacent properties are occupied by single-family residences on lots in subdivisions with a mix of R-6 and R-8 zoning. The lot immediately to the northwest is presently underdeveloped, with a residence near South Leland Road (19400 South Leland Road).

Proposal

The applicant requests a subdivision and Planned Unit Development to best utilize the site while retaining the seasonal stream, pond, and associated wetlands. The proposal creates 17 lots for single-family detached dwellings and eight lots for attached single-family dwellings, connection of streets stubbed at the south and east property lines (Timms Way and Morrie Drive, respectively), and a private street in a tract to provide access for eight lots. A pedestrian pathway is proposed to Smoke Tree Terrace (See concurrent applications).

The water resource identified through a previous application (WR 02-16) will be protected within the required buffer spaces that will be incorporated into open space for the PUD. (See concurrent applications.)

The interior street is proposed to have a 50-foot right of way with 32 feet of pavement between curbs, a five foot wide planter and five foot sidewalk. The 28' foot wide access tract will include a 28' foot wide paved private street with curbs and 7' foot wide sidewalk in easements.

The water resources identified through a previous application (WR 02-16) will be protected within the required buffer spaces that will be expanded by incorporation into open space for the PUD.

Public water and sanitary sewer are available from lines in the abutting streets. Public water will be extended 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, located in Tract 'C' of the Settler's Point Subdivision. Storm water will be collected in a system of pipes and directed to the proposed detention facility and released downstream of the existing pond. Please refer to the preliminary "Utility Plan" (Sheet 3) for details and locations of proposed facilities.

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

Concurrent Applications

A lot line adjustment has been applied for between the subject parcel (T.L. 301) and the undeveloped adjoining parcel Map 3 2E 7DB, T. L. 3000. This proposed lot line adjustment would give the owner of T. L. 3000 most of the flag pole portion of subject parcel in exchange for two smaller parcels at the southern portion of T. L. 3000. The proposed lot line adjustment will facilitate better developments on both parcels.

An updated water resources application is also submitted as part of the application package. That information is addressed in a Conceptual Buffer Mitigation Plan prepared by Jay Lorenz, PhD. of Hidden Spring Consulting, Inc. A landscape plan has been prepared by Kathleen Banghahn, L.A. of Gretchen Vadnais, Landscape Architects, LLC.

Deferred Applications

The site plan and design review applications for the attached dwelling units and open space areas will be deferred until after a decision is made by the Planning Commission of the proposed Planned Unit Development.