PLANNING COMMISSION 320 WARNER MILNE ROAD OREGON O TEL 657-0891 FAX 657-7

Oregon City, Oregon 97045 Fax 657-7892



PLANNING COMMISSON WORK SESSION AGENDA

City Hall – Lunch Room

August 20, 2003 at 5:30 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.

WORKSESSION:

5:30 p.m. 1. Continuation of the August 11, 2003 Work Session Proposed Code Amendments to the Oregon City Municipal Code

8:30 p.m 2. Adjourn

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

PLANNING COMMISSION 320 WARNER MILNE ROAD TEL (503) 657-0891 FAX (503)

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



AGENDA City Commission Chambers - City Hall August 25, 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**:

MD 03-01 (Quasi-Judicial Modification to approved Planned Unit Development), City of Oregon City, Request to remove a road connection to Glen Oak Road and replace the connection with a pedestrian bridge and the creation of a grass-crete fire/maintenance access turnaround within the approved Glen Oak Meadows Planned Unit Development. The property is located at 14608 Glen Oak Road and identified as Map 3S-2E-16A, Tax Lot 800.

PD 03-01 (*Quasi-Judicial Planned Unit Development Hearing*), Paul Reeder/Tom Sisul, Request for the approval of a 76-lot Planned Unit Development located on the properties identified as Map 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (North side of Rose Road at the Rose Road/South End Road intersection).

WR 03-01 (*Quasi-Judicial Water Resource Hearing*), Paul Reeder/Tom Sisul, Request for the approval of a Water Resource Determination and mitigation plan in association with the development of a 76-lot Planned Unit Development (PD 03-01) on the properties identified as Map 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (North side of Rose Road at the Rose Road/South End Road intersection).

VR 03-11 (*Quasi-Judicial Variance Hearing*), Paul Reeder/Tom Sisul, Request for the approval of a Variance to the pedestrian lighting standards within the 76-lot Planned Unit Development on the properties identified as Map 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (North side of Rose Road at the Rose Road/South End Road intersection).

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.

PLANNING COMMISSION

320 WARNER MILNE ROAD TEL (503) 657-0891 Oregon City, Oregon 97045 Fax (503) 657-7892



STAFF REPORT Type III Decision Date: August 15, 2003

FILE NO.:	MD 03-01; Modification	
APPLICANT:	City of Oregon City 320 Warner Milne Road Oregon City, Oregon 97045 Nancy Kraushaar, P.E., City Engineer/ PublicWorks Dir.	
OWNER:	Golden Pacific Homes 8115 SE 82 nd Avenue Portland, Oregon 97266	
REQUEST:	Modification to approved PUD (Glen Oaks Meadows) to remove a road connection to Glen Oak Road and replace with pedestrian bridge. Additionally, the proposal requests the creation of a grass-crete fire/maintenance access turnaround.	
LOCATION:	14608 Glen Oak Road, Clackamas County Map 3-2E-16A Tax Lot 800	
REVIEWER:	Sean Cook, Associate Planner Jay Toll, P.E., Senior Engineer Dan Drentlaw, AICP, Community Development Director	
RECOMMENDATION:	Approval	

The decision of the Planning Commission is final unless appealed to the City Commission within ten (10) days following the decision in accordance with OCMC 17.50. Only persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for the appeal are limited to those issues raised either orally or in writing before the close of the public record. If you have any questions about this application, please contact the planning division at (503) 657-0891. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division during scheduled business hours. Copies of these documents are available (for a fee) upon request.

CRITERIA:

Municipal Code

Section 17.13	R-6/MH Single-Family Dwelling District
Section 17.50	Administration and Procedures
Section 17.64.150(A)	Final PUD Plan
Section 17.64	Planned Unit Development (PUD)

BACKGROUND:

The applicant (City of Oregon City) and the owner (Golden Pacific Homes) are requesting a Type III Modification to the approved Glen Oaks Meadows Planned Unit Development (Case File PD 99-01). This proposal is to remove a vehicle access (street) connection to Glen Oak Road and replace it with a pedestrian bridge. A new grass-crete fire access and utility maintenance road will also be provided to ensure safe fire protection access should the vehicle access to Glen Oak road be closed. If approved, the construction of the pedestrian bridge, the maintenance road, and other related improvements shall be constructed by the owner of the development. The site is located at 14608 Glen Oak Road and was approved for 57 residential dwelling units and open space on 9.68 acres. A separate Type II Site Plan and Design Review approval was issued in January of 2002 (SP 01-13), which provided improvements within the open space tract in Glen Oaks Meadows. The proposed modification does not change the approved final plat, including right-of-way dedications, lot sizes, open space tracts, etc, but only addresses the access (and natural resource) related criteria.

BASIC FACTS:

- 1. The site is zoned "R-6/MH" Single-Family Manufactured Home Dwelling District and is designated "LR/MH" Urban Low Density Residential on the Oregon City Comprehensive Plan.
- 2. The subject property is located at 14608 Glen Oak Road, Clackamas County Map 3-2E-16A Tax Lot 800.
- 3. Transmittals on the proposal were sent to various City departments, affected agencies and property owners within 300 feet and the Caufield Neighborhood Association. Other agency comments that affect the proposed application are incorporated into the analysis and findings section below. Comments were received from the Caufield Neighborhood Association. This letter is presented in Exhibit 3 and is briefly summarized below.

<u>Mike Mermelstein</u>, 20114 Kimberly Rose Drive, Land Use Chairman for the Caufield Neighborhood Association.

In brief, the author states that the Glen Oaks Meadows development was approved with a street connection to Glen Oak Road (Mossy Meadows Avenue) and the road should remain. The author states that it is unacceptable that the traffic from Glen Oaks Meadows and the Meadowood subdivision be routed through Pioneer Place (Heider Drive).

SUMMARY OF ISSUES:

Reasons for the Modification

The Glen Oaks Meadows PUD was approved with a street accessing Glen Oak Road. As contained in Exhibit 4, the City Engineer has described the reasons and benefits associated with removing this particular vehicular access and approving the modification. In summary, the environmental and transportation benefits associated with the requested closure includes:

- Elimination of a stream crossing which will enhance the riparian value and fish habitat of the Caufield Creek natural resource;
- Elimination of unsafe intersection spacing that does not meet street design standards;
- and Enhancement of the capacity of Glen Oak Road, classified as a collector in our transportation system plan (TSP), by limiting access points.

These points and other are described further in this report.

Reasons against the Modification

A potential negative impact resulting from the modification is a temporary increase in automobile traffic onto Heider Drive until an alternative access is provided through a development proposed directly west of Glen Oaks Meadows. Until this occurs, Heider Drive would be the main street used for ingress and egress for Glen Oaks Meadows and the Meadowood subdivision. The Meadowood subdivision is located to the south of Glen Oaks Meadows. Currently, Meadowood (a 42-lot subdivision) has received Planning approval and is in the Engineering Review process. Unlike Glen Oaks Meadows, the plat for Meadowood has not been approved or recorded. Additionally, the City has received an application for a new 28-unit PUD (Bailey Estates) west and adjacent to Glen Oaks Meadows. This application is currently being reviewed for completeness by the Planning Division. Subject to change and pending approval, this development has been proposed with a street connection to Glen Oak road that would route traffic from Meadowood and Glen Oaks Meadows to Glen Oak road.

See Exhibit 2 for the location of the streets, subdivisions, and other developments involved with this proposed modification.

ANALYSIS AND FINDINGS:

The analysis and findings presented below in this report reflect the proposed modification to the approved Glen Oaks Meadows PUD and shall specifically address criteria only as it relates to the proposed changes per OCMC 17.64.150, which states:

A. If the planning manager determines that the final PUD plan submitted by the applicant materially deviates from the approved preliminary PUD plan, review of the final PUD plan shall be referred to the planning commission for a public hearing and a determination of consistency with the preliminary PUD plan approval standards. In that event, the planning commission may limit the hearing to issues directly affected by the element that was the material deviation. All other aspects of the preliminary PUD plan not directly affected by the material deviation shall not be addressed.

A. PUD Approval Criteria:

Section 17.64.120. This section identifies the effected PUD plan approval criteria.

CRITERION 1: 17.64.120.A. The proposed preliminary PUD plan is consistent with the purpose of this chapter set forth in Section 17.64.010 and any applicable goals and policies of the Oregon City Comprehensive Plan.

Consistency with the Planned Unit Development purpose:

Section 17.64.010.B. The purpose of this section is "To preserve existing natural features and amenities and/or provide useful common open space available to the residents and users of the proposed PUD. Specifically, it can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.

Section 17.64.010.C. This section requires "To protect and enhance public safety on sites with natural or other hazards and development constrains through the clustering of development on those portions that are suitable for development.

Analysis: This application achieves the objectives of both preserving and enhancing the natural features and amenities on the site and creating new amenities. The application allows the additional re-creation of the natural features of Caufield Creek. The originally approved PUD application allowed for an approximately 50 foot wide road crossing over Caufield Creek and wetlands consisting of boxed culverts approximately 80 feet in length and associated footings within the wetland. The modification application replaces this road crossing with a five-foot wide timber pedestrian bridge that will completely span the enhanced wetlands on the site. As originally proposed with the PUD, wetland enhancements consist of replacing the existing degraded creek and wetlands with a more natural open stream planted with native vegetation creating an enlarged riparian area,

which will improve water quality and provide wildlife habitat. In addition, the location of the pedestrian bridge provides a direct connection between Glen Oak Road and the open space park amenity and trail system on the site and will be in alignment with a pedestrian cross walk on Glen Oak Road creating direct access to the open space park area and a safer environment for pedestrians.

Conclusion: The applicant's proposal meets this standard.

Consistency of the proposed development with Comprehensive Plan:

Natural Resources Goal:Preserve and manage our scarce natural resources while
building a livable urban development.

The applicant has met this standard by providing for a pedestrian bridge instead of a 50foot wide stream crossing. Road crossings have negative impacts on riparian areas due to the loss of vegetative areas and increased amount of impervious surface. The proposal also allows for additional re-creation of the natural features of Caufield Creek.

The proposal also improves the open space amenity by creating a more significant enhanced natural resource area. This proposal will improve the quality of the open space park area and its usefulness as an amenity for active recreational use by the community.

The applicant also sites relevant State Land Use Goal 5 objectives (Fish and Wildlife protection) as described in detail in Exhibit 4.

Transportation: The Oregon City Transportation System Plan (TSP) is an ancillary document of the Comprehensive Plan.

Glen Oak Road is a collector according to the TSP. As such, the TSP states that ...as Oregon City continues to grow, its street system will become more heavily traveled. Consequently, it will become increasing important to manage access on collector street systems in order to preserve carrying capacity. The City of Oregon City will implement access management measures to limit the number of redundant access points along roadways. This will enhance roadway capacity and benefit circulation.

Additionally, standards stated from the TSP are described further throughout this report. As such, standards from the TSP are consistent with the policies of the Comprehensive Plan.

Conclusion: Based on the above analysis, the proposed Modification satisfies this standard.

CRITERION 2 Section 17.64.120.B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone (e.g., Chapters 17.44 and 17.49) and

applicable provisions of Title 16 of this code, unless an adjustment from any these requirements is specifically allowed pursuant to this chapter.

This standard directs us to Title 16 of the Oregon City Municipal Code, which addresses the creation of safe and well-design streets and street layouts. These following sections have been reviewed the Engineering Division (Exhibit 5) and the City Engineer (Exhibit 4).

16.12.020 Street design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain.

Analysis: This section was reviewed the City Engineering Division (Exhibit 5). The applicant has not proposed a change to the street design other than the connection of the proposed Mossy Meadows Avenue to Glen Oak Road. An emergency vehicle turn-around loop has been proposed at the northern end of Mossy Meadows Avenue. This vehicle turnaround will be made of grass-crete and marked with curbs and signs as required by the Clackamas County Fire District. A letter prepared by Todd Mobley of Lancaster Engineering suggests that Heider Drive will provide an adequate street connection to Glen Oaks Meadows; however, it may be temporarily slightly overloaded if Glen Oaks Meadows and Meadowood are fully built and occupied prior to the development to the adjacent west (Bailey Estates) street construction. Bailey Estates, which is a current application into the City for Review, shows a street connection to Glen Oak Road that would potentially alleviate traffic impacts on Heider Drive. Bailey Estates is a new application, which is being reviewed for completeness and has not yet received City approval.

In addition to the review by the Engineer Division, the applicant has addressed the transportation issues involved in this proposal. Detailed information about this is presented in Exhibit 4. The following is a summary of information provided by the City Engineer:

Intersection Spacing

There are two existing local street accesses on Glen Oak Road in the vicinity of Glen Oaks Meadows. If the approved Mossy Meadows Avenue was constructed it would lie between these two accesses, High School Lane and Heider Drive. Heider Drive existed when Glen Oaks Meadows was originally approved, but High School Lane did not exist. The Oregon City High School site plan resulted in High School Lane being located along the school's west property line in order to maximize use of the site for sports fields, etc.

The previously approved access to Glen Oaks Meadows does not meet two important street design standards that pertain to *minimum intersection spacing* and *allowable intersection offset distances*.

The Oregon City Transportation System Plan (TSP) prescribes minimum intersection spacing standards for the five functional street classifications in Oregon City (local street, neighborhood collector, collector, minor arterial, and major arterial). The minimum spacing between local streets accessing a collector is 300 feet. The spacing between High School Lane and Mossy Meadows would be approximately 106 feet, and the spacing between Mossy Meadows and Heider Drive would be approximately 254 feet.

In addition Oregon City Municipal Code (OCMC) 16.12.050 requires that for local streets that are staggered and result in "T" intersections shall, whenever practicable, leave a minimum distance of 200 feet, and in no case shall be less than 100 feet. The 106-foot spacing between High School Lane and Mossy Meadows raises concerns because the spacing approaches the absolute minimum and falls below the recommended minimum.

Future Impacts

The opportunity to eliminate the Mossy Meadows Avenue stream crossing will have a positive impact on Caufield Creek. In addition, the approved plat for Glen Oaks Meadows represents future safety concerns and permanent negative traffic impacts on the collector because design standards cannot be met with the recent addition of High School Lane. The City has the opportunity to correct these problems by restricting direct access to Glen Oak Road to pedestrians and bicycles.

The applicant understands that Glen Oaks Meadows residents will rely on Heider, Coquille, and Quinalt Streets to access Glen Oak Road until another route is available, however, this impact will be temporary. Based on the development sequence in the past and vacant land in the area, future subdivisions are expected to be constructed in the near future that will provide a well-connected transportation network for the community. Careful planning of the transportation network at this time is critical given the presence of the natural resource in the area. The applicant suggests that by the time Glen Oaks Meadows is built out, an alternate route will be available to the west that will eliminate the temporary traffic impacts.

Conclusion: The applicant has met this standard.

16.12.050 Street design--Alignment.

As far as is practicable, streets other than local or constrained streets shall be aligned with existing streets by continuation of the center lines. For local streets, staggered street

alignment resulting in "T" intersections shall, wherever practicable, leave a minimum distance of two hundred feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred feet. The minimum distance between streets intersecting a collector or arterial shall be five hundred feet between center lines, unless the decision-maker finds that a lesser distance will not pose a safety hazard. This standard was superceded with the Adoption of the Transportation System Plan (TSP) in April of 2001. As such, the current intersection spacing distance for a local street and a collector street (Glen Oak Road) is 300 feet.

Analysis: Street spacing and alignment was previously discussed in detail in Section 16.12.020. In summary, as constructed, the distance between High School Lane and Heider Drive is approximately 360 feet. The spacing between High School Lane and Mossy Meadows is approximately 106 feet, and the spacing between Mossy Meadows and Heider Drive is approximately 254 feet. The approval for these streets, based on the intersection spacing, was historically granted erroneously by the City. As such, the applicant is requesting this modification to alleviate the existing condition.

Conclusion: The applicant has met this standard.

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 nonlocal automobile traffic.

Analysis: This standard addresses public safety and the promotion of pedestrian and bicycle welfare. As previously discussed, the applicant is requesting the construction of a pedestrian bridge to provide safe access for pedestrian and bicyclist to Glen Oak Road from the development. The elimination of a public street crossing would reduce the number of potential automotive and pedestrian conflict points associated with the creation of Mossy Meadow Avenue.

Conclusion: The applicant's proposal meets this standard.

CRITERION 3	No phasing has been proposed as part of this application. This standard is not applicable.
CRITERION 4	Section 17.64.120.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.

Analysis: With regard to water, sewer, storm, and drainage facilities, all of the improvements required by the Engineering Division that were part of the original

approvals will be provided. The proposed modifications to remove a street connection and replace it with a five-foot wide timber pedestrian bridge do not require the use or upgrade of any of these facilities.

With regard to transportation issues, the proposal improves safety by removing a vehicle access to Glen Oak Road in order prevent a conflict between the location of this access intersection and an access intersection on the north side of Glen Oak Road (High School Lane). Pedestrian connectivity and safety will be improved with the addition of a pedestrian bridge between the open space park area and sidewalks and a cross walk on Glen Oak Road. Additionally, information provided by Lancaster Engineering (Exhibit 6) reports that Heider Drive will provide an adequate street connection for Glen Oaks Meadows. Additionally, future relief to Heider Drive appears to be the approval of an adjacent development (Bailey Estates), which proposes a connection to Glen Oak Road. This adjacent development has a current application in process with the City of Oregon City. It should be noted that while not yet approved, the creation of a road connection to Glen Oak road as a part of Bailey Estates would <u>not</u> cross Caufield Creek. Caufield Creek is located across the road along the frontage of the Bailey Estates project.

Conclusion: The proposal has met this standard.

Planned Unit Development standards:

The modification of this application only applies to various impacted criteria of Section 17.64.40.

Section 17.64.040.E. This section requires the applicant demonstrate that adequate water, sewer, storm water, and traffic and transportation infrastructure capacity to serve the proposed PUD.

Analysis: No changes are proposed to water, sewer, and storm water. The material change involves traffic and transportation infrastructure only.

With regards to transportation issues, the proposal improves safety by removing a vehicle access to Glen Oak Road in order prevent a conflict between the location of this access intersection and an access intersection on the north side of Glen Oak Road (High School Lane). Pedestrian connectivity and safety will be improved with the addition of a pedestrian bridge between the open space park area and sidewalks and a cross walk on Glen Oak Road. Additionally, information provided by Lancaster Engineering (Exhibit 6) reports that Heider Drive will provide an adequate street connection for Glen Oaks Meadows. Additionally, future relief to Heider Drive appears to be the approval of an adjacent development, which proposes a connection to Glen Oak Road. This adjacent development has a current application in process with the City of Oregon City. It should be noted that while not yet approved, the creation of a road connection to Glen Oak road as a part of Bailey Estates would <u>not</u> cross Caufield Creek. Caufield Creek is located across the road along the frontage of the Bailey Estates project.

Conclusion: The proposal has met this standard.

Section 17.64.040.G. This section requires the applicant to preserve the natural features of the property by integrating the site plan design with the constraints of the subject property.

Analysis: All of the necessary permits for the wetland enhancement plans associated with Caufield Creek, which will be constructed by the City in conjunction with improvements to Glen Oak Road, have been obtained from the Division of State Lands and the U.S. Army Corp of Engineers. These agencies have been made aware of the potential removal of the road crossing and addition of the pedestrian bridge. Since there are no impacts to the wetland additional permitting is not required. Elimination of a road crossing will be beneficial to the resource by creating a larger area for wetland enhancement, which will improve water quality and provide wildlife habitat.

Conclusion: The applicant has met this standard.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings contained in this staff report, staff recommends approval of the application for the modification to the Glen Oaks Meadows PUD. (MD 03-01) for the property located at 14608, Clackamas County Tax Map 3S-2E-16A, Tax Lot 800.

Exhibits

- 1. Site Plan of Glen Oaks Meadows with Modifications
- 2. Vicinity Map with adjacent developments
- 3. Comment Letter from Caufield Neighborhood Association
- 4. Memorandum from the City Engineer, dated August 14, 2003
- 5. City Engineering Division comments
- 6. Comments from Lancaster Engineering
- 7. Comments from other City Departments (on-file)
- 8. Applicant's application (on file)





Comments On Glen Oaks Meadows Request for Modification

The Planned Unit Development (PUD) 99-01 for Glen Oaks Meadows was approved in June of 2000. The approved plan was to have Mossy Meadows Avenue intersect with Glen Oaks Road. The plan was to have Mossy Meadows Avenue as the major entrance and exit from the Glen Oaks Meadows sub-division. This plan would keep a significant amount of traffic out of the Pioneer Place sub-division. The proposed change request would close off Mossy Meadows Avenue before the intersection of Glen Oaks Road and route all of the traffic in the Glen Oaks Meadows sub-division to Heider Drive. This change is totally unacceptable.

The plan for the Glen Oaks Meadows sub-division was established well before the access road from Oregon City High School was planned. Therefore, if there is a concern regarding any traffic problems, the alignment of the access road from the high school should be changed to intersect with Mossy Meadows Avenue instead of changing the traffic pattern of the entire Glen Oaks Meadows tract.

In the past few months, Centex Homes is planning a new sub-division, consisting of 42 single family homes. Centex Homes plan is to use Heider Drive as the only entrance and exit from that sub-division. Now Glen Oaks Meadows wants to change the initial plan from Mossy Meadows Avenue to Heider Drive.

Taking the 42 single family homes in the Centex development, the 38 single family homes along with the 8 in-law quarters in the Glen Oaks Meadows development increases the number of families in this area by 88. If one member of each family unit drives to work, the daily traffic on Heider Drive will increase by 176 vehicles. This does not include the number of people in these two tracts that will use Heider Drive for the casual trips to schools, shopping, doctor's visits, entertainment, etc. Therefore, I believe that the number of vehicles using Heider Drive will increase by at least 300 vehicles a day. This total does not include vehicles coming into the tract for mail delivery, trash pickup, and other services.

It was my understanding that Mossy Meadows Avenue was the proposed access to the Centex development which would relieve even more traffic off of Heider Drive. The increase in the daily vehicular traffic on Heider Drive is totally unacceptable. This increase will have a significant impact on the safety of children who live in the Pioneer Place sub-division. Additionally, the number of cars leaving from Glen Oaks Meadows, the Centex subdivision, and Pioneer Place in the morning will create a significant backlog of vehicles at Heider and Glen Oaks Road.

Therefore, the original plan for Mossy Meadows Avenue should be maintained and the new proposal be rejected.

Sincerely,

Mike Mermelstein Land Use Chairman Caufield Association of Home Owners

CITY OF JREGON CITY - PLANNING LAVISION PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304 Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL: Sent on July 24, 2003

IN-HOUSE DISTRIBUTION BUILDING OFFICIAL ENGINEERING MANAG FIRE CHIEF DUBLIC WORKS- OPER CITY ENGINEER/PUBL TECHNICAL SERVICES PARKS MANAGER ADDRESSING- STEPH TRAFFIC ENGINEER MIKE BAKER @ DEA RETURN COMMENTS TO:	GER ATIONS LIC WORKS DIRECTOR	MAIL-OUT DISTRIBUTION CICC NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR N.A. LAND USE CHAIR CLACKAMAS COUNTY - Joe Marek CLACKAMAS COUNTY - Bill Spears ODOT - Sonya Kazen ODOT - Loretta SCHOOL DIST 62 TRI-MET METRO - Brenda Bernards OREGON CITY POSTMASTER DLCD COMMENTS DUE BY: August 7, 2003
Planning Department		HEARING DATE:AUGUST 25, 2003HEARING BODY:Staff Review: PC:X_CC:
IN . FRENCE TO	FILE # & TYPE: PLANNER: APPLICANT: REQUEST: LOCATION:	MD 03-01: Modification Sean Cook, Associate Planner City of Oregon City PUD Modification to approved PUD (Glen Oak Meadows) to remove a road connection to Glen Oak Road, and replace with pedestrian bridge and grass-crete fire/maintenance access turnaround. 14608 Glen Oak Road, Clackamas County Map 3-2E-16A Tax Lot 800

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

	The proposal does not conflict with our interests.	<u> </u>	The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict our interests if the changes noted below are included.		The following items are missing and are needed for completeness and review:
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PUBLIC WORKS

OPERATIONS DIVISION 122 S. Center Street Oregon City, OR 97045 (503) 657-8241 Fax (503) 650-9590

PUBLIC PROJECTS DIVISION City Engineer/Public Works Director P.O. Box 3040 320 Warner Milne Road Oregon City, OR 97045 (503) 657-0891 Fax (503) 657-7892

EXHIBIT

From: Date: Subject: Sean Cook, Associate Planner Nancy J.T. Kraushaar, P.E., City Engineer/Public Works Director August 14, 2003 Comments MD 03-01 – Glen Oak Meadows

MEMORANDUM

Introduction

This memorandum will present the reasons why the City Engineer is recommending approval of the proposed plat modification, which will restrict the Mossy Meadows Avenue access off of Glen Oak Road to only pedestrian and bicycle traffic. This will result in a simple non-intrusive pedestrian bridge rather than a two-lane roadway with sidewalks over a culvert.

There are valuable environmental and transportation benefits associated with the requested access management, including:

- Eliminate a stream crossing which will enhance the riparian value and fish habitat of the Caufield Creek natural resource;
- Mitigate unsafe intersection spacing that does not meet our street design standards; and
- Enhance the capacity of Glen Oak Road, classified as a collector in our transportation system, by limiting access points

Recognizing these benefits, I have asked the developer to cooperate to achieve the above benefits. We are therefore working together as co-applicants on the requested plat modification. Together, we reviewed alternative roadway locations on the property that could mitigate the intersection spacing issues; however, such realignments result in a reduction of buildable lots. The developer is not willing to accept the financial impacts of lot loss and will withdraw the application if the street alignment is changed. More important, however, realigning the road would not achieve the goal of improving the natural resource values of Caufield Creek.

State Land Use Goal 5 – Fish and Wildlife Protection

Oregon City has been working with Metro to establish new standards and guidelines for development along streams and in fish and wildlife habitat areas. Road crossings have negative impacts on riparian areas due to the loss of vegetative area and increased impervious surface and unnatural shading. Although specific minimum distances between stream crossings have not been adopted as a requirement for future development, minimizing stream crossings and eliminating them when possible is a credible best management practice. With fewer stream crossings, a higher overall value of stream and habitat functions can be expected.

H:\word\DES-REVU\Modification\Glen Oak Meadows Access Management.DOC Page 1 of 3 Caufield Creek already is subject to numerous road crossings by virtue of its meandering channel (crossing Glen Oak Road three times between Heider and Highway 213) and miscellaneous road and driveway access points to Glen Oak Road. Future access points to Glen Oak Road should be strategized and carefully located to avoid additional stream crossings.

Restricting the Glen Oak Meadows access from Glen Oak Road to pedestrians and bicycles provides the opportunity to eliminate a crossing and thus rely on the Heider Drive crossing to the east and a future road connection to Glen Oak Road *which would not cross the creek* to the west for traffic circulation. The proposed pedestrian bridge would provide needed connectivity for pedestrians and bicycles from Glen Oak Meadows as well as future subdivisions to Glen Oak Road and the Oregon City High School.

Intersection Spacing

There are two existing local street accesses on Glen Oak Road in the vicinity of Glen Oak Meadows. If the approved Mossy Meadows Avenue was constructed it would lie between these two accesses, High School Lane and Heider Drive. Heider Drive existed when Glen Oak Meadows was originally approved, but High School Lane did not exist. The Oregon City High School site plan resulted in High School Lane being located along the school's west property line in order to maximize use of the site for sports fields, etc.

The previously approved access to Glen Oak Meadows does not meet two important street design standards that pertain to *minimum intersection spacing* and *allowable intersection offset distances*.

The Oregon City Transportation System Plan (TSP) prescribes minimum intersection spacing standards for the five functional street classifications in Oregon City (local street, neighborhood collector, collector, minor arterial, and major arterial). The minimum spacing between local streets accessing a collector is 300 feet. The spacing between High School Lane and Mossy Meadows would be approximately 106 feet, and the spacing between Mossy Meadows and Heider Drive would be approximately 254 feet.

In addition Oregon City Municipal Code (OCMC) 16.12.050 requires that local streets that are staggered and result in "T" intersections shall, whenever practicable, leave a minimum distance of 200 feet, and in no case shall be less than 100 feet. The 106-foot spacing between High School Lane and Mossy Meadows Avenue raises concerns because it approaches the absolute minimum and falls below the recommended minimum.

Future Impacts

The opportunity to eliminate the Mossy Meadows Avenue stream crossing will have a positive impact on Caufield Creek. In addition, the approved plat for Glen Oak Meadows represents future safety concerns and permanent negative traffic impacts on the collector because design standards cannot be met with the recent addition of High School Lane. The City has the

pedestrians and bicycles.

I understand that Glen Oak Meadows residents will rely on Heider, Coquille, and Quinault Streets to access Glen Oak Road until another route is available, however, this impact will be temporary. Based on the development sequence observed in the past and vacant land in the area, future subdivisions are expected to be constructed in the near future that will provide a wellconnected transportation network for the community.

Careful planning of this transportation network at this time is critical given the presence of the natural resource in the area. I am confident that by the time Glen Oak Meadows is built out, it is entirely likely that an alternate route will be available to the west that will eliminate the temporary traffic impacts.

CITY OF OREGON CITY - PLANNING DIVISION PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304 Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL: Sent on July 24, 2003

 <i>IN-HOUSE DISTRIBUTION</i> BUILDING OFFICIAL ENGINEERING MANAGE FIRE CHIEF PUBLIC WORKS- OPER CITY ENGINEER/PUBL TECHNICAL SERVICES PARKS MANAGER ADDRESSING- STEPH <i>TRAFFIC ENGINEER</i> MIKE BAKER @ DEA 	GER ATIONS JC WORKS DIRECTOR	 MAIL-OUT DISTRIBUTION CICC NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR N.A. LAND USE CHAIR CLACKAMAS COUNTY - Joe Marek CLACKAMAS COUNTY - Bill Spears ODOT - Sonya Kazen ODOT - Loretta SCHOOL DIST 62 TRI-MET METRO - Brenda Bernards OREGON CITY POSTMASTER DLCD
RETURN COMMENTS TO:		COMMENTS DUE BY: August 7, 2003
Planning Department		HEARING DATE:AUGUST 25, 2003HEARING BODY:Staff Review:PC:X
IN .FERENCE TO	FILE # & TYPE: PLANNER: APPLICANT: REQUEST: LOCATION:	MD 03-01: Modification Sean Cook, Associate Planner City of Oregon City PUD Modification to approved PUD (Glen Oak Meadows) to remove a road connection to Glen Oak Road, and replace with pedestrian bridge and grass-crete fire/maintenance access turnaround. 14608 Glen Oak Road, Clackamas County Map 3-2E-16A Tax Lot 800

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

	The proposal does not conflict with our interests.	The proposal conflicts with our interests for the reasons stated below.
<u> </u>	The proposal would not conflict our interests if the changes noted below are included. See Attracted	The following items are missing and are needed for completeness and review:
	Signed 2 4	for alistas
		EXHIBIT 5

JAY

ANALYSIS AND FINDINGS

The applicant has proposed the modification of Glen Oak Meadows Planned Unit Development (PUD) by the removal of its street connection to Glen Oak Road. The proposed lot layout will remove part of Mossy Meadows Avenue, which crosses Caufield Creek, and replace it with a pedestrian bridge. A fire access and utility maintenance road has also been proposed. The purpose of the proposed modification is to prevent unsafe intersection spacing between Heider Drive and Mossy Meadow Avenue, and reduce the number of access points onto Glen Oak Road. Removal of the proposed street connection also helps to prevent negative impact to Caufield Creek and allows for a larger wetland and riparian area.

Staff recommends approval of the proposed PUD modification.

Criterion 1:

Consistency with the Planned Unit Development purpose:

Section 17.64.010.B.

Applicant has met this criterion by allowing additional re-creation of Caufield Creek natural features at the location where a road crossing had previously been proposed. Changes to the common open space have not been proposed.

Section 17.64.010.C.

Applicant has met this criterion by allowing additional re-creation of Caufield Creek natural features as well as helping to enhance public safety by removing a conflict point from Glen Oak Road while providing pedestrian access in direct alignment with an existing road intersecting Glen Oak Road.

Criteria 2:

Section 16.12.020 Street Design – Generally.

Applicant has not proposed a change to the street design other than the connection of the proposed Mossy Meadows Avenue to Glen Oak Road. An emergency vehicle turn-around loop has been proposed at the northern end of Mossy Meadows Avenue. A letter prepared by Todd Mobley of Lancaster Engineering suggests that Heider Drive will provide an adequate street connection to Glen Oak Meadows; however, it may be temporarily slightly overloaded if Glen Oak Meadows and Meadowood are fully built and occupied prior to Bailey Estates street construction.

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Section 16.12.050 Street Design – Alignment.

By proposing the removal of the street connection to Glen Oak Road, the applicant has brought the street alignments into closer compliance with City Code requirements by increasing the distance between streets intersecting a collector street. The City's Transportation System Plan (TSP) supersedes the street design requirements of City Code Chapter 16 and requires a minimum intersection spacing distance of 300 feet for local streets intersecting a collector street. The existing distance between High School Lane and Heider Drive is approximately 350 feet.

Section 16.12.150 Street Design – Pedestrian and Bicycle Safety.

By constructing a pedestrian/bicycle bridge across Caufield Creek to align with High School Lane, the applicant is reducing potential automobile and pedestrian/bicycle conflict points, and thereby increasing pedestrian/bicycle safety.

Criteria 3:

Section 17.62.120.C.

No phasing has been proposed as part of this application.

Criteria 4:

Section 17.64.120.D.

Changes have not been proposed for water or sanitary sewer. Storm sewer has been slightly revised to provide drainage from the north end of Mossy Meadow Avenue to Caufield Creek. The main impact is to the street system and has been addressed in a letter prepared by Todd Mobley of Lancaster Engineering and dated August 13, 2003. The letter suggests that Heider Drive will provide an adequate street connection to Glen Oak Meadows; however, it may be temporarily slightly overloaded if Glen Oak Meadows and Meadowood are fully built and occupied prior to Bailey Estates street construction. Once Bailey Estates streets are constructed, there will be another connection to Glen Oak Road. There may also be another connection to Glen Oak Road further to the west as future development occurs. Meadowood has also provided for future connection to the south, and an emergency access from Hwy. 213.

Criterion 5:

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Section 17.64.120.E.

No changes to dimensional standards have been proposed as part of this application.



August 13, 2003

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

RE: Glen Oak Meadows - Revised Street Network

Dear Sean:

This letter is written to address the revised street network for the Glen Oak Meadows subdivision. I understand that the previously planned access to Glen Oak Road is located in close proximity to, but not aligned with, the recently constructed High School Drive. Since an aligned four-way intersection is not possible, the access to Glen Oak Road has been removed, and access to Glen Oak Road will now be via Heider Drive, the nearest connection to the east.

The attached drawing shows the layout of Glen Oak Meadows in relation to other nearby developments. Pioneer Place is adjacent to the east, and is fully built out. Meadowood is a subdivision of the south and west that has received a conditional approval but is not yet under construction. Bailey Estates is a subdivision adjacent to the west that is not yet approved, but is just beginning the application process.

As the subdivision layout shows, Heider Drive will be the main connection to Glen Oak Road for Pioneer Place, Glen Oak Meadows, and Meadowood. Bailey Estates will provide a second access to Glen Oak Road, although the status of this development is not clear. Heider Drive is a residential local street, which is generally expected to carry traffic volumes of approximately 1,000 to 1,500 vehicles per day. Since all the developments that will be served by Heider Drive are detached single family subdivisions, approximately 100 to 150 homes would be a reasonable maximum to be served by a single local street.

Pioneer Place has 81 lots, Meadowood has 41 lots, and Glen Oak Meadows has 57 lots, for a total of 179 single-family homes. If Meadowood and Glen Oak Meadows are both built and occupied before Bailey Estates is completed, it is possible that Heider Drive will be slightly over capacity. However, this will be a temporary condition, and while 179 homes may result in slightly higher than desirable traffic volumes on Heider Drive, it will not be grossly over capacity. It is possible that some traffic from Osprey Glenn to the east could also use

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





August 13, 2003 Page 2 of 2

Heider Drive, but conversely, some traffic from Pioneer Place may use Osprey Glenn to reach Glen Oak Road. The net result is expected to be negligible.

In summary, Heider Drive may be slightly overloaded if Meadowood and Glen Oak Meadows are fully built and occupied before street construction on Bailey Estates is completed. However, this would be a temporary condition traffic volumes would be only slightly higher than generally anticipated on a local residential street. If Bailey Estates is currently in the application process, it is entirely likely that the second connection to Glen Oak Road it facilitates would be in place prior to build-out of the surrounding developments.

If you have any questions or would like any further information, please don't hesitate to call.

Yours truly,

TONEN

Todd E. Mobley, PE Senior Transportation Engineer



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Planning Commission320 WARNER MILNE ROADOTEL (503) 657-0891F

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



FILE NO.:	PD 03-01	Complete: March 26, 2003 120-Day: July 24, 2003
APPLICATION TYPE:	Type III	Extended to: August 7, 2003 Extended to: August 21, 2003 Extended to: October 2, 2003
HEARING DATE:	August 25, 2003 7:00 p.m., City Hall 320 Warner Milne Road Oregon City, OR 97045	
APPLICANT:	Paul Reeder 10893 Forest Ridge Lane Oregon City, OR 97045	
REPRESENTATIVE:	Sisul Engineering, Inc. Tom Sisul 375 Portland Avenue Gladstone, OR 97027	

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

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

REVIEWER: Tony Konkol, 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. At the evidentiary hearing held before the planning commission or the 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 applicant applied for a Zone Change from R-10 Single-Family to R-8 Single-Family and a 41- lot Planned Unit Develop for tax lot 1700 on September 3, 1998. This request has unanimously denied by the Planning Commission following a public hearing on April 26, 1999.

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

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

The initial application request for file PD 03-01 consisted of 52 detached single-family dwellings, 14 attached single-family dwellings, and an 18 unit multi-family development. The application was revised on April 21, 2003 to request a PUD consisting of 52 detached single-family dwellings and 24 attached single-family dwellings. A third revision, dated May 29, 2003, has proposed the development of 51 detached single-family dwellings and 24 attached single-family dwellings and 24 attached single-family dwelling. This revision includes the relocation of the proposed local street around an existing wetland and the removal of the fill in the vegetated corridor. The fourth and final narrative, dated August 3, 2003 (Exhibit 3) incorporates a revised site layout consisting of 52 detached homes and 24 attached homes and a detailed open space plan (Exhibit 4), and Supplemental Information, dated August 3, 2003 (Exhibit 5) addressing the path design and lighting variance. The applicant also submitted additional information addressing the design of the storm water ponds (Exhibit 6), methods to maintain adequate flows to the wetlands and techniques to address the high ground water table (Exhibit 7), and an addendum and additional information concerning the water resource report (Exhibits 8 and 9).

The applicant submitted a letter dated May 19, 2003 expressing their frustration with the City's Development Code language in regards to Water Resources and is requesting consideration of their initial PUD layout and water resource mitigation plan which proposed to fill the wetland buffer areas, raise the water level within the wetland, and provide a road over a degraded wetland (Exhibit 10). Please see Section 17.49.050.F of Planning File WR 03-01 for staff response to why the request would not be recommended for approval.

BASIC FACTS:

- 1. Location. The development is located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).
- 2. **Existing Conditions.** The 16.02-acre site comprises two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700 contains an old vacated home and tax lot 300 is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

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

3. **Zoning and surrounding Land Uses.** Tax lot 1700 is zoned R-10 Single-Family Dwelling District. Tax Lot 300 is zoned R-6/MH Single-Family/Manufactured Home Dwelling District.

- North: Directly north of a majority of the site is the Oaktree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling.
- South: Directly south of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing.
- West: The property to the west of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing.
- **East:** South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.
- 4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 76 dwelling units (52 detached single-family lots and 24 attached single-family dwellings). Access to the site would be from Rose Road at 4 locations, including 2 cul-de-sacs and a loop road. The applicant has proposed full street improvements on the 2nd cul-de-sac and loop road. The 1st cul-de-sac is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the 10 attached housing units at the front of the site. The applicant has also proposed ½ street improvements for Rose Road and South End Road.

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

The applicant has requested a variance to reduce the required pedestrian lighting standard from a minimum of 3-footcandles to a 1.5 foot-candle average, 0.5 foot-candle minimum, and a maximum to minimum ratio of 7:1 (VR 03-11). 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 76-unit Planned Unit Development. PUD's are permitted in the R-10 and R-6/MH Single-Family Dwelling Districts but they must comply with the requirements of OCMC Chapter 17.64.

Under Section 17.64.030, a development proposal may be processed as a PUD as long as the development proposes at least 80 percent of the gross density allowed by the underlying zone. Tax lot 300, which is 6.5-acres, could accommodate 41.6 dwelling units at 6.4 units per gross acre under the R-6/MH Single-Family Dwelling District density requirements. Tax lot 1700, which is 9.52 acres, could accommodate 41.9 dwelling units at 4.4 units per gross acre under the R-10 Single-Family Dwelling District density requirements. The total site could accommodate 84 dwelling units and the PUD must have a minimum density of 80 percent for the site, which represents 67 units. The applicant has proposed 76-units, which is 90 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 365,215 square feet and is comprised of 52 detached dwellings on approximately 268,778 square feet of developable area, representing 74% of the net developable area. The 24 attached dwellings, located on approximately 96,437 square feet of developable area, represents 26% of the net developable area.

- 6. Adjustments to the R-10 and R-6/MH Single-Family Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. The only two items that may not be adjusted are the setbacks around the perimeter of the PUD and the minimum density requirement of 80 percent of the maximum density of the underlying zone. The preliminary PUD proposed a density of 76-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 April 2, 2003. The subject site was posted on April 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on April 9, 2003 requesting comments. Comments were received from the Oregon City Engineering Department (Exhibit 11), the Oregon City Park Department (Exhibit 12), David Evans and Associates (Exhibit 13), Tri-Met (Exhibit 14), and the Hazel Grove/Westling Farms Neighborhood Association (Exhibit 15).

Comments have been received from the following individuals: Brett Livingston of 18925 Lafayette Avenue, Oregon City, Oregon 97045 (Exhibit 16); John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 17); Michael and Virginia Tondreau of 18851 Rose Road Oregon City, Oregon 97045 (Exhibit 18); James Kosel of 11466 Finnegan's Way, Oregon City, Oregon 97045 (Exhibit 19); Kathleen Galligan of 18996 Rose Road, Oregon City, Oregon 97045 (Exhibit 20); Kathy and Jim Worden of 18835 Rose Road, Oregon City, Oregon 97045 (Exhibit 21); and William Wigmore of 18845 Lafayette Avenue, Oregon City, Oregon 97045 (Exhibit 22); and Russ Woodward of PO Box 839, Oregon City, Oregon 97045 (Exhibit 32).

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 "I" Community Facilities Oregon City Transportation System Plan – Ancillary document to Comprehensive Plan

Oregon City Municipal Code Standards and Requirements

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

ANALYSIS AND FINDINGS:

Consistency with the Comprehensive Plan

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

Finding: The applicant has proposed to provide a mix of single-family attached and detached housing on a range of lot sizes from 3,500 to 6,870 square feet, with a majority of the detached housing on lots of 5,000 square feet. This standard is met.

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

Description of Water Resources, Rivers and Creeks

5. Little Beaercreek:

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

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

Water Resource Goals:

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

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; andd. Prevent discharge of water pollutants into the ground.
- 5. Provide the opportunity to increase water resource areas by encouraging and requiring water resource restoration and creation.
- 6. Encourage educational opportunities for the study of water resources through the schools, community college, Metro, and other agencies.
- Finding: The subject site drainage courses were most likely non-channelized wetlands in their historic condition. These wetlands currently form the headwaters of an unnamed stream that is a tributary of Little Beaver Creek. The WQRA consists of several groves of trees, but are primarily pasture with colonized noxious invasive species.

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

the vicinity outside of any transition area, if the buildings are properly located to minimize any potential impacts.

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

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

The applicant can satisfy this section by complying with the conditions of approval provided in Planning File WR 03-01 (Condition of Approval 1).

7. South Rose Road area: (3-1E-1, tl 2000, 3-1E-1CD, 3-1E-12B)

Description: This area is shown on the SCS maps as having a high proportion of Delena Soils. There is also evidence of wet soils/high water table in this area. Determinations will be required for any development in this area.

Finding: This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology Hazards of North Western Clackamas County that indicates the proposed project site is located in a Wet Soils-High Water Table. The applicant has submitted a Geotechnical Engineering Report for Rose Vista Subdivision by James D. Imbrie, Scott L. Hardman, P.E., and Kirk L. Warner, P.G.; all with GeoPacific Engineering, Inc. The report is dated January 2, 2003 (Exhibit 23). An addendum to the Geotechnical Engineering Report was provided and is dated July 14, 2003 (Exhibit 6). On site subsurface explorations were conducted on December 19, 2002.

It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. The applicant shall specify how the high ground waters will affect the function of the detention ponds, including special construction requirements, storage volumes, and pond function.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 17 and 18.

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

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

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

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

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

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

The subject site is located within the Oregon City Water Quality Resource Area and will be protected per the standards of OCMC Section 17.49. The applicant has proposed an open space area in excess of 20% of the total site area and has incorporated a mixture of passive and active uses. The open space will be maintained by the homeowners through the development of appropriate CC&R's. A further analysis of the proposed open space associated with this project is addressed in Section 17.64.040.D below. The applicant can provide the necessary recreational activities by complying with the conditions and findings of this staff report.

Chapter 16.08 Subdivision Process and Standards

Chapter 16.08.010 - Purpose and General Provisions

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

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

Chapter 16.08.020 – Pre-application Conference

Finding: The pre-application conference was held on July 31, 2002 (Exhibit 24). This standard is met.

Chapter 16.08.050 - Preliminary Subdivision Plat - Narrative Statement

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

A. Subdivision Description.

- Finding: The applicant provided a detailed description of the proposed development and has submitted an application for a variance to the pedestrian accessway lighting standards (Exhibits 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.

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

The applicant's proposed waterline plan indicates constructing a 12-inch diameter water main along the site's frontage with Rose Road and connecting to the existing City 12-inch water main in South End Road. A water main with a dead end line (in road between the two water resource areas) is proposed to serve lots 52-65. Another water main is proposed to loop around the properties on the northwest side of the site, with a dead end water main serving lots 17-21. The proposed water improvements provide two stubs to the northwest at Rose Road and the proposed interior street. The applicant has proposed blow off assembly at dead end lines, six new fire hydrants, and water service to all of the proposed lots.

The 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, 3, and 4.

Sanitary Sewer

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

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

The applicant has proposed to extend the sanitary sewer to the northwest property boundary in Rose Road and the proposed street.

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

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

This standard is not met. The applicant can meet this standard by complying with conditions of approval 5, 6, 7, 8, 9, 10, and 11.

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

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

The applicant has proposed to drain the site into two detention ponds and four areas with underground detention pipes. The detention systems are located adjacent to the wetland areas and do not encroach into the water resource buffer areas. The applicant proposes to drain the northwestern side of the site

into various detention pipes and a pond, then into the northwestern drainage swale. The applicant does not clearly show how the storm system for the southeast swale will function.

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

Most of the proposed detention pipes are undersized. The detention pipes minimum size is 42-inches.

Preliminary Hydrology/Detention calculations have been provided to the City for review (Exhibit 26). The applicant's engineer has provided an additional Downstream Drainage Analysis for the area between Rose Road and the drainage inlet at Southridge Meadows (Exhibit 27). 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 15-year storm events. Therefore, the peak runoff for these posted developed storms should be less than the existing storm events.

The applicant has preliminarily addressed how the storm system will function in a high ground water table and how the existing water resource/wetlands will be maintained/recharged.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 12, 13, 14, and 15.

Parks and Recreation

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

Traffic and Transportation

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

The applicant submitted a Traffic Impact Analysis (TIA) for the Rose Vista Subdivision by Todd E. Mobly; P.E., with Lancaster Engineering and dated December 2002 (Exhibit 28). The TIA has been reviewed by the City and David Evans and Associates and it has been determined that the applicant's TIA generally meets the City's requirements and this project is not expected to trigger off-site mitigation, rather it will simply add to the need for planned improvements already underway. The applicant shall be responsible for paying System Development Charges as well as signing a Non-Remonstrance Agreement with the City for future improvements.

The applicant has demonstrated that a signal will be warranted at the Warner Parrott Road/South End Road intersection by 2004 with or without the proposed development.

There are sight distance problems due to vegetation on the northwest side of South End Road.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 16.

Schools
Finding: The Oregon City School District was notified of the development. The applicant has indicated that the School District Business Manager, Ken Rezae, stated in a telephone conversation that this development might facilitate a boundary adjustment for the Elementary Schools. The Middle School is near capacity, but this development would not bring the middle schools to capacity. There would be no capacity issues at the High School.

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 fire and police services. The proposed development is located on South End Road, a minor arterial, which provides relatively quick and convenient access to the site for emergency vehicles. The applicant meets this standard as proposed.

- C. Approval Criteria and Justification for Variances.
- **Finding:** The applicant has addressed Chapter 16.12 below. 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 03-11. 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 Rose Vista Subdivision by James D. Imbrie, Scott L. Hardman, P.E., and Kirk L. Warner, P.G.; all with GeoPacific Engineering, Inc. The report is dated January 2, 2003 (Exhibit 23). An addendum to the Geotechnical Engineering Report was provided and is dated July 14, 2003 (Exhibit 6). On site subsurface explorations were conducted on December 19, 2002.

The addendum to the Geotechnical Engineering Report focused on enhancing the quality of the wetlands while maintaining the performance and function of the ponds. The addendum to the Water Resource Report addressed design techniques to account for the groundwater on the site (Exhibit 9).

It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. The applicant shall specify how the high ground waters will affect the function of the detention ponds, including special construction requirements, storage volumes, and pond function.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 17 and 18.

E. Water Resources.

Finding: The site is subject to Chapter 17.49: Water Quality Resource Overlay District. The applicant submitted a separate Water Resource Review identified as Planning File WR 03-01. This standard is not met. The applicant can meet this standard by complying with Condition of Approval 1.

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

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

G. Phasing.

Finding: The proposed development will be completed in one phase, except that the non-exempt housing types (single-family attached) will require additional approval through the Site Plan and Design Review. The applicant has submitted the Site Plan and Design Review of the Single-Family Attached housing concurrently with the PUD review and is identified as Planning File SP 03-07. This standard is met as proposed.

H. Density.

Finding: The overall density of the proposed PUD in one dwelling unit per 9,184 square feet, based on the original parcel size of 16.02 acres or 4.74 units per acre. Densities for each dwelling type are as follows: Lots 1-52 intended for single-family detached average 5,169 square feet, Lots 53-76 intended for single-family attached average 4,018 square feet. This standard is met.

<u>Chapter 16.12Minimum Improvements and Design Standards for Land Divisions</u> [Section 17.64.120(B) requires that PUDs meet the applicable standards of this Chapter.] 16.12.010 Purpose and general provisions.

All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the decision-maker shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans association with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition (Ord. 98-1007 [(part), 1998)

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

Chapter 16.12.020 - Street Design-Generally

The location, width and grade of the street shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets.

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

This standard addresses minimum right-of-way width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer's recommendation.

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

The applicant has proposed an 11.5-foot dedication along the property fronting Rose Road. The applicant is proposing ROW of 53 feet throughout the site for the interior streets.

South End Road is classified as a Minor Arterial by the TSP, which requires a minimum ROW width of 64-114 feet. Currently, South End Road appears to have a 60-foot ROW.

The applicant has proposed a 10-foot dedication along the property fronting South End Road.

The 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 has proposed a reserve strip at the northwesterly end of the proposed new street (between lots 1 and 36). The reserve strip shall be noted on the plat to be automatically dedicated as public ROW upon the approval of ROW dedication and/or City land use action approval of the adjacent property.

The applicant meets this standard as proposed.

Chapter 16.12.050 Street Design-Alignment

Streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines.

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

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

Any accessway with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager, and Fire Chief, and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Chief to assure an adequate level of fire and life safety.

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

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles.

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

Chapter 16.12.080 Street Design-Additional right-of-way

The decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards.

Finding: This standard is addressed in Section 16.12.030 above.

The applicant meets this standard as proposed.

Chapter 16.12.090 Street Design-Half Street

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

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

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

The applicant has proposed a half-street improvement plus 10 feet and a temporary curb for Rose Road along the property's frontage. The proposed interior streets are fully improved with 5-foot vegetated planter strips, 5-foot sidewalks, and 32 feet of pavement with curb. The applicant has proposed to widen South End Road to a pavement width of 29 feet from the centerline along the property fronting South End Road. The applicant has proposed a 6-foot planter strip and 7-foot sidewalk. The TSP requires a 5-foot planter strip, however, if the ROW permits, the applicant shall provide a larger planter strip to utilize the remaining ROW during the construction plan review.

Parking will be allowed on both sides of streets with 32 feet or more of pavement width. Parking will be allowed on one side of streets with less than 32 feet and 26 feet or more pavement width.

Emergency vehicle turn-around will have to be approved by Clackamas Fire District #1.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 19, 20, 21, 22, 23, 24, and 25.

Chapter 16.12.100 Street Design-Cul-de-sac

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

Finding: A cul-de-sac is permitted due to wetlands on the site and existing development patterns to the northeast of the site that negates the ability to create a through street. The cul-de-sac is less than three hundred fifty feet and a pedestrian walkway is proposed connecting the cul-de-sac to the proposed development to the west and South End Road to the east.

The applicant meets this standard as proposed.

Chapter 16.12.110 Street Design–Private Street

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

Finding: A private street is proposed for access to the attached dwelling lots from the cul-de-sac. The private street, within access tract "B", will have a width of 38.5 feet and length of approximately 110 feet. There will be 28 feet of pavement with parking, a 5-foot sidewalk, 5-foot planter strip, and streets trees located on one side of the street.

A second private street, within access tract "A", is proposed from the interior local street and will provide access to the detached lots. The drive will have a width of 38.5 feet including 28 feet of pavement with parking, a 5-foot sidewalk, 5-foot planter strip, and street trees located on one side of the street and a length of approximately 200 feet. The private streets are appropriate due to the wetland on the site and the existing development pattern to the north/northeast of the site.

The street design should include the use of street trees to reduce the amount of pavement that is not shaded and to reduce the amount of rain on the pavement, both of which impact the water quality of the run-off from the site to the adjacent Water Quality Resource Area. Also, the sidewalks along this private drives will serve as part of the pedestrian accessway connection from the new interior street to South End Road and should have trees to provide shade to those utilizing the accessway and is required when the path ROW is 20 feet or more, which is the case for the remainder of the accessway through the open spaces.

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

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

This standard is not met. The applicant can meet this standard by complying with condition of approval 22, 26, and 27.

Chapter 16.12.120 Street Design-Street Names

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street.

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

Grades and centerline radii shall conform to the standards in the city's street design standards and specifications.

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

Chapter 16.12.140 Street Design-Access Control

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

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

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 28.

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 curb extensions at street intersections have been proposed.

The subject site is the first development proposed on Rose Road. There are several potential street connections to Rose Road that will impact the welfare of pedestrians, bicyclists, and residents of the

subject area that could be reduces through the use of a local street design that discourages the use of Rose Road and the interior local street by non-local automobile traffic. Exhibit 29 demonstrates the existing street stubs in proximity to Rose Road that could potentially connect to Rose Road as the South End area is developed.

Madrona Drive, located to the northwest of the subject site is currently stubbed to a property that would potentially connect to Rose Road when the site is developed. This connection would provide an alternate route to the intersection of South End Road and Warner-Parrott Road. Directly west of the subject site is Deer Lane, which could potentially serve as a continuation of north south traffic that would be using Madrona Drive. This connection could provide a connection to Brandon Street and Forest Ridge Road south of Rose Road. There are two street stubs in the South Ridge Meadows subdivision, located south of Rose Road. At a minimum, one of the streets would connect to Rose Road, providing additional pedestrian and vehicle connectivity in the area.

The potential connections to surrounding areas will inevitably increase the potential for local street use by non-local automobiles. This section of the code allows the city to utilize local street designs that will discourage this use, specifically through the use of methods to reduce vehicle speeds and by providing for safer street crossing for pedestrians and bicyclist.

The proposed interior street will most likely continue running parallel to Rose Road, potentially connecting to the Madrona Drive extension. This will create a long straight length, approximately 1,250 feet. Traffic calming measures will be required to discourage use of the local street by non-local automobiles and reduce traffic hazards for pedestrians, bicyclists, and residents utilizing the interior street system.

The applicant has proposed appropriate traffic calming measures at the 4 intersections to Rose Road from the subject site, the "T" intersection on the new interior street, and at the intersection of Rose Road and South End Road.

The applicant has satisfied this standard as proposed.

Chapter 16.12.160 Street Design-Alleys

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

Finding: No alleys are proposed.

Chapter 16.12.170 Street Design-Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation.

Finding: The applicant indicates that a bus stop at the corner of Rose Road and South End Road, which serves Route 79, will need to be adjusted to accommodate the larger street section. Coordination with Tri-Met officials will be done in regards to the new improvements.

The applicant shall replace the existing Tri-Met bus stop sign and coordinate with Tri-Met to ensure that the bus stop has adequate lighting.

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.

Some of the street trees proposed within the development 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 29.

Chapter 16.12.190 Blocks-Generally

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

Finding: 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

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

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

This standard is met as proposed.

Chapter 16.12.210 Blocks-Width

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

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

Chapter 16.12.220 Blocks-Pedestrian and Bicycle Access

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

Finding: The applicant has proposed a pedestrian/bicycle accessway that will facilitate the most practicable and direct pedestrian connection from the cul-de-sac and private drives to public ROW, South End Road, and the proposed open space on the subject site.

The applicant has proposed a 10-foot wide pedestrian path within a 20-foot easement through the open space, except for the 5-foot bridges across the wetlands. The applicant has proposed a landscaping plan along the pedestrian access that meets City code with a few modifications concerning the placement of trees on the northwest side of the detention pond.

This standard is not met. The applicant can meet this standard by complying with Condition of Approval 30.

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

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

Finding: Each lot has at least 20 feet of frontage on a public street, except for lots 17-21 and lots 55-58, which will have access from the private drive, an allowed design in a PUD. Lots 17-21 and 55-58 will have poles out to the public rights-of-way. This standard is met as proposed.

Chapter 16.12.250 Building Sites -Through Lots

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

Finding: No through lots are proposed.

Chapter 16.12.260 Building Sites—Lots and Parcel Side Lines

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

Finding: All lot lines are at right angles or radial to the new streets, except for a limited number of lots bounded by wetland buffers or around the cul-de-sac. This standard is met as proposed.

Chapter 16.12.270 Building Sites-Solar Access

The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon.

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

Chapter 16.12.280 Building Sites-Grading

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

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

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

Chapter 16.12.290 Building Sites—Setback and Building Location

Lots located on collector or minor arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the collector or minor arterial street.

Finding: The applicant shall located the front yard setback on and orient the front of the primary structure of lots 71-76 to face South End Road, a Minor Arterial.

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

Chapter 16.12.300 Building Sites—Division of Lots

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets that facilitates future redivision.

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

Chapter 16.12.310 Building Sites—Protection of Trees

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources.

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

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

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 33 and 34.

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 proposed three access easements. Access easement "A" to serve lots 17 through 22, access easement "B" to serve lots 55 through 58, and access easement "C" to sere lots 67 through 76. The applicant proposes a 20-foot wide pedestrian easement along the northeast property boundary from the open space area to South End Road. Additional easements/tracts may also be determined with the review of construction plans.

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

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 File WR 03-01.

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 38.

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 39.

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 40.

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.

<u>Chapter 17.08 R-10 Single-Family Dwelling District</u> [Section 17.64.120(B) requires that PUDs meet the applicable standards of this chapter.]

17.08.040 Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum average lot width, seventy-five feet;
- C. Minimum average lot depth, one hundred feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, twenty-five feet minimum depth,

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

3. Corner side yard, twenty feet minimum width,

4. Rear yard, twenty feet minimum width,

5. Solar balance point, setback and height standards may be modified subject to the provisions of Section

17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))

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

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

[Section 17.64.120(B) requires that PUDs meet the applicable standards of this chapter.] 17.13.040 Dimensional standards.

- Dimensional standards in the R-6/MH district are:
- A. Minimum lot area, six thousand and eight hundred square feet;
- B. Minimum average lot width, eighty feet;
- C. Minimum average lot depth, eighty-five feet;
- D. Maximum building height, not to exceed twenty feet;
- E. Minimum required setbacks:
 - 1. Front yard, fifteen feet minimum depth;
 - 2. Interior side yard, seven feet minimum for at least one side yard; five feet minimum for the other side yard;
 - 3. Corner side yard, fifteen feet minimum width;
 - 4. Rear yard, ten feet minimum width;
 - 5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1024 §4(part), 1992)
- **Finding:** This standard is addressed in the Planned Unit Development section of the staff report concerning(*C*) *Adjustment to Dimensional Standards.*

Chapter 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication conference and neighborhood meeting.

A. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. The applicant may also schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed.

B. Preapplication Conference. To schedule a preapplication conference, the applicant shall contact the planning manager, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way. The purpose of the preapplication conference is to provide staff from all affected city departments with a summary of the applicant's development proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The planning manager shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations. Following the conference, the planning manager shall provide the applicant with a written summary of the preapplication conference.

C. Affected Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

D. Notwithstanding any representations by city staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The planning manager may waive the preapplication requirement if, in the manager's opinion, the development does not warrant this step. (Ord. 98-1008 §1(part), 1998)

Finding: The applicant held a pre-application meeting with staff, identified as PA 02-47, on July 31, 2002 prior to submitting the application (Exhibit 24). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion is met.

(b) <u>17.50.060 Application requirements.</u>

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must be submitted on the form provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met. (Ord. 98-1008 §1(part), 1998)

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

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

A. Upon submission, the planning manager shall date stamp the application form and verify that the appropriate application fee has been submitted. The planning manager will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the planning manager shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty days within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one-hundred-eighty-day period, the planning manager shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

C. Once the planning manager determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete and take final action on the application within one hundred twenty days of that date unless the applicant waives or extends the one-hundred- twenty-day period. The onehundred-twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one-hundred-twenty-day period.

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one-hundred-twenty-day period for the amount of time required to correct the notice defect.

3. The one-hundred-twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.

4. The one-hundred-twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. The approval standards which control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted. (Ord. 98-1008 §1(part), 1998)

Finding: The applicant submitted the application on January 14, 2003. The City deemed the application complete on March 26, 2003.

(d) <u>17.50.090 Public notices</u>.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasijudicial or legislative actions, shall comply with the requirements of this section. A. Notice of Type II Applications. Once the planning manager has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080(H), the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. The city's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;

2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.

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 April 2, 2003. The application was advertised in the Clackamas Review and the property was posted on April 7, 2003.

(e) 17.50.100 Notice posting requirements.

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

A. City Guidance and the Applicant's Responsibility. The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one-hundred-twenty-day period in a timely manner.

B. Number and Location. The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice. (Ord. 98-1008 §1(part), 1998)

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

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

A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.

C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

1. The file number and date of decision;

2. The name of the applicant, owner and appellant (if different);

3. The street address or other easily understood location of the subject property;

4. A brief summary of the decision, and if an approval, a description of the permit approved;

5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;

6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type II. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved. (Ord. 98-1008 $\S1$ (part), 1998)

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

(g) 17.50.140 Performance guarantees.

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

A. Form of Guarantee. Guarantees shall be in a form approved by the city attorney, including an irrevocable standby letter of credit issued by a recognized lending institution to the benefit of the city, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the city. The guarantee shall be filed with the planning division.

B. Amount of Guarantee. The amount of the performance guarantee shall be equal to at least one hundred ten percent of the estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than one hundred ten percent if deemed necessary by the community development director. The cost estimate substantiating the amount of the guarantee must be provided by the applicant supported by either an engineer's or architect's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor and other costs.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the applicant. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval or the guarantee, the director may, at his discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city. Once constructed and approved by the city, any remaining funds shall be refunded to the applicant.

D. If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the applicant fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in subsection C of this section. (Ord. 98-1008 \S 1(part), 1998)

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

Chapter 17.64 Planned Unit Development

Chapter 17.64.010 Purpose

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

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

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

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

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

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

Chapter 17.64.030 Applicant's option

A development proposal may be processed as a PUD at the applicant's option, and is offered as an alternative process for residential development; provided, that at least eighty percent of the gross density allowed by the underlying zone is met. If the property bears a PUD overlay designation, the property may be developed only in accordance with this chapter. PUD overlay designations will be legislatively applied by the city to residentially zoned land with natural features, physical characteristics, topography, development constraints, or other unique or special circumstances that warrant preservation or otherwise constrain development of the property. (Ord. 00-1005 §3, 2000: Ord. 97-1024 §1(part), 1997)

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

Chapter 17.64.040 permitted uses and basic PUD requirements

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

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

- 1. Detached single-family dwellings and duplexes on individual lots;
- 2.Attached single-family dwellings and multiple-family dwellings, such as townhouses, condominiums, common wall units and row houses;
- 3. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
- 4. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
- 5. Common public and private open space;
- 6. Hiking and/or bicycle riding trails;
- 7. Accessory structures and uses permitted in the existing underlying zone.

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

B. Conditional Uses. Notwithstanding the use provisions of the underlying residential zone, all uses allowed outright in the neighborhood commercial zone are allowed, with appropriate conditions, as part of a PUD. A separate conditional use permit is not required for these uses so long as the applicant demonstrates that:

- 1. The commercial development is accessory to, and compatible with, the PUD and primarily for the convenience and benefit of the residents of the neighborhood;
- 2. The gross area of the PUD is at least ten acres in size;
- 3 The neighborhood commercial uses occupy no more than twenty percent of the net developable area; and
- 4. The neighborhood commercial uses will be planned and constructed so as to support and be compatible with the entire PUD and will not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

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

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

requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.

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

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

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

The applicant has proposed the following modifications:

The applicant has proposed, and staff concurs, that in order to maintain the maximum setback distance from the neighboring property to the north allowed by the zoning ordinance, a 7-foot setback will be provided on the north/northwest side of lots 1, 36, and 37.

The applicant has indicated that the perimeter setback for new buildings within the development will satisfy the perimeter setback for the underlying zone.

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

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

The applicant is required to provide the underlying zone setback for all perimeter lots on the subject site. This standard would require that the attached housing facing South End Road and Rose Road have a front yard setback of 25 feet. Staff would recommend that the setback for lots 71-76, which will be fronting South End Road, and lots 50-52 and 66-70, which have frontage on Rose Road, be reduced to 15 feet in order to provide an urban appearance and streetscape on South End and Rose Road.

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

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

The current design standard for driveway approaches allows a driveway width of 24 feet (30 feet with tapers) for properties zoned below R-8 (Exhibit 30). Such a design would allow a driveway to cover nearly 50% of the property frontage of the detached housing units and nearly 75% of the attached housing units. Staff would recommend that the driveway width from the property line to the planter strip be limited to 16 feet wide (22 feet wide at the street to allow for the taper) 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, and minimize the negative aesthetic impacts to the streetscape that will occur with un-proportionally large driveways.

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

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 sitting benches, picnicking, reading, bird watching areas. Land area to be used for the open space or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: The applicant has proposed to provide 24.8% of the total gross area as common open space. The applicant states that the open space functions to protect the natural areas as well as provide a buffer and visual separation between the various types of housing (Exhibit 3), creating three distinct "neighborhoods".

The applicant indicates that the closest open space with play structures is located at John McLoughlin Elementary School, which is approximately 800 feet from the site or no more than a 0.15 mile walk from most new lots. Exhibit 25 illustrates all properties within ¼ mile of the school. A majority of the site is located outside the maximum distance allowed under the PUD to be considered within close enough proximity to provide/meet the recreational needs for the proposed development.

The applicant has provided a site plan of the open space demonstrating the proposed active and passive activities, including pathways, a play area, jungle gym, tether ball, ½ court basketball, and picnic benches. There is also a grassy area that could be used for soccer or similar sports. The site plan (Exhibit 4, Sheets L2-L5) demonstrates how the pathways and other uses are arranged on the site. Passive activities, such as reading or watching others play can take place at the picnic benches adjacent to the active recreational equipment. The open space areas are proposed to be owned and maintained through a homeowners' organization, which will be created through CC&R's recorded with the final plat.

The project has proposed 173,080 square feet (24.8%) of the total area of the subject site as open space, of which, approximately 23,400 square feet (13.5%) is proposed for active open space. A large majority, approximately 149,680 square feet (86.5%) at a minimum, is protected as part of the Water Quality Resource Area per the decision of Planning File WR 03-01.

The applicant has proposed signage and a decorative fence around the water resource area to prevent activities within the protected areas of the site. The applicant has proposed benches along the proposed accessway and additional pathways with sitting areas have been provided behind lots 52-53 and 61-62 and across the parking lot from lots 74-75 to overlook the water quality resource area. The additional pathways are developed without lighting and act as a more informal pathway system to provide separation for passive activities.

Per Section 12.24.040.G, staff finds that it is inappropriate to require fencing and/or vegetative shrubs on both sides of the accessway connecting South End Road to the interior local street. However, the applicant has provide appropriate screening in accordance with Section 12.24.040.F for the northeastern property line in order to provide a buffer from the accessway to the existing residential properties.

The applicant has designed the entryways to the bike/pedestrian system (End of Tract "A" and "B", between lots 60 and 61, attached housing parking lot, and South End) that incorporates enhanced landscaping in order to identify and draw attention to the location/continuation of the pathway system throughout the subject site and discourage use of the pathway system by vehicles.

The applicant has proposed to plant a mixture of deciduous and coniferous trees to provide a natural open space with an assortment of trees from the Oregon City Native Plant List. The applicant has incorporate shade trees in the play area and on the south/southeast side of the basketball court. The increased trees provide a buffer from the proposed open space and the existing and proposed homes and create a more natural, park like setting to fulfill the recreational needs of the PUD residents.

The applicant has proposed a large asphalt pad that will be designed with half-court basketball. It appears that the other half of the pad will be underutilized, as it is not designed for any particular use. Staff would recommend that a basketball hoop be provided at the opposite end of the pad or a different active use, such as a sand volleyball court, should be provided.

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

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

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

1. Water;

Finding: This standard is addressed in Section 16.08.050 above.

2. Sanitary sewer;

Finding: This standard is addressed in Section 16.08.050 above.

3. Stormwater management;

Finding: This standard is addressed in Section 16.08.050 above.

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

Finding: This standard is addressed in Section 16.08.050 above.

5. Schools; and

Finding: This standard is addressed in Section 16.08.050 above.

6. Fire and police services.

Finding: This standard is addressed in Section 16.08.050 above.

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

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

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

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

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

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

Finding: Tax lot 300, which is 6.5-acres, could accommodate 41.6 dwelling units at 6.4 units per gross acre under the R-6/MH Single-Family Dwelling District density requirements. Tax lot 1700, which is 9.52

acres, could accommodate 41.9 dwelling units at 4.4 units per gross acre under the R-10 Single-Family Dwelling District density requirements. The total site could accommodate 84 dwelling units and the PUD must have a meet the minimum density of 80 percent for the site, which represents 67 units. The applicant has proposed 76-units, which is 90 percent of the gross density permitted on the site.

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

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

Chapter 17.64.050 Density Bonuses

The decision-maker may exercise its discretion and grant a residential density bonus resulting in a maximum of up to one hundred fifteen percent of the gross density allowed by the underlying zone. In general, consideration of density bonuses may be given for housing design, historical preservation, preservation of natural features, tree preservation, additional open space and community amenities.

Specifically, allowance for density bonuses shall be considered for the following uses:

	Mixed Use Residential (Owner Occupied)	Multi-Family Use	Commercial Use
Under 10 acres	5%	5%	N/A
Over 10 acres	5%	5%	5%

Note: Density bonuses are calculated based on the gross density allowed by the underlying zone. (Ord. 00-1005 §5, 2000: Ord. 97-1024 §1(part), 1997)

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

17.64.060 Initiation of a PUD--Review process.

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

Finding: The applicant attended a pre-application with staff, identified as PA 02-47, on July 31, 2002 prior to submitting the application (Exhibit 24). 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. In general, the process involves three stages:

1. A pre-application conference;

2. A preliminary PUD plan, reviewed through a Type III process, including a public hearing before the planning commission with a right to appeal to the city commission based on the record;

3. A final PUD plan, consisting of a plan that conforms to the preliminary plan, and all conditions and requirements imposed by the planning commission during the preliminary plan approval process. The final PUD plan receives a Type I administrative review without a hearing so long as there are no material deviations from the approved preliminary PUD plan. (Ord. 00-1005 §6, 2000: Ord. 97-1024 §1(part), 1997)

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

17.64.070 Pre-application conference.

Before the city accepts an application for preliminary PUD plan approval, the applicant must attend a pre-application conference with the planning manager pursuant to Section 17.50.030, and pay the required fee. The planning manager will ensure that all affected city departments are represented at the pre-application conference. The purpose of the pre-application conference is to allow the applicant to explain in as much detail as possible, the development proposal, and to obtain comments and guidance from city staff sufficient to guide the applicant's preparation of the preliminary PUD plan. (Ord. 00-1005 §7, 2000: Ord. 97-1024 §1(part), 1997)

Finding: The applicant attended a pre-application with staff, identified as PA 02-47, on July 31, 2002 prior to submitting the application. 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. The applicant's submission must provide a complete description of existing conditions, the proposed PUD and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submission requirements for a preliminary PUD plan, which include plan drawings, a narrative statement and certain tabular information.

Finding: The applicant submitted the application on January 14, 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. Once the application is deemed to be complete enough to begin processing, staff reviews the application and prepares a staff report. The planning commission will hold a public hearing at which the application is reviewed, and the planning commission renders a decision on the application, either a denial or an approval with conditions. The final PUD plan must comply with all conditions of preliminary PUD plan approval. (Ord. 97-1024 §1(part), 1997)

Finding: The City deemed the application complete on March 26, 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.

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

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, walkways, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm sewer and water facilities, and an indication of existing and proposed land uses for the site.

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements:

- 1. A detailed site circulation plan showing proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and
- 2.A traffic impact study prepared by a qualified professional engineer, that assesses the traffic impacts of the proposed development on the existing transportation system and analyses the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development.

C. Natural Features Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and within two hundred fifty feet of the property's boundary. Features that must be illustrated shall include the following: proposed and existing street rights-of way and all other transportation facilities, all proposed lots and tracts, all trees with a width six inches or greater in diameter, measured four feet from the ground, all jurisdictional wetlands (according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition), all known geologic hazards, landslides or faults, areas with a water table within one foot of the surface, the location of any state or federal threatened or endangered species, all historic areas or cultural features acknowledged as such on any federal, state or city inventory, all wildlife habitat or other natural features listed on any of the city's official inventories.

D. Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a plan illustrating the topography and grade of the site before and after development and show contours at maximum five-foot vertical elevation intervals for steep locations, greater than twenty percent, and maximum two-foot vertical elevation intervals for other location. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and calculated volume of all cuts and fills, and all storm water management features. The plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries.

E. Erosion Control Plan. The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the PUP to control erosion and sedimentation. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47.

F. Vicinity Map. The applicant shall submit a vicinity map showing the relationship of the subject property to significant features within two hundred fifty feet of the site, such as the existing street network, utilities, topography, and natural features. (Ord. 00-1005 §8, 2000: Ord. 97-1024 §1(part), 1997)

Finding: These criteria are met.

17.64.100 Preliminary PUD plan---Narrative statement.

In addition to the plans required in Section 17.64.090, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. PUD Description. A detailed description of the proposed development, including a description of any phasing, proposed uses, number and type of residential units, nonresidential uses, allocation and ownership of all lots, tracts, streets and public improvements, the structure of any home owner's association, and each instance where the proposed PUD will vary from some dimensional or other requirement of the underlying zoning district.

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

- 1. Water;
- 2. Sanitary sewer;
- 3. Storm sewer and storm water detention and drainage facilities;
- 4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;
- 5. Schools; and
- 6. Fire and policy services.

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before the issuance of building permits. This description may include a provision for oversizing of any of these public facilities and services and a proposal for a mechanism to reimburse, or provide system development charge (SDC) credit to, the applicant for the cost of over sizing.

C. Approval Criteria and Justification for Adjustments. The applicant shall explain how the proposed PUD is consistent with the Oregon City comprehensive plan, and purposes and requirements of this chapter set forth in Sections 17.64.010 and 17.64.040. For each of the instances where the applicant proposes an adjustment from some applicable dimensional or other requirement of an underlying or overlay zoning district, the applicant shall explain in detail the need for the adjustment and how the adjustment advances or better achieves the purposes and requirements of this chapter, than would compliance with the dimensional or other requirements.

D. Geologic Hazards. For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering, describing how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.44.

E. Water Quality Resources Areas Overlay District. For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water resource subject to regulation under Chapter 17.49. This report shall also explain in detail how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.49.

F. Historic, Archeological, Geological and Scenic Resources and Significant Trees. The applicant shall submit a report, prepared by a qualified professional, regarding any known historic, archeological, geological, or scenic resources on the site as well as any trees with a diameter six inches or greater measured four feet from the ground.

G. Covenants, Conditions and Restrictions (CC&Rs). The applicant shall submit drafts of the proposed covenants, conditions and restrictions, maintenance agreements, property owners' association agreements, dedications, deeds, easements, or reservations of public open spaces not dedicated to the city, and related documents for the PUD. (Ord. 00-1005 §9, 2000: Ord. 97-1024 §1(part), 1997)

Finding: The Water Resource Report was review as a separate Planning File, identified as WR 03-01. The CC&R's will be submitted to the City prior to final approval of the PUD. These criteria are met.

17.64.110 Preliminary PUD plan--Tabular information.

In addition to the plans required in Section 17.64.100, the applicant shall also prepare and submit one or several tables that set forth the following information in an understandable format, including explanations where needed:

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;

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;

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

D. Amount of imprevious surface in hillsides and unstable slopes subject to regulation by Chapter 17.44. (Ord. 00-1005 §10, 2000: Ord. 97-1024 §1(part), 1997)

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

17.64.120 Preliminary PUD plan approval criteria.

The decision maker shall approve an application for preliminary PUD plan if the following criteria are met: A. The proposed preliminary PUD plan is consistent with the purposes and requirements of this chapter set forth in Sections 17.64.010 and 17.64.040, and any applicable goals or policies of the Oregon City comprehensive plan;

Finding: This criterion is addressed above in the report.

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

Finding: The site is located within the Water Quality Resource Area Overlay District. The applicant submitted a water resource report that will be reviewed by the Planning Commission is identified as Planning File WR 03-01. The PUD shall comply with the decision of the Planning Commission concerning WR 03-01. 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. 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;

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.

The decision maker may deny, approve or approve with conditions the preliminary PUD plan. The decision maker may impose any conditions necessary to ensure compliance with the approval criteria. An approval is valid for a period of twelve months from the date of decision. If within twelve months of the date of preliminary PUD plan approval, the applicant has not applied for final PUD plan approval, the preliminary PUD plan approval shall be void. However, the applicant may apply to the planning manager for up to two extensions of up to six months each (total maximum extension on a preliminary PUD plan approval is twelve months beyond the original twelve months). The planning manager shall consider granting requests as provided in Section 17.50.210. (Ord. 00-1005 §12, 2000: Ord. 97-1024 §1(part), 1997)

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

17.64.140 Design review.

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

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

17.64.150 Final PUD plan.

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

A. If the planning manager determines that the final PUD plan submitted by the applicant materially deviates from the approved preliminary PUD plan, review of the final PUD plan shall be referred to the planning commission for a public

hearing and a determination of consistency with the preliminary PUD plan approval standards. In that event, the planning commission may limit the hearing to issues directly affected by the element that was the material deviation. All other aspects of the preliminary PUD plan not directly affected by the material deviation shall not be addressed.

- B. As used in this section, "material deviation" includes any of the following deviations from the approved preliminary PUD plan:
 - 1. An increase in the total number of dwelling units by ten percent or more from the amount approved in the preliminary PUD plan;
 - 2. An increase in the number of multiple family dwellings by more than ten percent from the amount approved in the preliminary PUD plan;
 - 3. A change in the square footage of commercial use in the development by more than ten percent from the amount approved in the preliminary PUD plan;
 - 4. A reduction in the amount of landscaping, open space or land reserved for a protected feature by more than ten percent from what was approved in the preliminary PUD plan;
 - 5. An increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under Chapter 17.44 by more than ten percent from the amount approved in the preliminary PUD plan;
 - 6. A relocation of buildings, proposed streets, access points onto the existing public right-of-way, utility easements, pedestrian/bicycle accessways, parking lots, landscaping, or other site improvements away from the general location shown in the preliminary PUD plan;
 - 7. Any change that renders the PUD incompatible with surrounding lands or development or incompatible with any of the conditions of approval attached to the preliminary PUD plan.
- C. No change undertaken by grant of the material deviation shall reduce the density below eighty percent of the density allowed in the buildable area in the underlying plan designation and zoning district.
- D. Increases in the amount of landscaping or open space, and any change that reduces the impacts on hillsides or unstable soils shall not be considered a material deviation.
- E. Any final PUD plan that is not consistent with the approved preliminary PUD plan, but is not so different as to be a material deviation may be approved by the planning manager through a Type II process following notice and an opportunity to comment. Any appeals of a decision by the planning manager may be appealed to the planning commission, according to the city's Type II procedure, and the issues in that appeal shall be limited to the specific aspect of the final PUD plan that is not consistent with the approved preliminary PUD plan.
- F. The planning manager shall notify in writing all persons who were parties to the preliminary PUD plan proceeding. The notice shall contain the information listed in Section 17.50.150. The planning manager's decision to approve a final PUD plan may be appealed as a limited land use decision by the applicant or any party who participated orally or in writing during the preliminary PUD plan proceeding, but solely for the purpose of determining whether the final PUD plan contains a material deviation from the preliminary PUD plan. Any such appeal must be filed within fourteen calendar days of the planning manager's notice, after which the planning commission shall hold a public hearing. The sole issue on appeal shall be whether the final PUD plan contains a material deviation from the approved preliminary PUD plan. The planning commission's decision shall be final and appealable only to the land use board of appeals. (Ord. 97-1024 §1(part), 1997)
- **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.

Following approval of the final PUD plan, the applicant shall file with the county recorder the confirmed and approved final PUD plan together with all pertinent documents approved as to form by the city attorney. (Ord. 97-1024 §1(part), 1997)

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.

The final PUD plan shall continue to control once the PUD is constructed, in addition to the following:

A. After occupancy permits have been issued or performed, no change shall be made to a PUD that is inconsistent with the approved final PUD plan without first obtaining an amendment to that plan, except that a building or structure that is substantially destroyed may be reconstructed within one year as originally approved without land use review by the city under Title 16 or 17 of this code.

B. Any changes that constitute a material deviation from an approved final PUD plan shall be reviewed by the planning commission in the same manner as for a material deviation to an approved preliminary PUD plan. Changes that are not material deviations shall be reviewed and decided upon administratively by the planning manager, and the planning manager shall provide notice of the decision in the same manner as described in Section 17.50.090(A) and appeals of this decision shall follow the procedure described in Section 17.50.190. (Ord. 00-1005 §13, 2000: Ord. 97-1024 §1(part), 1997)

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

17.64.180 Performance surety.

In approving any PUD, the decision maker may require adequate financial guarantees of compliance with any aspect of the final PUD plan as authorized in Section 17.50.140 of this title. (Ord. 00-1005 §14, 2000: Ord. 97-1024 §1(part), 1997)

Finding: The decision maker may require adequate financial guarantees.

17.64.190 Expiration of final PUD plan approval.

Approval of a final PUD plan is valid for a period of twelve months from the date of decision. If within twelve months of the date of final PUD plan approval, the applicant has not completed substantial implementation on the PUD, the final PUD plan approval shall be void. However, the applicant may apply to the planning manager prior to expiration of the current approval period for up to two extensions of up to six months each (total maximum extension of a final PUD plan approval is twelve months beyond the original twelve months). The planning manager shall consider granting such timely requests. (Ord. 00-1005 §15, 2000: Ord. 97-1024 §1(part), 1997)

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

STAFF RECOMMENDATION:

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

EXHIBITS:

- 1. Vicinity Map
- 2. Ordinance 92-1029 excerpt (Complete Ordinance On File with City Recorder)
- 3. Applicant's Narrative dated; August 3, 2003
- 4. Applicant's Site Plan
- 5. Supplemental Information; dated August 3, 2003
- 6. Addendum to the Geotechnical Engineering Report; dated July 14, 2003
- 7. Letter from Torn Sisul concerning groundwater; dated July 17, 2003
- 8. Addendum to the Water Resource Report; dated July 15, 2003
- 9. Addendum to the Water Resource Report, dated August 1, 2003
- 10. Letter from Tom Sisul; dated May 19, 2003
- 11. Oregon City Engineering Comments
- 12. Oregon City Parks Department Comments
- 13. David Evans and Associates; dated June 4, 2003
- 14. Tri-Met Comments
- 15. Westling Farms Neighborhood Association Comments; dated April 22, 2003
- 16. Brett Livingston of 18925 Lafayette Avenue, Oregon City, Oregon 97045
- 17. John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045

- 18. Michael and Virginia Tondreau of 18851 Rose Road Oregon City, Oregon 97045
- 19. James Kosel of 11466 Finnegan's Way, Oregon City, Oregon 97045
- 20. Kathleen Galligan of 18996 Rose Road, Oregon City, Oregon 97045
- 21. Kathy and Jim Worden of 18835 Rose Road, Oregon City, Oregon 97045
- 22. William Wigmore of 18845 Lafayette Avenue, Oregon City, Oregon 97045
- 23. Geotechnical Engineering Report dated January 6, 2003 (On File)
- 24. Pre-application conference (On File)
- 25. Distance of subject site from nearest school
- 26. Preliminary Storm Calculations (On File)
- 27. Addendum to the Storm Calculations
- 28. Traffic Impact Study dated December 2002 (On File)
- 29. Connectivity Map
- 30. Driveway Design Standards
- 31. Engineering Policy 00-01
- 32. Russ Woodward of PO Box 839, Oregon City, Oregon 97045

CONDITIONS OF APPROVAL PLANNING FILE: PD 03-01 Date: August 18, 2003

- 1. The applicant shall comply with the conditions of approval of Planning File WR 03-01.
- 2. As part of the development, a 12-inch ductile iron water line shall be constructed in Rose Road from the City water line in South End Road to the northwest property boundary and terminate with a City approved blow-off. The applicant shall loop an 8-inch ductile iron water line in the interior streets through the site and extend to the site's northwest property boundary and terminate with a City approved blow-off.
- 3. Water service laterals shall be provided to the existing lots southwest of Rose Road.
- 4. Water lines shall be extended to the end of all proposed stub streets and terminated with a blow-off.
- 5. The applicant shall provide sanitary sewer facilities to the site.
- 6. The applicant shall provide an 8-inch sewer main to the end of all proposed stub streets for future extension. If sanitary sewer laterals are connected to the sewer lines in the stub streets, the lines shall be terminated with a manhole near the end of the stub streets and the sewer line shall be stubbed-out for future extension.
- 7. The applicant shall extend the sanitary sewer main in Rose Road to the site's northwest property boundary.
- 8. Sanitary sewer laterals shall be provided to the existing lots southwest of Rose Road, but not connected.
- 9. All sewer lines shall maintain the maximum depth based on the minimum slopes allowed by the City, and shall terminate in manholes with stub-outs for future extension. The sewer shall have a depth sufficient to provide sewer services to the Urban Growth Boundary to the northwest.
- 10. Any sanitary sewers with less than three feet of cover shall be constructed of ductile iron pipe.
- 11. The applicant must process and obtain sanitary sewer line design approval from DEQ prior to City plan approval.
- 12. The developer shall provide detention and water quality systems that conform to current City standards.
- 13. The Storm water Engineer shall incorporate design criteria from the Geotechnical Engineer (high ground water) and Water Resource Scientist (recharging and wetland management) to ensure the pond and wetlands harmonize each other. Revise the Storm Water Report to incorporate comments/design criteria from the Geotechnical Engineer and Water Resource Scientist.
- 14. The applicant shall process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Oregon Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit, or to revoke a permit that has been issued for this project.
- 15. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

- 16. The current vegetation on the northwest side of South End Road at Rose Road approach shall be cutback to improve sight distance to 450 feet in both directions. Future landscaping should maintain low-lying vegetation to ensure adequate sight distances are met.
- 17. The Geotechnical Engineer shall address the use and construction of detention ponds in High Ground Water. Geotechnical Engineer shall coordinate design criteria to the Storm water Engineer and Water Resource Scientist.
- 18. The applicant shall follow and incorporate the recommendations in the Geotechnical Report for the design of the site.
- 19. Half street improvements are required for the entire frontage along Rose Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved half street width of 26 feet (8-foot travel lane, 8-foot parking, 10-foot past centerline), curb, gutter, 5-foot concrete sidewalk, 5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 20. Half street improvements are required for the entire frontage along South End Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved half street width of 36 feet (12-foot travel lane, 6-foot bike lane, 8-foot parking, 10-foot past centerline), curb, gutter, 7-foot concrete sidewalk, 6.5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights. The width of the planter strip may be adjusted during the construction plan review in order to maximize the width of the grass planter strip within the available ROW.
- 21. All proposed interior full street improvements are required. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not limited to, base rock, paved full street width of 32 feet (2 @ 8foot travel lanes, 2 @ 8-foot parking areas), curb, gutter, 5-foot concrete sidewalk, 5-foot grass planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 22. All streets with less than 32 feet and more than 28 feet of pavement width shall be signed "NO PARKING-TOW AWAY ZONE" on one side.
- 23. All existing utility poles along street frontages shall be relocated to behind the sidewalk or the utilities can be placed underground. All new utilities shall be placed underground.
- 24. The applicant shall install sidewalks along the entire frontage of South End Road, to through and adjacent to all open spaces and water resource areas, and along the frontages of all tracts, and all handicap access ramps at the time of street construction.
- 25. The applicant shall provide a pavement-striping plan for South End Road.
- 26. "NO PARKING TOW AWAY ZONE" signs shall be posted on the side of the street that offers the least number of parking spots.
- 27. The applicant shall receive Site Plan and Design Review approval for the design of the attached housing units and the parking lot prior to the issuance of a building permit for the attached housing and parking lot.

- 28. 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.
- 29. Street trees shall be established in compliance with the standards of Chapter 12.08 of the Oregon City Municipal Code.
- 30. The applicant shall provide accessway shade trees along the path to the southeast of lot 19 and comply with the design standards of Section 12.24 of the Oregon City Municipal Code.
- 31. 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.
- 32. The applicant shall locate the front yard setback on and orient the front of the primary structure of lots 71-76 to face South End Road.
- 33. 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 location 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.
- 34. 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 33) 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.
- 35. 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.
- 36. The applicant shall limit the driveway width from the property line to the planter strip to a maximum of 16 feet wide (22 feet wide at the street to allow for the taper).
- 37. The applicant shall provide a basketball hoop at the opposite end of the pad or a different active use, such as a sand volleyball court, to be approved by staff.
- 38. The applicant is responsible for this project's compliance with Engineering Policy 00-01 (exhibit 31). The policies pertain to any land use decision requiring the applicant to provide any public improvements.
- 39. 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.
- 40. The applicant shall provide approval from Clackamas County Fire to ensure that the proposed private streets are adequate for fire and life safety access and the applicant shall provide a legally binding means for the repair and maintenance of all private streets.

Planning Files: PD 03-01, WR 03-01, VR 03-11, and SP 03-07





Exhibit

ORDINANCE NO. 92-1029

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

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

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

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

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

OREGON CITY ORDAINS AS FOLLOWS:

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

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

Policies

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

PAGE 1 - ORDINANCE NO. 92-1029

2 Exhibit

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

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

JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of September, 1992

DANIEL W. FOWLER, Mayor

PAGE 2 - ORDINANCE NO. 92-1029



Application for Land Division and Planned Unit Development Revised August 3, 2003

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Applicant	Paul Reeder 10893 S. Forest Ridge Lane Oregon City, OR 97045 (503) 655-6494
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	Northwest of South End Road, northeast of Rose Road
Legal Description	Tax Lots 300 (3-1E-1CD) & 1700 (3-1E-12A)
Zoning	Tax Lot 300: R-6 MH Tax Lot 1700: R-10
Site Size	16.02 Acres Tax Lot 300: 6.5 Acres Tax Lot 1700: 9.52 Acres
Proposal	Planned Unit Development and subdivision to create lots for 52 detached single-family residences, and 24 attached single-family residences.
Note	In a meeting with staff on April 11, 2003, the applicant found out that single family detached units would count towards the multi-family density requirements of the PUD. Therefore the applicant has modified the application to eliminate the earlier proposed multi-family site near South End Road and modified that area to propose 10 single family attached units.
	In a meeting with staff on April 30, 2003, the applicant was told that filling the northwesterly wetland lob along Rose Road would not be permitted and the development plan was reconfigured.
	During the week of June 30 th , the applicant was informed by staff that they were still unsatisfied with wetland buffers and water resources aspects as well as wanting wider private street widths and wanted further changes.

Exhibit_____3

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Site Description

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

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

The site is occupied by a single family dwelling and barn, both of which will be removed.

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

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

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

The applicant requests a Planned Unit Development to best utilize the site while retaining the drainage channels and wetlands. The proposal includes 52 lots for single-family detached dwellings, and 24 lots for single-family attached residences.

The west part of the site is proposed for a 49 lot subdivision for detached single family residences, with an interior street that extends to property located to the northwest and has two points of connection to Rose Road. Five of these lots will be accessed by a private drive that will also access the detention pond. The area between the stream channels is proposed for 14 lots for attached and 3 single family detached residences, arranged around a short cul de sac that connects to Rose Road. Access for four of these lots will be provided by an access tract that also connects to the western stream channel and open space. The southeasterly area adjacent to South End Road is now proposed for 10 lots for attached residences with access to all lots by a private access off of Rose Road.

The interior streets are proposed to have a 53 foot right of way with 32 feet of pavement between curbs, a five foot wide planter and five foot sidewalk. A portion of wetland area will have to be filled to accommodate the widening of Rose Road, however mitigation will be provided in wetland areas along the drainage channels. Improvements and right-of-way dedication are required for Rose Road, to allow a "half street" with total pavement width of 26 feet.

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

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

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

Comprehensive Plan Criteria

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

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

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

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

A mixture of single family attached and detached dwellings on lots sizes ranging from 3500 SF to 6870 SF is proposed. This goal is met.

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

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

Proposed lots and public facilities have been located beyond the 50 foot buffers of the water resources that cross the property, except for the Rose Road improvements, storm drainage outfalls for recharge of the wetlands, and pedestrian walkways. A letter from the Geotechnical Engineer, the Professional Wetland Scientist, and the Civil Engineer involved with the project have addressed questions regarding the high ground water and potential impacts to the detention ponds, as well as recharge for the wetlands onsite.

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

This goal is met.

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

The two drainageways the cross the parcel are being preserved to the extent possible. In addition 50 foot buffers surround the water resources. The water resources and their buffers are to be enhanced with shrubs and trees as a part of the proposed development.

This goal is met.

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

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

This goal is met.

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

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

The proposed PUD proposes to include active recreational facilities such as children play areas, a grassy area for a sports area and walking paths that allow for a circular walking loop connecting public sidewalk areas around the proposed development. Passive recreational facilities include several bench observation areas that allow will citizens to sit and observe children play, or view the natural resource areas.

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

This goal is met.

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

Appropriate policies of this section include "provision for adequate off-street parking will be mandatory", "new developments will include sidewalks in their design", "sidewalks will be of sufficient width to accommodate pedestrian traffic", "use of additional easement or underground utilities for utility poles will be encouraged". All of these policies will be met as a part of this PUD development.

This goal is met.

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Applicable Criteria and Standards

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

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

Title 16 Land Divisions

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

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

Requirements for the Planned Unit Development will be discussed first, 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. Title 12 requirements, pertinent to this application are address in a Supplemental Information packet regarding design review aspects. Generally, Code provisions are indicated by italics, with the applicant's response in plain text.

Chapter 17.64 Planned Unit Development

17.64.010 Purposes.

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

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

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

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

D. To provide flexibility for dimensional requirements of underlying zones or overlay districts to better achieve the purposes of a PUD.

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

To retain the stream channels and associated wetlands, the applicant proposes an "efficient and economic use" of the site that includes small lots suitable for detached single family residences and lots suitable for attached single family residences. The various housing types are clustered on portions of the property according to the divisions created by the natural features.

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. Seventy six (76) dwellings are proposed, satisfying the threshold standard of a minimum of 80% of the gross density allowed by the underlying zones:

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

Allowable Gross Density

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

17.64.040 Permitted uses and basic PUD requirements.

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

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

Standard	R10(17.03.040)	R6/MH (17.13.040)	Proposed
Single family		6,800 sq. ft.	5,000 sq. ft. minimum
detached dwellings:			(average 5,168.8 sq.
Lot area			ft.)
Lot width/depth		80 ft./ 85 ft.	44 ft./92 ft. minimum
Setbacks:		Front – 15 ft.	Front – 15 ft.
		Side – 7 ft./5 ft.	(Garages – 20 ft.)
		Corner Side – 15 ft.	Side – 7 ft./5 ft.
		Rear – 10 ft.	Corner Side – 15 ft.
			Rear – 20 ft.
Building height		20 ft. maximum	Two stories or 35 ft.
Single family	10,000 sq. ft.		3,500 sq. ft. minimum
attached dwellings:			(average 4,018.2 sq.
Lot area			ft.)
Lot width/depth	75 ft./100 ft.		35 ft./82 ft. minimum
Setbacks	Front – 25 ft.		Front – 15 ft.
	Side – 10 ft./8 ft.		(Garages – 20 ft.)
	Corner Side – 10 ft.		Side – 9 ft./zero
-	Rear – 20 ft.		Corner side – 15 ft.
			Rear – 20 ft.
	1		

Standards and Modifications to Standards

Note: The perimeter setback for new buildings within the development will satisfy the perimeter setback for the underlying zone. A seven (7) foot side yard setback will be

provided on the northwesterly side of Lots 1, 36, and 37, adjacent to the currently underdeveloped parcel.

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

D. Open Space and Landscaping. The applicant is required to 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 detention tracts, constitutes 24.8% of the proposed development, exceeding the minimum requirement of 20%. Open space areas, and uses included within the open spaces, are shown on the plans included with the application.

Location	Area	Percentage of site
North Open Space	81,355 sq. ft.	11.7%
South Open Space	91,725 sq. ft.	13.1%
Totals	173,080 sq. ft.	24.8%

Open Space

The proposed open spaces function to protect the natural areas (open channels and wetlands) as well as provide a buffer and visual separation between the various types of housing. Open spaces and buffer areas are provided along both of the drainage channels that cross the site. The areas required to protect the natural features also serve to separate the uses on the site into three distinct "neighborhoods."

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

Passive activities, such as reading or watching others play, can take place at the picnic benches adjacent to the active recreational equipment and spaces. Also, from various vantage points, residents can simply observe the planted and natural areas, including several bench observation areas that allow will citizens to sit.

A landscape plan, prepared by Kathleen Baughman, of Gretchen Vadnais Landscape Architects LLC has been included as part of the application materials. This plan shows the plantings that are felt are necessary to satisfy Division of State Lands in regards to wetland mitigation, and to provide landscape buffers around the water resources. In addition the landscape plan attempts to use native plant materials to the extent available from commercial nurseries, to provide screening and enhancement of the open space areas. The landscape plan also provides for enhanced landscaping at entrances to the pathway system, and tries to provide screening between the pathway and adjacent parcels and proposed parking/accessway to serve Lots 67 through 76. Shade trees will also be provided in the vicinity of the active play area.

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

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

1. Water;

2. Sanitary sewer;

3. Stormwater management;

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

5. Schools; and

6. Fire and police services.

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

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

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

Storm drainage will be managed on the site through a collection and detention system, with measured release to existing drainageways. High ground water and wetland recharge have been addressed in letters, included as part of this application, dated July 14th from James D. Imbrie, P.E. of GeoPacific Engineering, Inc., dated July 15th from Richard S. Bublitz, P.W.S. of Environmental Technology Consultants, and July 17th from Thomas J. Sisul, P.E. of Sisul Engineering. Together these letters address the measures that will be taken to keep the wetlands charged to the extent possible in the seasonal drainageway, as well as to insure the detention ponds will function as intended by the City.

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 that will eventually require modifications to the intersections of South End Road with both Warner Parrott Road and Partlow Road. The modifications have been identified as system improvements in the City's Transportation System Plan. 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 this development may facilitate a boundary adjustment for the Elementary Schools. The Middle Schools are near capacity, but this development would not bring the middle schools to capacity. There would be no capacity issues at the High School level. The School District has the responsibility for managing population increases, and can do so by adding classroom space, moving classrooms, etc. This project would not contribute to the students for at least a year and proposes no more density than allowed in the underlying zoning districts. 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 natural features as elements of the overall layout. Note how Lots 20 and 21 and the detention pond area are tucked around the edge of the north open space, and how both open space areas are utilized to provide visual separation.

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

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

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

Detached single family residences are 68.4% of the total proposed units, while attached family residences units take up the remaining 31.6% of the proposed living units. The detached single family units are 73.6% of the total net developable area, between the 50% minimum and 80% maximum limits for a PUD. Therefore, this requirement is satisfied.

17.64.050 Density bonuses.

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

17.64.060 Initiation of a PUD – Review process

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

The applicant met with the City at a preapplication conference on July 31, 2002. The application requests approval of a PUD and subdivision for the 16 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 will be provided following preliminary approval, so that any required conditions can be included.

17.64.110 Preliminary PUD plan--Tabular information.

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

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

Gross Site Area

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

Land Dedications

Dedication & Purpose	Area	Percentage of Gross Site
Interior streets	80,681 sq. ft.	11.6%
	26,443 sq. ft.	3.8%
Total dedications	107,124 sq. ft. (2.46 Acres)	15.4%

Net Site Area

Land Use	Area	Percentage of Net Site
Detached Residential	268,778 sq. ft.	38.5%
Attached Residential	96,437 sq. ft.	13.8%
Dedications	107,124 sq. ft.	15.4%
Open Space	173,080 sq. ft.	24.8%
Access Tract 'C'	28,133 sq. ft.	4.0%
Detention Ponds	24,447 sq. ft.	3.5%
Totals	697,999 sq. ft.	100%

Density by Dwelling Type

Dwelling Type	Gross Density	Net Density
Single family detached		5,168.8 sq. ft./dwelling
residential		(average lot area)
Attached residential		4018.2 sq. ft./dwelling
		(average lot area)
Total	9,184 sq. ft./dwelling	4,805.5 sq. ft./dwelling

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

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

No phasing is proposed.

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

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

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

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

17.64.120 Preliminary PUD plan approval criteria.

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

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

underlying zoning district, any applicable overlay zone, such as Chapters 17.44 or

17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter; C. Any phasing schedule proposed by the application must be reasonable and shall not exceed five years between approval of the final PUD plan and the filing of the final plat for the last phase. Dedication or preservation of open space or natural features, in a form approved by the city, must be recorded prior to the issuance of building permit(s) for existing tax lots of the first phase of any multi-phase PUD; D. The applicant has demonstrated that all public services and facilities have adequate capacity to serve the proposed development, or adequate capacity is assured to be available concurrent with development;

E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning.

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

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

Criterion B: Requirements of the underlying zoning districts (R6/MH and R10) are proposed to be modified through the PUD process, to allow creation of lots smaller than would otherwise be allowed 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 will be discussed in more detail in a following section of this narrative. Generally, this chapter is satisfied by preservation of the two drainage channels and associated wetlands within the open space areas.

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

Criterion D: All public services and facilities can be provided to the development. No service 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. The modifications are justified by the requirement to accommodate the two drainage channels, which separate the site into clearly defined areas. The limit on available, developable area on the site necessitates smaller lots and reduced setbacks to accommodate building pads of reasonable size on each lot. The applicant believes that the plan, as submitted, represents a balance between preservation of the natural features of the site and an economic, efficient use of the available land in an area where public facilities and services can be provided.

17.64.140 Design review.

See supplemental narrative.

Summary of PUD Requirements

The PUD process provides a means to accommodate a mix of land uses and balance the needs to preserve natural features with the most economic and efficient use of a site. 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 17.08 R-10 Single Family Dwelling District

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

Chapter 17.13 R-6/MH Single Family Dwelling District

Uses and dimensional requirements are proposed to be modified through the PUD, as previously discussed. Building height, limited to 20 feet (17.13.040.D), is proposed to be modified to a maximum of two stories or 35 feet. Please refer to the PUD portion of the narrative.

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Chapter 17.49 Water Resources Overlay District

An initial Water Resources Report was prepared by Environmental Technology Consultants, dated December 17, 2002. An addendum dated May 29, 2003 was written to reflect a revised site plan and drainage plan that has since been changed. A second addendum dated August 1, 2003 has been prepared to address the most current site plan and drainage plan.

17.49.030 Applicability.

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

17.49.050 Water quality resource area standards.

This section require a setback of no less than 15 feet for an open drainage channels and 50 feet from the edge of a delineated wetland (Table 17.49-1). These buffers are identified on the plans and represent the minimum distance, as the water resource features are located within reserved open space areas that meet or exceed the minimum required distances. While there is disagreement between staff and the applicant about the proper width of buffer from the northerly portion of the northerly drainageway, staff's position is that all buffers should be fifty feet, and the applicant <u>will not</u> challenge that decision. Fifty foot buffers have been shown around all water resource areas, except those adjacent to Rose Road. Due to City staff recommendations, a paved pathway crosses the resource buffer area. Mitigation buffer area has been added to the buffer area to make up for this paved encroachment into the buffer areas. (See Addendum to Water Resources Report dated August 1, 2003). Wetland recharge is addressed in letters from the Professional Wetland Scientist dated July 15th and the Civil Engineer dated July 17th.

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

17.49.050(H)5 Walkways and bike paths:

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

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

17.49.060 Subdivisions and partitions.

The following provisions apply to this proposal:

A. The purpose of this section is to amend the City regulations governing land divisions to require that new subdivision and partition plats delineate and show the water quality resource area as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section.

B. The standards for land divisions in a water quality resource area overlay district shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that for partitions the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a transfer of density pursuant to Section 17.49.070. C. Prior to preliminary plat approval, the water quality resource Area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.

D. Prior to final plat approval, ownership of the water quality resource area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or a homeowners association; or 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or

3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or

4. Any other ownership proposed by the owner and approved by the city manager.

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

Title 16 Land Divisions Chapter 16 Subdivisions

The applicant proposes a subdivision to create 76 new lots: 52 lots for single family detached dwellings, 24 lots for attached dwellings, and two tracts for open space (to include the water resource areas identified through Chapter 17.49) and detention facilities. Some of the requirements for subdivision duplicate requirements previously discussed in response to PUD requirements. These issues will be identified and not discussed here to avoid redundancy.

Chapter 16.08 Subdivisions – Process and Standards

16.08.020 Preapplication review. The Applicant and/or representatives met with Oregon City planning and engineering staff to discuss the development of this property on July 31, 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 76 lot subdivision to accommodate single family dwellings, and attached dwellings. All new lots will have frontage on either a new street, a new cul de sac, or on Rose Road and South End Road.

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

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

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

B. Timely Provision of Public Services and Facilities.

1. Water – discussed in the previous section.

2. Sanitary sewer - discussed in the previous section.

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

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

5. Traffic and transportation – Construction of new streets will mitigate direct impacts of this development. Based on the original plan concept the project would have generated an estimated daily traffic volume of 810 new weekday trips, according to the Traffic Analysis. The project will generate 69 trips during the morning peak hour and 83 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 at the intersections of South End Road with Warner Parrott Road and Partlow Road. The revised plan concept will slightly reduce the proposed traffic impacts.

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

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

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

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

D. Geologic Hazards. – No geologic hazard has been identified on this site. Please refer to the geotechnical engineering report prepared by GeoPacific Engineering, Inc., included with the application. City maps have identified a high ground water table in this area. This ground water concern as been further addressed in letters from the geotechnical engineer, professional wetland scientist and the civil engineer involved with this project.

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

F. Drafts of the proposed covenants, conditions and restrictions (CC&R's), maintenance agreements, homeowner association agreements, dedications, deeds, easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision will be provided following approval of the preliminary plan, so that any conditions of approval can be incorporated in the documents.

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

H. Overall density of the subdivision/PUD and density by dwelling type for each. – The overall density of the subdivision is one dwelling per 9,184 square feet, based on the original parcel size of 16.02 Acres. Densities for each dwelling type are as follows: Lots 1-52 intended for single family detached residences average 5,168.8 square feet. Lots 53-76 intended for attached dwellings average 4018.5 square feet.

Chapter 16.12 Minimum Improvements and Design Standards for Land Divisions

16.12.020 Street design – Generally.

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

16.12.030 Street design – Minimum right-of-way.

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

16.12.040 Street design - Reserve strips.

A reserve strip has been indicated by staff to the applicant is desired at the northwesterly end of the proposed new street (between Lots 1 and 36). The development code does give the City Engineer the option to request the reserve strip. If before final platting staff reverses opinion on this, the applicant will follow accordingly.

16.12.040 Street design – Alignment.

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

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

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

16.12.070 Street design – Intersection angles.

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

16.12.080 Street design – Additional right-of-way.

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

16.12.090 Street design - Half street.

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

16.12.100 Street design - cul-de-sac.

The new street for the attached dwellings is proposed to terminate within the site in a cul de sac, because land to the north is fully developed and this part of the site is between the two drainage channels. The proposed cul de sac is approximately 220 feet long, less than the maximum length standard of 350 feet.

16.12.110 Street design – Private street.

Two private streets are proposed. One will provide access to 5 or 6 detached dwellings (one lot could access either off the private drive or the public street) and the detention pond. The other private drive will provide access to four of the attached dwelling lots. The access easements will have a width of 38.5 feet and lengths of approximately 100 and 200 feet from the end of the public rights-of-way. The private drives will have 28 feet of road surface allowing for parking on one side, and still providing for a 20 foot emergency vehicle lane.

16.12.120 Street design – Street names.

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

16.12.130 Street design – Grades and curves.

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

16.12.140 Street design – Access control.

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

16.12.150 Street design – Pedestrian and bicycle safety.

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

16.12.160 Street design – Alleys.

No alley is proposed.

16.12.170 Street design – Transit.

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

16.12.180 Street design – Planter strips.

A planter strip is included in the design for the new streets. Street trees as noted on the Landscape Architect's plan are proposed, with adjustment for tree locations has may be required by driveways, and street lights.

16.12.190 Blocks - Generally.

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

16.12.200 Blocks – Length. 16.12.210 Blocks – Width.

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

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

16.12.220 Blocks – Pedestrian and bicycle access.

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

16.12.230 Building sites.

Proposed lots do not meet the requirements of the R-10 or the R6/MH 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 17-21 and Lots 55-58, which will access the private drives and have pole strips out to the public rights-of-ways.

16.12.250 Building site – Through lots.

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

16.12.260 Building site – Lot and parcel side lines.

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

16.12.270 Building site – solar access.

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

16.12.280 Building site – Grading.

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

16.12.290 Building site – Setbacks and building location.

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

16.12.300 Building site – Division of lots.

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

16.12.310 Building site – Protection of trees.

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

16.12.320 Easements.

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

16.12.330 Water quality resource areas.

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

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

16.12.370 Minimum improvements – Timing requirements.

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

Conclusion

The foregoing narrative describes the proposed land division and PUD. 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.

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IRRIGATION NOTES

Supplemental Information: <u>Application for Land Division and Planned Unit Development</u> <u>Additional Discussion Regarding Design Review</u> Revised August 3, 2003

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Applicant	Paul Reeder 10893 S. Forest Ridge Lane Oregon City, OR 97045 (503) 655-6494
Representative	Sisul Engineering 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	Northwest of South End Road, northeast of Rose Road
Legal Description	Tax Lots 300 (3-1E-1CD) & 1700 (3-1E-1A)
Zoning	Tax Lot 300: R-6 MH Tax Lot 1700: R-10
Site Size	16.02 Acres Tax Lot 300: 6.5 Acres Tax Lot 1700: 9.52 Acres
Proposal	Planned Unit Development and subdivision to create lots for 52 detached single-family residences, and 24 attached single-family residences and site plan and design review for 14 of the attached single-family residences.

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Supplemental Information

The applicant requests a Planned Unit Development ("PUD"), to include 52 lots for single-family detached dwellings, 24 lots for single-family attached residences. Site plan and design review ("SPDR") is requested for 14 of the lot single-family attached dwellings (Lots 53 thru 66). Site plan and design review is not requested for the 10 attached units near South End Road (Lots 67-76). The applicant did not have time to develop rear entry garages for inclusion with this submittal and will submit later for the design review on Lots 67 through 76.

The purpose of this supplemental submission is to consider whether the application for subdivision and PUD can be approved without design review. In our view, the answer clearly is affirmative.

The purpose of this submission is also to provide a review of the standards and criteria for site plan and design review insofar as applicable to the portion of the development proposed for 14 of the lots for single-family attached residences.

Applicable Criteria and Standards

Applicable criteria and standards of the Oregon City Development Code include the following, reproduced here for convenience:

Title 17 Zoning

Chapter 17.62 Site Plan and Design Review

17.62.010 Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-6/MH, RC-4, and RD-4 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. Chapter 17.64 Planned Unit Development

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.

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.

17.64.090 Preliminary PUD plan--Required plans.

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 multiphase 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.

17.64.140 Design review.

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

Site plan and design review is required for a planned development (17.62.030). However, as single-family detached residences are exempt from SPDR (17.64.140), SPDR applies only to the single family attached dwellings portion of the proposed development.

When is SPDR required? Section 17.64.140 states that an applicant "may" seek concurrent review of the PUD and SPDR. The timing of the review is at the applicant's discretion, however the process must be accomplished before development permits are issued (17.62.030).

The requirements for a PUD and SPDR overlap in the consideration of natural features in the arrangement of a development (see Sections 17.62.010 and 17.64.010, especially subsection "B").

SPDR approval is not necessary for approval of a plat. Creation of a lot (platting) does not necessarily require SPDR. Land division follows a parallel course, with a separate set of requirements for creation of lots, connectivity, and preparation of a plat.

The applicant has provided information that is sufficiently detailed to demonstrate that the proposed development creates new lots and preserves natural features, and thereby satisfies the criteria for the PUD. The natural features are, in fact, integrated into the arrangement of the various aspects of the development and serve as natural separations between the different housing types and areas. The criteria for SPDR would not add additional requirements for the protection and enhancement of the open space and natural resource areas, but is directed more towards the aim of enhancing compatibility with surrounding, existing properties and developments. This can be accomplished at present for the northwesterly 14 attached single family residences (Lots 53-66) and at a later point, when plans are designed, for the southeasterly 10 single family attached unit lots (Lots 67-76).

The applicant recognizes that SPDR is required for attached housing and provides additional information in this narrative to demonstrate that standards and criteria can be satisfied. At this time, the applicant does not have building plans, landscaping plan, or site plan for the proposed 10 unit single family attached units (Lots 67-76) site and suggests that the City include this as a condition of approval (although the requirement in the Code that SPDR shall be accomplished prior to development permits should be sufficient to guarantee that SPDR will occur). The applicant is committed to working through future processes to provide the city with the type and design of development that is complementary to the site and adjacent uses.

Site Plan and Design Review

In the center portion of the development the applicant proposes to construct single-family attached dwellings as seven buildings on fourteen lots (Lots 53-66). Site plan review is required for this portion of the development.

17.62.010 Purpose. The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

Response: The project has been designed with consideration for two natural drainage channels that cross the site. The multi-family lot is separated from the attached single-family portion of the development by one of the drainage channels, and the attached single-family dwellings are separated from the detached residences by the second channel.

The drainage channels are protected within open space tracts that will be landscaped as shown on the Proposed Landscape Plan, included with this submission. Additional landscaping may be required within the channels with the Water Resources Permit.

The purpose of SPDR is satisfied by compliance with these requirements and those pertaining to the PUD.

17.62.020 Preapplication review.

Response: A preapplication conference was held with the staff to consider the project in its entirety on July 31, 2002.

17.62.030 When required. Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-6/MH, RC-4, and RD-4 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to... planned developments.....

Response: SPDR is required for the fourteen lots proposed for single-family attached dwellings (seven buildings).

17.62.040 Plans required.

Response: Plans have been submitted with this supplemental information and with the original application that satisfy these requirements. A landscaping plan has not been provided for each lot, as this has been left as the choice of the future homeowners.

Particular plans or information may be waived if not considered essential to the review of a particular application (see 17.62.040.I). The applicant believes that this supplemental submission, with the original application materials, is sufficient for the review, but is willing to work with the staff and Planning Commission to assure that necessary information is available.

17.62.050 Standards.

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping shall include a mix of vertical (trees) and horizontal elements (grass, groundcover, etc.). The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the central business district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

Response: Please refer to the landscaping plan for the attached residential portion of the development. Plantings are proposed for the open space areas excluding the protected portions of the water resource areas. A rose theme is employed, in keeping with the name of the fronting street.

Building, patio, sidewalk, and driveway will occupy approximately 1,550 square feet for each lot area, leaving approximately 1,950 square feet available for landscaping by the future property owner. A minimum of 50% of lot areas will be "green" with at least one street tree on each lot. Lots 55-60, abutting the neighboring subdivision, will have one tree in each rear yard. These lots (Lots 55-60) are ten feet deeper than the lots that abut open space areas. At least six shrubs will be planted per lot, with at least two of the shrubs located in the front yard.

Open space areas, including the natural resource areas along the designated drainage channels, cover more than 24% of the site. Landscaping is proposed for the portion of the open space that is not included within the natural resource or required buffer, which are subject to different requirements.

The combination of landscaped area on lots and within the open space areas more than satisfies this requirement.

2. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. Consideration may be given to common driveways, shared parking, increased setbacks, building heights, and the like.

Response: Please refer to the site plan and elevations. Proposed attached residences will be similar in scale and design to the single family detached residences in adjacent developments. Exterior siding material will be "hardie plank" which looks wood shingle siding, in colors of off-white, light browns, and light grays. Trim will be cedar batten boards. Roofing will be "Architectural 80" composite. Windows will be vinyl trimmed. These materials are similar in appearance to those commonly used for dwellings in adjacent subdivisions, so the proposed buildings will be compatible in scale and appearance.

3. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

Response: Please refer to the plans submitted with the original application, the Grading and Erosion Control Plan (Sheet 4).

4. Development subject to the requirements of the unstable slopes overlay district shall comply with the requirements of that district. The review authority may impose such conditions as are necessary to minimize the risk of erosion and slumping and assure that landslides and property damage will not occur.

Response: No unstable slopes or other physical conditions that could present a hazard for development of the site have been identified. A geotechnical report is included with the application.

5. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

Response: Drainage is provided in accordance with City requirements. Please refer to the Proposed Utility Plan (Sheet 3).

6. Parking, including carpool, vanpool and bicycle parking, shall comply with city parking standards....

Response: A double car garage is provided for each dwelling, in compliance with City standards.

7. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards....

8. Circulation boundaries within the boundary of the site shall facilitate direct and convenient pedestrian and bicycle access

Response: Sidewalks are planned for both sides of the internal street and both the Rose Road and South End Road frontages. In addition, an internal pathway system links the three sections of the development, with the pathway from the cul de sac for the single family attached dwellings connecting to South End Road along the site's west boundary. Requirements for pedestrian and bicycle accessways, found in Chapter 12.24 Pedestrian/Bicycle Accessways, are discussed in a following section.

9. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas.....

Response: A homeowners' association will be created to provide for maintenance of commonly owned facilities.

10. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties....

Response: Outdoor lighting will include a street light and lights on the dwellings at doorways as typical for a single-family residence. Additional lighting is required for the accessways, as discussed in the following section of this narrative that covers Chapter 12.24.

11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved outside buildable area.

Response: Trees are preserved within the water resource area and associated buffer. Very few trees are located on the site and most will be lost to construction related impacts. Street trees and future plantings associated with the residences will mitigate this impact.

12. Development shall be planned, designed, constructed and maintained to protect water resources in accordance with the requirements of the city's water resources overlay district, Chapter 17.49, as applicable.

Response: Two identified drainage channels are protected within open space areas.

13. Development shall comply with applicable city regulations protecting natural resources....

Response: No inventoried resources other than the drainage channels have been identified on this site.

14. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference....

Response: Proposed uses are residential so no unusual emissions or odorous gases are anticipated.

15. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development....

Response: Public utilities are provided in compliance with City requirements. Please refer to the Proposed Utility Plan (Sheet 3). No service provider has indicated that there is a lack of capacity to accommodate this development.

16. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided, consistent with the city's transportation master plan and design standards and this title....

Response: Rights of way are proposed to be dedicated and improved in compliance with City requirements.

17. Major industrial, institutional, retail and office developments shall provide direct, safe and convenient bicycle and pedestrian travel....

Response: A residential development is proposed; this requirement does not apply.

18. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development....

Response: A residential development is proposed; this requirement does not apply.

19. All utility lines shall be placed underground.

Response: All utilities will be installed underground as required

20. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Response: Applicable requirements will be satisfied.

21. Pedestrian/bicycle accessways shall be provided as appropriate in accordance with the requirements and standards in Chapter 12.24 and such other design standards as the city may adopt.

Response: Please refer to the response to specific requirements of Chapter 12.24, in a following section. Sidewalks are proposed adjacent to all streets and a network of pathways provides connections between the three sections of the development and South End Road. The pathways also provide access to the open space and recreation areas, so are not, strictly speaking, limited to the functions of an accessway simply connecting streets where vehicle access is not feasible.

22. In office parks and commercial centers....

Response: A residential development is proposed; this requirement does not apply.

B. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria....

Response: The applicant anticipates that there will be reasonable conditions of approval to ensure that the development satisfies all standards and criteria in the City Code. For example, a condition requiring SPDR for the multi-family lot is acceptable and reasonable, as the applicant does not have plans for this lot at the present time. The City may wish to attach other conditions that reasonably guarantee that the project is completed in accordance with applicable requirements.

Chapter 12.24 Pedestrian/Bicycle Accessways

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

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

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

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

12.24.040 Development standards.

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

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

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

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

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

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

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

The accessway between the single family detached and single family attached area is approximately 450 feet in length. The pathway from the single family attached street termination, past the recreation area and across the drainageway to South End Road, is approximately 600 feet in length. Except for the initial 100 feet of the first accessway, which lies between a lot and a detention pond and the final 180 feet of the second pathway which lies adjacent to a proposed parking area and attached lot, both pathways are within the large open space tracts.

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

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

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

Response: The applicant believes that lighting is appropriate, but that the "three foot candle" requirement for lighting level is far too intrusive for the open space and natural resource area that is also located along the rear property lines of adjacent residences. The 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 everyreen vegetation screen; or

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

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

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

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

Response: Vegetative screenings will be provided adjacent to existing and proposed lots. See landscape architects plans for details.

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

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

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

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

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

Landscape requirements of the Paragraph H will be met as shown on the Landscape Architects plan, this includes trees and evergreens. See landscape plan for details.

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 and natural resources areas that the accessways will traverse.

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 two drainage channels that must be protected. The site is a long, narrow parcel that is between existing development (north) and Rose Road (south). 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 a street light at each end of the west pathway and at the west end of the eastern pathway. Additional lighting will be provided as required to the meet the City's pathway standards or the variance to that standard as proposed herein.

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 (natural resource areas) and adjacent development (existing subdivision). 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.

Conclusion

The applicant believes that this supplemental submission addresses applicable requirements of SPDR for the 14 attached single-family dwellings in the central portion of the proposed subdivision (Lots 53-66) and PUD and demonstrates the project's compliance. The applicant has also explained why SPDR cannot be accomplished at this time for the other 10 attached single family units, but can be completed following platting for the subdivision and prior to any development of the site without circumventing the purpose or intent of code requirements.

The applicant believes that the information in this supplemental submission justify the following conclusions:

1. Approval of the subdivision and PUD, with SPDR for the 14 attached single-family dwellings proposed on Lots 53-66 is justified as applicable criteria and standards are satisfied, or can be satisfied with conditions of approval.

2. Approval criteria for the PUD overlap criteria for SPDR, particularly with respect to integration of a development with natural features. Therefore, approval of the other 10 single family attached units (Lots 67-76) as part of the subdivision/PUD without SPDR does not circumvent application of City requirements.

3. The applicant does not have specific plans suitable for SPDR for the 10 single family attached units proposed on Lots 67-76 at this time and acknowledges that SPDR will be required prior to approval of any development permit.

4. SPDR is a discretionary review, so postponing this requirement for the southeasterly 10 single family attached units does not improperly shift the process to a strictly administrative process.

5. A variance to the code standard for lighting level for accessways is appropriate and will cause less intrusion and impacts for adjacent properties and for the open space and natural resources that the accessways will serve.



Real-World Geotechnical Solutions Investigation • Design • Construction Support

July 14, 2003

Project No. 02-8100

Tom Sisul Sisul Engineering 375 Portland Avenue Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Addendum to Geotechnical Engineering Report Rose Road Development Oregon City, Oregon

Reference: GeoPacific Engineering Inc., Geotechnical Engineering Report, Rose Road Development, Project No. 02-8100, dated January 6, 2003.

This brief letter is an addendum to the above-referenced report. In the current draft of the Oregon City Staff report, it cites subdivision standards (Chapter 16.08.050 Item D) and arrives at the conclusion that the applicant had not addressed how the high groundwater affects the function of the detention ponds, such as special construction requirements, storage volume, and pond function. This brief letter addresses these items from the geotechnical engineer's perspective.

We met with Sisul Engineering and the Wetland Consultant, Mr. Rich Bublitz to discuss the above and other issues. From our discussions, we offer the following comments. The site has poorly draining soils that tend to trap surface water in the upper 3 feet over an impermeable layer of very hard residual soil. Groundwater is therefore trapped in the near surface in low lying areas such as the subject wetland. Since the proposed ponds are located within or near the wetland buffer zone, the elevation of the ponds would be very close to or below the water elevation in the wetland area. Our discussion focused on enhancing the quality of the wetlands while maintaining the performance and function of the ponds.

We concluded that rather than excavate for a pond and provide subsurface drainage around the pond to reduce minimal, but expected lateral groundwater inflow, that the pond should be created by constructing a fill berm and that the bottom of the storage basin assumed for design of the pond should be no lower than the elevation of the wetland delineation; however the bottom of the pond could continue one to two feet to hold additional water to aid recharging the wetland during dry spells.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

James D. Imbrie, P.E. Principal Engineer

7312 SW Durham Road Portland, Oregon 97224

630.05

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SUL ENGINEERING

A Division of Sisul Enterprises, Inc

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

July 17, 2003

FAX (503) 657-5779

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

ATTN: Tony Konkol and Dean Norlund

RE: Rose Vista; J.O. SGL00-107 City of Oregon City File #PD03-01, WR-03-01 and SP 03-07

Gentleman:

The purpose of this letter is to explain how we plan to address the City's concerns about ground water and wetland recharge. Enclosed with this letter you will see a letter from Jim Imbrie with GeoPacific addressing the issue of ground water and how it might impact the detention pond performance. Also there is a letter from Rick Bublitz of Environmental Technology Consultants addressing from the perspective of the wetland scientist regarding recharging the wetlands. The purpose of this letter is to inform you on how we will address in the design aspect of these issues.

In accordance with Mr. Imbrie's suggestion, we are adjusting the detention ponds so that they will be essentially ponds with their active storage area above existing grade. The bottom of the pond or dead storage area will also be above existing grade as shown. Although Mr. Imbrie suggests having the dead storage below existing grade, this could not be done and still have a gravity drain of the dead storage area. If pumping the dead storage out for maintenance was acceptable then we could depress the ponds for the dead storage. Raising the detention ponds will allow us to drain the storm water release from the ponds towards the wetland areas. Releasing the water towards the wetlands will recharge the wetlands. In addition, if it is acceptable to the City's public works section we will also follow Mr. Bublitz recommendation for cut-off barriers within the utility trenches that will pick up ground water that could follow the utility trenches and direct it towards the wetland areas as well. Finally, to try and stop or minimize horizontal movement of ground water at the Rose Road right-of-way, the franchise utility trench, which runs along the Rose Road right-of-way would be backfilled with a mixture of CDF and Bentonite or some sort of similar water impervious mixture. This would prevent or slow ground water from moving across the Rose Road right-of-way and thus should help keep the wetlands upstream of Rose Road recharged longer.

We believe that all of these design elements will both keep the detention ponds functioning as intended and will keep the wetlands recharged to the maximum extent possible.

If you have any questions, please feel free to give me a call.

Thomas J. Sisul, P.E

TJS/glb

Exhibit



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July 15, 2003

Mr. Paul Reeder C/O Sisul Engineering 375 Portland Avenue Gladstone, Oregon 97027

RE: Addendum to Water Resources Report dated December 17, 2002 Proposed Rose Road Subdivision Oregon City, Oregon

This letter is to address issues raised in the Oregon City Staff Report concerning Oregon City Municipal Code Standards and Requirements, Chapters 17.49 and 17.50. The staff report concluded that water quality impacts to the resource area, wetland/wet soil recharge, buffers, and mitigation adequacy, scheduling, and monitoring, had not been adequately addressed.

The high water table/wet soil is caused by a slowly permeable layer at a depth of approximately 33-36 inches with a permeability rate of 0.06-0.2 inches per hour in the Bornstedt silt loam covering most of the site. The water table in this soil is from 2.0-3.0 feet below ground during the winter and early spring. The wetland areas are composed of Delena silt loam with an extremely low permeable layer at a depth of approximately 2.0 feet. Permeability below the upper 2 feet is <0.06 inches per hour. The water table in the winter and early spring is from ground level to 18 inches below ground.

Groundwater travel in these soils is primarily horizontal, with a horizontal conductivity much greater than 3 times the vertical conductivity, which is the average horizontal conductivity factor for soils without a low conductivity layer in the sub soil. Due to the physical structure of the soil profile, water that infiltrates to the hardpan in lawns, the common areas and buffer areas adjacent to, and up gradient from, the wetland will discharge into the wetland via the same groundwater pathway as currently exists. The exception to this is areas where the groundwater flow will be intercepted by gravel or compacted native soil filled utility trenches. That water, up gradient from the wetlands, intercepted by compacted fill will follow the path of least resistance down gradient and eventually discharge to the wetland area, if in sufficient quantity to exceed the infiltration

Exhibit

capacity of the low conductivity layer in the sub soil. Areas that drain into gravel filled utility trenches will follow the trench until it is either infiltrated or is discharged at some point along the facility to a shallow water table or a surface discharge point. It is recommended that any water that can be collected in sub surface drains within these trenches, and located at an elevation that will allow collection and subsequent discharge, be collected and discharged to the wetland areas.

Impervious areas will be collected in a storm drain system and directed to a storm water detention facility. Discharge from this facility will be through a water quality swale, bio retention facility or other facility approved by Oregon City review staff. It is recommended that the discharge be through a multiple orifice structure to provide metered flows to the wetland that would more closely approximate natural recharge. As the proposed pathway is pervious (gravel) no impacts to the recharge or water quality will be realized from its construction.

The lobe wetland will be reconnected with the northern wetland by construction of a ditch along Rose Road, the bottom of which will be at an elevation that will provide water exchange between the two wetland areas, but not low enough to drain either of the areas.

In response to the issue of inadequate buffers, the buffer along the upper end of the northern wetland (ditch area) will be increased to 50 feet to be in accordance with OMC 17.49.050, specifically Table 17.49-1. The buffer area impacted by the pathway will be mitigated by an increasing the buffer area in the down gradient vicinity of the impact by an area equal to the impact area.

The final mitigation plan will be submitted to the Oregon Division of State Lands as part of the final permit application requirements. This will include the implementation schedule, construction timelines, maintenance, monitoring, reporting and a contingency plan, all as required by ODSL rules and regulations governing permit applications and mitigation plans. These items, along with any required in water work restrictions will become part of the permit conditions and will be in place prior to any grading or issuance of a grading permit as mandated by Oregon City and Oregon DSL requirements.

Sincerely. Environmental Technology/Consultants Richard \$. Bublitz, PWS **Division Manager**

Addendum to Water Resource Report

August 1, 2003

Introduction:

This addendum is in response to a memorandum from Tony Konkol to Tom Sisul dated July 25, 2003 regarding the Rose Vista Planned Unit Development. The section titled "Required Revisions to the Application" Item (6) requested that the water resource report be amended to accurately depict the proposed changes to the PUD, including the amount of open space, added open space storm water facilities, and groundwater mitigation measures proposed. Also needing to be addressed was the impact of the path system, due to a design change in the pathway surface.

Open Space Area/Impact Changes Due to PUD Design Changes:

The current proposal dedicates 173,080 S.F. or 3.97 acres to open space area. This area includes active and passive common areas, wetland water resource areas and resource buffers, referred to as North Open Space and South Open Space on plans revised on July 16, 2003. On the plan revisions dated May 15, 2003, 159,994 S.F. or 3.67 acres were dedicated to open space within those designated areas. The current project design has removed all impacts to the water resource area and associated buffers, except those associated with the widening and frontage improvements required by the City of Oregon City to Rose Road and the pathway through the buffers, and increased the open space area by 13,086 S.F.

Pathway System Impacts and Mitigation:

A required change in the pathway system surfacing material has increased the impervious surface area of the project by 14,700 S.F. Although the impervious area has increased, the impacts to the water resource will be negligible. The pathway is located along the northeast property line for much of its length, which is also the high point in the general slope of the project, which drains the southwest. Surface runoff during high precipitation events that exceed the infiltration capacity and groundwater flow will still migrate to the resource area as described in the groundwater flow and mitigation analysis section of this addendum. Surface runoff from the path adjacent to the resource area will still be directed to a small portion of the buffer. Due to the nature of the pathway use (pedestrians and bicycles) this minor buffer contact will provide adequate water quality attenuation, as no pollutants other than soil particles, are expected to be deposited on the pathway surface. The resource crossings associated with the pathway are to be bridges constructed of wood, with cross-planked walkways, allowing precipitation to drain between the planks, and directly to the resource area.

The pathway crossing of the resource buffer areas has reduced the overall buffer area by a total of 3110 S.F. This area is mitigated through buffer averaging as indicated on the attached figure and totals 3188 S.F., exceeding the impact area. The buffer averaging

9 Exhibit

areas were placed in locations with the highest potential to give additional protection to the water resource area. These additional buffer areas are placed: (1) adjacent to the parking area across from lots 74-76; (2) adjacent to the driveway entrance near lot 67; and (3) contiguous to the north side of the buffer in the vicinity of lots 61-66. Areas adjacent to concentrated parking areas, or other high traffic areas have the greatest potential for accidental/incidental spills or disposal, and therefore were considered to provide the maximum possible benefit for the increased buffer area.

Groundwater and Resource Recharge Mitigation Measures:

The high water table/wet soil is caused by a slowly permeable layer at a depth of approximately 33-36 inches with a permeability rate of 0.06-0.2 inches per hour in the Bornstedt silt loam covering most of the site. The water table in this soil is from 2.0-3.0 feet below ground during the winter and early spring. The wetland areas are composed of Delena silt loam with an extremely low permeable layer at a depth of approximately 2.0 feet. Permeability below the upper 2 feet is <0.06 inches per hour. The water table in the winter and early spring is from ground level to 18 inches below ground.

Groundwater travel in these soils is primarily horizontal, with a horizontal conductivity much greater than 3 times the vertical conductivity, which is the average horizontal conductivity factor for soils without a low conductivity layer in the sub soil. Due to the physical structure of the soil profile, water that infiltrates to the hardpan in lawns, the common areas and buffer areas adjacent to, and up gradient from, the wetland will discharge into the wetland via the same groundwater pathway as currently exists. The exception to this is areas where the groundwater flow will be intercepted by gravel or compacted native soil filled utility trenches. That water, up gradient from the wetlands, intercepted by compacted fill will follow the path of least resistance down gradient and eventually discharge to the wetland area, if in sufficient quantity to exceed the infiltration capacity of the low conductivity layer in the sub soil. Areas that drain into gravel filled utility trenches will follow the trench until it is either infiltrated or is discharged at some point along the facility to a shallow water table or a surface discharge point. It is recommended that any water that can be collected in sub surface drains within these trenches, and located at an elevation that will allow collection and subsequent discharge, be collected and discharged to the wetland areas.

Impervious areas, with the exception of the pathway, will be collected in a storm drain system and directed to a storm water detention facility. Discharge from this facility will be through a water quality swale, bio retention facility or other facility approved by Oregon City review staff. It is recommended that the discharge be through a multiple orifice structure to provide metered flows to the wetland that would more closely approximate natural recharge.

The lobe wetland will be reconnected with the northern wetland by construction of a ditch along Rose Road, the bottom of which will be at an elevation that will provide water exchange between the two wetland areas, but not low enough to drain either of the areas.



SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027 (503) 657-0188 av 19, 2003 FAX (503) 657-5779

May 19, 2003

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

ATTN: Planning Staff and Planning Commission Members

RE: Rose Vista Plan Unit Development; J.O. SGL00-107

Dear City Planning staff and Planning Commission members:

This letter is to express our frustration with the City's Development Code language in regards to Water Resources. The original intent of the development was to fill a small area of marginal wetland and improve the two primary wetland areas by raising the water level through the use of a weir or dike to create better wetland conditions.

In a meeting we had with City staff at the end of April. Staff informed us that they felt the City Development Code, specifically the Water Resources Section, would not allow the water elevation to be raised without pushing out the 50 foot buffers required around the wetlands. (We intended to create a fill in the upland areas to limit the expansion of the wetlands.) In rereviewing the Development Ordinance we have come to the conclusion that the City staff is largely correct, if not entirely correct, in their interpretation of the Development Code. While the Water Resources Code Section has much discussion about mitigation, staff indicated to us that the only area that we could actually fill a wetland would be in a case such as Rose Road where the widening of the road is required. The only other allowance they could think of is where a property may not have access to the developable portion of the property without crossing a wetland. That is not the case on this site.

Our belief is that both the applicant, as the developer, and the community will lose with the strict adherence of the Development Code in this case. The developer will lose one single family detached lot and will have some of the single family detached lots served by a private street rather than a public street as was originally proposed. The community, we believe, will lose in that the wetland areas which are all poor quality will all be left largely as they are with some small enhancement improvements, but not improving the main aspect, needed for good enhancement, that being increased water levels. In fact the way the Development Code is being interpreted, to increase the water levels in the wetland areas would take land away from the area of development, by pushing the 50 foot buffer out from the new edge of whatever a new water level would be.

In summary, the applicant had hoped that by allowing him to fill the poor quality lob of the wetland at the most northwesterly edge of the wetland area and improving the two

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other wetland areas by raising their water levels, he would create a wetland area that looks truly wet to those who would observe it. Not have the wetlands appear as swampy areas or mud flats as they currently exist, being over run by blackberries. This desired enhancement though is thwarted by City Development Ordinances that penalizes him for trying to raise the water level because of its effect on pushing out the 50 foot buffer. We suggested we could just create a small fill around the perimeter of the existing wetland to prevent expansion of the wetland area but as staff pointed out the Development Ordinance appears to prohibit such fills in the buffer area.

The Planning Commission, as the decision maker for this application, does have some discretion in its interpretation of the Development Code. We would ask the Planning Commission to see if they could allow the developer to enhance the wetlands without negatively impacting his developable area and perhaps allow him to go back to the proposed 76 unit development that was previously submitted, a copy of which is enclosed with this letter.

Sincerely,

Thomas J. Sisul, P.E.

TJS/lae Enc.









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ANALYSIS AND FINDINGS

The applicant has proposed a Planned Unit Development on 16.02 acres consisting of 76 singlefamily residences, with 52 single-family detached residences and 24 single-family attached residences for the above referenced property. The proposed site layout contains 3.97 acres of the site to be preserved as open space. The property contains gentle slopes and 2 separate water resource areas (see WR03-01) and is located at the north corner of the intersection of South End Road and Rose Road in Oregon City.

The properties are located at 19093 (3S-1E-1A, TL 1700) and 18879 (3S-1E-1CD, TL 300) Rose Road. The properties are zoned R-10 and R6/MH respectively. R-10 and FU-10 zones surround the site. The FU-10 zone southwest of Rose Road is in Clackamas County and the City's Comp. Plan for this area is R6/MH.

The Applicant has providing preliminary engineering drawings for the proposed development of the site from Sisul Engineering, Inc. and dated Nov. 2002 and last revised August 1, 2003.

Engineering staff recommends approval of the proposed Planned Unit Development provided the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

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

The applicant's proposed waterline plan indicates constructing a 12-inch water main along the site's frontage with Rose Road and connecting to the existing City 12-inch water main in South End Road. A water main with a dead end line (in road between the two water resource areas) is proposed to serve lots 52-66. Another water main is proposed to loop around the properties on the northwest side of the site, with a dead end water main serving lots 17-21. The proposed water improvements provide two stubs to the northwest at Rose Road and the proposed interior street. The applicant has proposed blow off assembly at dead end lines, six new fire hydrants and water services to all of the proposed lots.

Applicant has proposed a water system that appears to meet City code with a few modifications.

Exhibit_____

Conditions:

- 1. As part of this development, a 12-inch ductile iron water line shall be constructed in Rose Road from the City water line in South End Road to the northwest property boundary and 8-inch ductile iron water lines looped through the site. The water line shall extend along Rose Road and the proposed interior street to the site's northwest property boundary and terminate with a City approved blow-off.
- 2. Water service laterals shall be provided to the existing lots southwest of Rose Road.
- 3. Water lines shall be extended to the end of all proposed stub streets and terminated with a blow-off.

SANITARY SEWER.

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

Applicant has proposed to extend the sanitary sewer to the northwest property boundary in Rose Road and the proposed street.

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

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

Conditions:

- 4. Applicant shall provide sanitary sewer facilities to this site.
- 5. Applicant shall provide an 8-inch sewer main to the end of all proposed stub streets for future extension. If sanitary sewer laterals are connected to the sewer lines in the stub streets, the lines shall be terminated with a manhole near the end of the stub streets, and the sewer line shall be stubbed-out for future extension.
- 6. Applicant shall extend the sanitary sewer main in Rose Road to the site's northwest property boundary.
- 7. Sanitary sewer laterals shall be provided to the existing lots southwest of Rose Road, but not connected.

- 8. All sewer lines shall maintain the maximum depth based on the minimum slopes allowed by the City, and shall terminate in manholes with stub-outs for future extension. The sewer shall have a depth sufficient to provide sewer service to the Urban Growth Boundary to the northwest.
- 9. Any sanitary sewers with less than three feet of cover shall be constructed of ductile iron pipe.
- 10. Applicant must process and obtain sanitary sewer line design approval from DEQ prior to City plan approval.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

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

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

The Applicant has proposed to drain the site into two detention ponds and four areas with underground detention pipes. The detention systems are located adjacent to the wetland areas and do not encroach in the water resource buffer areas. The Applicant proposes to drain the northwestern side of the site into various detention pipes and a pond then into the northwestern drainage swale. The applicant does not clearly show how the storm system for southeast swale will function.

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

Most of the proposed detention pipes are undersized. The detention pipes minimum size is 42-inches.

Preliminary Hydrology/detention calculations have been provided to the City for review. The Applicant's engineer has provided an additional Downstream Drainage Analysis for the area between Rose Road and the drainage inlet at Southridge Meadows. The Analysis concludes that the City's storm water design requires a detention system to be designed to reduce peak runoffs for the 2, 5 and 25-year storm events. Therefore the peak runoffs for these posted developed storms should be less than the existing storm events.

The Applicant has preliminarily addressed how the storm system will function in a high ground water table and how the existing water resources/wetlands will be maintained/recharged.

Applicant has proposed a storm sewer system that appears to meet City code with modifications.

Conditions:

- 11. Developer shall provide detention and water quality systems that conform to current City standards.
- 12. The Stormwater Engineer shall incorporate design criteria from the Geotechnical Engineer (high ground water) and Water Resource Scientist (recharging and wetland management) to ensure the pond and wetlands harmonize each other. Revise the Storm Water Report to incorporate comments/design criteria from the Geotechnical Engineer and Water Resource Scientist
- 13. Applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.
- 14. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

DEDICATIONS AND EASEMENTS.

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

Applicant has proposed an 11.5 feet dedication along the property fronting Rose Road. The Applicant is proposing ROW of 53-feet throughout the site for the interior streets.

South End Road is classified as a Minor Arterial by the TSP, which requires a minimum right-ofway (ROW) width of 64-114 feet. Currently, South End Road appears to have a 60-foot ROW.

Applicant has proposed a 10 feet dedication along the property fronting South End Road

Applicant proposed three access easements, access easement "A" to serve lots 17 through 22, access easement "B" to serve lots 54 through 57 and access easement "C" to serve lots 68 through 75. The Applicant proposes a 15-foot wide pedestrian easement along the northeast property boundary from the open space area to South End Road. Additional easement/tracts may also be required and will be determined with the review of construction plans.

Applicant has proposed ROW widths, easements, and tracts that appear to meet City code with a few modifications.

Conditions:

- 15. Applicant shall dedicate a minimum of 11.5 feet of right-of-way along all site frontage with Rose Road.
- 16. Applicant shall dedicate a minimum of 10 feet of right-of-way along all site frontage with South End Road.
- 17. Applicant shall dedicate 53 feet of right-of-way for the proposed interior local streets and 56-foot radii for Cul-de-sacs.
- 18. The Pedestrian walkway easement from the open space to Rose Road shall be a minimum of 20 feet wide.
- 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. Applicant shall show a reserve strip dedicated to the City at the end of the interior stub street. This reserve strip shall be noted on the plat to be automatically dedicated as public ROW upon the approval of ROW dedication and/or City land use action approval of the adjacent property.
- 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

STREETS.

Rose Road is classified a Local Street by the Oregon City Transportation System Plan, which requires a minimum pavement width of 20 to 32 feet. Currently, Rose Road has approximately 16 feet of pavement width.

South End Road is classified as a Minor Arterial by the Oregon City Transportation System Plan, which requires a minimum pavement width of 36 to 88 feet. Currently, South End Road has approximately 32 feet of pavement width.

Applicant has proposed a half street improvement plus 10 feet and a temporary curb for Rose Road along the property's frontage. The proposed interior streets are fully improved with 5-foot planter strips, 5-foot sidewalks and 32 feet of pavement with curb. The Applicant has proposed to widen South End Road to a pavement width of 29 feet from the centerline along the property fronting South End Road.

Parking will be allowed on both sides of streets with 32 feet or more of pavement width. Parking will be allowed on one side of streets with less than 32 feet and 26 feet or more pavement width. Parking will not be allowed on streets with less than 26 feet of pavement width. There are 12 parking spaces provided in access tract "C" to serve lots 70 through 75.

Emergency vehicle turn-around will have to be approved by Clackamas Fire District #1.

Applicant has proposed a street system that appears to meet City code with a few modifications.

Conditions:

- 22. Half-street improvements are required for the entire frontage along Rose Road. A halfstreet improvement is defined as to the centerline plus 10-foot. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. 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 to be limited to, base rock, paved half street width of 26-feet (8-foot travel lane, 8-foot parking, 10-foot past centerline), curb, gutter, 5-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 23. Half-street improvements are required for the entire frontage along South End Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved half street width of 32 feet (6-foot ¹/₂ of a turn lane, 12-foot travel lane, 6-foot bike lane, 8-foot parking), curb, gutter, 7-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights

- 24. All proposed interior full street improvements are required. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved full street width of 32-feet (2@8-foot travel lanes, 2@8-foot parking areas), curb, gutter, 5-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 25. All streets with a paved width of less then 32-feet shall be signed "NO PARKING TOW AWAY ZONE" on one side.
- 26. All existing utility poles along street frontages shall be relocated to behind the sidewalk or the utilities can be placed underground. All new utilities shall be placed underground.
- 27. Applicant shall install sidewalks along the entire frontage of South End Road, to through and adjacent to all open spaces and water resource areas, and along the frontages of all tracts, and all handicap access ramps at the time of street construction.
- 28. Applicant shall provide a pavement-striping plan for South End Road.

GRADING AND EROSION CONTROL.

The Applicant has provided a preliminary Grading and Erosion control plans.

Applicant has proposed grading and erosion control that appear to meet City code with modifications.

Conditions:

29. 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.

GEOTECHNICAL CONSIDERATIONS.

This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology and Geologic 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 Rose Vista Subdivision by James D. Imbrie, Scott L. Hardman, P.E. and Kirk L. Warner, P.G. all with GeoPacific Engineering, Inc.; dated January 2, 2003. On site subsurface explorations were conducted on December 19, 2002.

It appears that the Geotechnical Report meets most of the City's requirements and has adequately addressed the geotechnical conditions for the proposed development, except for how the high ground waters affect the function of the detention ponds, such as special construction requirements, storage volume, and pond function.

Conditions:

- 30. The Geotechnical Engineer shall address the use and construction of detention ponds in a high ground water. Geotechnical Engineer shall coordinate design criteria to the Storm water Engineer and Water Resource Scientist.
- 31. Applicant shall follow and incorporate the recommendations in the Geotechnical Report for the design of the site.

TRAFFIC AND TRANSPORTATION.

The Applicant has submitted a Traffic Impact Study for Rose Vista Subdivision by Todd E. Molby; P.E., with Lancaster Engineering dated December 2002. The Traffic Impact Study has been reviewed by the City and David Evans and Associates and it has been determined that the applicant's traffic impact analysis 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 has demonstrated that a signal will be warranted at the Warner Parrott Road/South End Road intersection by 2004 with, or without the proposed development.

There are sight distance problems due to vegetation on the northwest side of South End Road.

Conditions:

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

WATER RESOURCE

A large portion of the southeast half of the site is located within the Water Quality Resource Area Overlay District. Under the requirements of Chapter 17.49, the applicant must delineate the wetland and stream boundaries and determine the required vegetated corridor width between the wetland and stream boundaries and the proposed development. The vegetated corridor area is to remain undisturbed.

The Applicant has generally kept out of the water resource and developed around them except for a portion of the detention ponds that are proposed to be built in the water resource buffer. This is allowed with mitigation. The Applicant has not clearly delineated the areas in the buffer used for detention and what area has been migrated for the buffer encroachments.

Applicant has included a copy of the proposed Division of State Lands (DSL) Compensatory Mitigation Form. The Applicant is reminded that they must meet also meet the City of Oregon City's Municipal Code chapter 17.49 Water Resource requirements in addition to DSL's requirements.

The applicant provided a copy of Environmental Technology Consultants Water Resource report dated December 17, 2002 for the Rose Vista project. An addendum to the original report dated February 19, 2003 that discussed the path that crosses the wetlands and vegetated corridors was also submitted to the City. An additional addendum to the City was submitted and dated May 29, 2003.

Applicant has proposed providing 50-foot wide vegetated buffer areas around most of the wetland areas except the narrow wetland behind lot 19, 20 and 21 where they show a 15-foot wide buffer. Even though this is a narrow wetland that also functions as a drainage swale it still needs to be protected by 50-foot buffers. The vegetated corridor areas are to be improved by removing non-native species, and replanting with non-nuisance plants from the Oregon City native plant list, and seeding to achieve one hundred percent ground cover.

With the widening of Rose Road it appears that the northwesterly wetland water supply may be jeopardized. The Water Resource Scientist and Stormwater Engineer need to address how this wetland and the other wetlands will be sustained with water.

Conditions:

- 33. Developer shall provide vegetated 50-foot vegetated corridor buffer width from Title 3 wetlands in conformance to City requirements.
- 34. The Water Resource Scientist, Stormwater Engineer and Geotechnical Engineer shall provide a design and analysis that will maintain and enhance the existing/proposed wetlands with the proposed development.
- 35. Applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.
- 36. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

ENGINEERING REQUIREMENTS.

Conditions:

- 37. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
- 38. The Applicant is responsible for this project's compliance to Engineering Policy 00-01 (attached). The policies pertain to any land use decision requiring the applicant to provide any public improvements.

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

		TRANSMITTAL	
March 28, 2003			
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🖬 ENGINEERING MANAGER		☑ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR ⁽²⁾	
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🖬 PUBLIC WORKS- OPEI		CLACKAMAS COUNTY - Joe Merek	
□ TECHNICAL SERVICE	S (GIS)	ODOT - Sonya Kazen	
PARKS MANAGER		□ ODOT - Gary Hunt	
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POLICE		 TRI-MET METRO - Brenda Bernards 	
TRAFFIC ENGINEER		 METRO - Brenda Bernards OREGON CITY POSTMASTER 	
		DLCD	
RETURN COMMENTS TO:		COMMENTS DUE BY: April 25, 2003	
Tony Konkol		HEARING DATE: May 12, 2003 (Type III)	
Planning Division		HEARING BODY: Staff Review: PC: XX CC:	
IN REFERENCE TO	FILE # & TYPE:	PD 03-01: Planning Unit Development	
		WR 03-01: Water Resource Review	
		VR 03-11: Pedestrian Lighting Standard Reduction	
	PLANNER:	Tony Konkol, Associate Planner	
	APPLICANT:	Paul Reeder / Sisul Engineering	
	REQUEST:	A PUD with 52 detached single-family, 14 attached single-family, and a site for an 18 unit multi-family development. A water resource review and mitigation and a variance to the pedestrian lighting standard to reduce the required foot-candles.	
	LOCATION:	Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.	

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<u>#</u>	areas should be kindered by 26'h	to City to firsted wething areas estimation
	Signed <u>Title</u>	Porter Facilities
	$\frac{1}{1}$	Exhibit 12

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATEH


June 4, 2003

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

SUBJECT:REVIEW OF TRAFFIC IMPACT STUDY
ROSE ROAD SUBDIVISION - PD03-01

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 Rose Road Subdivision Development located in Oregon City on the north side of Rose Road northwest of South End Road. The reviewed material is dated December 2002.

The TIS describes the current development proposal to build a mixed residential development consisting of 18 apartment units, 14 townhomes, and 52 single-family detached homes. Direct access to and from the proposed site would be via Rose Road with no direct access to South End Road. The project would involve the construction of an internal roadway with access to Rose Road approximately 1,600 feet northwest of South End Road and the addition of one street stub approximately 600 feet northwest of South End Road.

Overall Finding

The applicant's TIA generally meets City guidelines except where noted herein. I concur that the project is not expected to trigger off-site mitigation- rather it will simply add to the need for planned improvements already underway.

Comments

- 1. *Existing conditions* The applicant reasonably described the existing transportation system surrounding the proposed project site including pedestrian, bicycle, and transit facilities. The applicant used recent traffic counts from 2002 and accurately reflected prevailing intersection lane configurations and traffic control. However, the applicant did not review existing study area crash history as is customary and relevant to TIAs. The applicant should do this analysis and ensure that it is done for future TIAs submitted to Oregon City for review.
- 2. Background conditions In developing the opening year background traffic levels without the project, the applicant calculated a 4.5 percent per year linear growth rate based on 1997 and 2001 historical traffic counts. The calculated 4.5 percent growth rate is assumed to account for in-process developments in the area as no direct review and accounting of in-process trips was conducted. Although the described methodology is acceptable for this level of development, the applicant is encouraged to review and account for in-process developments within their study area, as it will provide a more accurate assessment of background conditions.

Exhibit 13

Mr. Tony Konkol TP 02-06 Page 2

The applicant appears to have reviewed relevant planning documents and noted planned improvements. However, the applicant has optimistically assumed the intersection of South End Road and Warner Parrott Road will be realigned and signalized by 2004. The Oregon City Transportation System Plan (TSP) calls for realignment to be completed in 6-20 years. The applicant also indicates that the intersection would warrant a traffic signal under 2004 background conditions. The applicant indicated that without the realignment and signalization the intersection would provide failing level of service (LOS) under 2004 background conditions. The applicant is encouraged to review in-process developments to account for where background traffic growth is exceeding levels planned for in the TSP. The primary concern being that the background growth assumed by the applicant is to high as compared to actual in-process development levels and as a result background growth is masking possible impacts generated by the Rose Road development.

- 3. *Trip Generation/Distribution/Assignment* The applicant used appropriate ITE's trip generation equations and rates to estimate site trips during AM and PM peak hours and during the course of a typical weekday. The applicant used appropriate methods to distribute site trips to the area road system.
- 4. Sight Distance/Access Spacing- The proposed project gains access to Rose Road at two locations. The applicant has appropriately reviewed existing site distance along Rose Road and at the intersection of Rose Road and South End Road. The applicant recommends vegetation be cleared along South End Road at the intersection of Rose Road to meet minimum sight distance requirements. The applicant indicates the proposed development will access Rose Road at multiple locations. The applicant needs to identify the number and location of access points and ensure that these new access points meet appropriate access spacing guidelines. Based on review of the site plan it is unclear how access will be provided for the multi-family (apartments) area of the development.
- 5. Signal and turn Lane Warrants The applicant adequately analyzed opening day (assumed 2004) signal warrants for the intersection of Warner Parrott Road and South End Road. A signal at this intersection is not warranted under existing conditions but is warranted and assumed under 2004 background and opening day conditions.

The applicant adequately analyzed left-turn lane criteria on South End Road at Partlow Road and Rose Road. The applicant indicates the criteria for a southbound left-turn lane is met at Partlow Road. The Oregon City TSP identifies the need for alignment of the Partlow Road and Oaktree Road within the next five years. When this alignment project is built, the applicant recommends the construction of the warranted southbound left-turn lane and recommends the construction of a northbound left-turn lane to avoid potential sight-distance problems. Left-turn lane criteria is not met at Rose Road.

Right-turn criteria was not analyzed by the applicant. Based on a brief review of volumes and warrant criteria indicate that a right-turn lane on south end Road is not warranted based on this development.

6. Traffic Operations – The applicant indicates that the four study area intersections will operate at LOS D or better under existing, background (assumed 2004) and opening day (assumed 2004) AM and PM peak hour conditions with the exception of the intersection of Warner Parrott Road at South End Road. The intersection of Warner Parrott Road and South End Road would operate with LOS E and F conditions during the PM peak hour under background and opening day conditions, respectively. The applicant indicated that a signal is warranted at this intersection and identified a realignment project in the Oregon City TSP for the intersection.

Mr. Tony Konkol TP 02-06 Page 3

With the signalization and realignment of the intersection in place the intersection would operate at LOS C during peak hours under background and opening day conditions. However, inclusion of the TSP improvements at this intersection may be optimistic as the TSP lists the project as long term (6-20 years).

- 7. **Queuing** The applicant did not report any queuing results for area intersections. Upon review of the applicant's operational results, queuing is not expected to be a significant issue except perhaps at the intersection of Warner Parrot/South End where traffic operations are expected to degrade to Los F conditions in 2004 without a traffic signal.
- 8. *Mitigation* The applicant has not identified the need for any off-site mitigation triggered specifically by their development. They have demonstrated that a signal will be warranted at the Warner Parrott Road/South End Road intersection by 2004 with or without the proposed development. The only other mitigation that appears needed is the removal of some vegetation along South End Road to improve intersection sight distance. This should be completed prior to development occupancy.
- 9. Site Plan Review The report indicates that no direct access from the site is provided to South End Road. It is unclear, based on the site plan, if adequate access and parking is provided for the multi-family (apartments) area of the development. The applicant needs to delineate on the site plane and describe in the text all access points for the site. The applicant's site plan indicates that sidewalks will be provided on both sides of the roadway within the development and along the north side of the Rose Road frontage. A pedestrian pathway is also proposed along the backside of the site providing access to South End Road.

The applicant provided a very good description of the existing pedestrian/bicycle system linking the proposed development with the nearby elementary and middle schools. The addition of sidewalks along South End Road would provide a seamless system of sidewalks (on at least one side of the roads) with each school. The City's TSP identifies a project to construct sidewalks along South End Road (project no. R-26). However, this project identifies construction of sidewalks from Partlow Road to the UGB whereas the City's Pedestrian system plan identifies needed sidewalks along South End Road from the UGB up to Warner Parrott Road. So the full limits of the project are unclear. The proposed Rose Road PUD project does not trigger the need for sidewalks, but does add to the need.

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.

Mike Baker, PE Senior Transportation Engineer

MJBA:swh

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

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RETURN COMMENTS TO:		COMMENTS DUE BY: April 25, 2003		
Tony Konkol		HEARING DATE: May 12, 2003 (Type III)		
Planning Division		HEARING BODY: Staff Review: PC: XX_CC:_		
IN REFERENCE TO	FILE # & TYPE:	PD 03-01: Planning Unit Development		
		WR 03-01: Water Resource Review		
		VR 03-11: Pedestrian Lighting Standard Reduction		
	PLANNER:	Tony Konkol, Associate Planner		
	APPLICANT:	Paul Reeder / Sisul Engineering		
	REQUEST:	A PUD with 52 detached single-family, 14 attached single-family, and		
	a site for an 18 unit multi-family development. A water resource			
		and mitigation and a variance to the pedestrian lighting standard to		
	LOCATION:	reduce the required foot-candles. Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.		
	LOCATION.	Map = 55 + 12 + 123 a = 101 + 100 and 55 + 12 + 1019, 1 a = 101900.		

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<u> </u>	The proposal does not conflict with our interests.		The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict our interests if the changes noted below are included.		The following items are missing and are needed for review:
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CITY OF OREGON CITY - PLANNING DIVISION PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304 Phone: (503) 657-0891 Fax: (503) 722-3880

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	The proposal would not conflict our interests if the changes noted below are included.	The following items are missing and are needed for review:
<u></u>	Signed Kathi H Title Land We g	Exhibit 15

Exhibit

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Tony Konkol Planning Division		HEARING DATE: Type II HEARING BODY: Staff Review: <u>XX</u> PC: <u>CC:</u>
IN REFERENCE TO	FILE # & TYPE: PLANNER: APPLICANT: REQUEST: LOCATION:	SP 03-07 Tony Konkol, Associate Planner Paul Reeder / Sisul Engineering Site Plan and Design Review for the development of 14 single-family attached residences. Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.

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> The proposal does not conflict with our interests.

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

- X The proposal conflicts with our interests for the reasons stated below

The following items are missing and are needed for review:

Signed *

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

South End Road & Hazel Grove/Westling Farm Neighborhood Associations Steering Committee Meeting For April 17, 2003

Kathy Hogan opened the meeting at 6:30 p.m.

Announcements

The general Meeting will be May 15, 2003.

Tri-Met will have a speaker on Bus Route 79. It was discussed how to notify people on the route in the county and to notify Canemah N. A.

Barry Park retirement will talk about what they have to offer the neighborhood including temporary hourly service, about their facilities and cost.

Old Business

Discussed Bi-Law changes for Hazel Grove Westling Farm. National Night Out for the neighborhood. CICC announcements. An appeal from Joseph Spazini for the Great American Development on South End and next to Hazel GroveWestling Farm N. A. was extend to May 7, 2003.

Land Use

Paul Reeder, Sisul Engineering has an application in on Rose Road. There will be multifamily unit changes that may include row houses. It is an 84 unit Plan Unit Development (P. U. D.) that would include an apartment complex townhouses, homes and two wetlands.

The following is a discussion of concerns neighbors brought before the steering committee.

- Traffic should be a concern for its impact on access to South End.
- Drive ways and parking will be problems.
- Safety issues of parked cars blocking narrow road.
- All homes will feed onto Rose Road making a busy intersection.
- Zoning should be R -10. How did it change to R-6.
- Rose Road residents worried about Annexation if the roads become city roads.
- The proposed plan is not compatible with surrounding area.
- Most lots recorded in Oregon City are 8-10,000 sq. ft.
- New development will add about 800 new trips per day to connecting roads.
- South End will have excessive traffic.
- Want houses that are compatible.
- Growth has effect on Warner-Parrott and South End degraded quality of the intersection will cause a need for a stoplight.

- There will be an impact on the Partlow-Laffette intersection.
- The City does not have a plan to accommodate the increase.
- South End Road going down the hill toward the Museum has a slide problem that should be addressed before further building on the South End portion of the hill.
- Rose Road may have to be raised in order to have sewage drain down to South End Road, to keep from having a new pump station.
- Mc Laughlin School is over crowded with lack of school funding. The school is worried about a large development going in. It could increase class sizes to 40 students to a class.
- There is no park area except the school.
- Vandalism is increasing at the school.
- District Business Manager Ken Rezac stated in a report that development would make the district need a boundary change for schools.
- Inadequate transit for apartments and housing.
- Small park in development is private not public. May be for apartments and not houses.
- South End Road does not have sidewalks for school kids to walk on. It will require kids to walk on a dangerous road or bussing.
- Need a park in the area parks are too far away. People cannot use School Park while school is in session.
- Water is a large issue.
- The water table is high, ditches are through out the property, lawns are like sponges, and water runs freely on the property and surrounding properties.
- South End Basin Plan needs to be followed.
- One Rose Road Owner has water under his house; he has French drains and sump pumps. Water stays on the ground until the rainy season is over.
- Dry wells do not work, they bubble up.
- Detention ponds and wetlands are far away from some of the residents who will have larger water problems with a large PUD.
- Concrete a pavement will make drainage worse.
- PUD site is sitting on area that has a clay soil that permeates water very slowly. Topsoil is only 1 or 2 inches.
- Some residents cannot put in a basement because of the water problem. Especially houses at the far end of the road.

April 25 is the dead line for comments or questions to be added to the staff report.

Hearing is May 12 @ 7:00 p.m. at City Hall. Can bring information up at meeting.

The following is a list of 4 specific points that the neighborhoods would like addressed by the City.

1. Zoning – Concern about whether the land is appropriately zoned. It should be R-10. R-6 allows density that is incompatible with the environment and livability with surrounding area.

• 1

- 2. Traffic- There are concerns about high volume on a narrow road (narrow road variance requested) with one exit for over 105 families. Plus traffic concerns on South End Road. There will be a decrease in the quality of intersection at Warner Parrott and South End Road. Also there will be an increase in trips on the road from less than 100 a day to more than 800 a day on Rose Road. Mass transit is inadequate for density.
- 3. Schools-There is a concern on how this will adversely impact the schools. There is concern that boundary changes would be needed, which would require small children to be bussed. Based on school district figures it is estimated that class sizes will increase to 40 children per class. There is no plan to address this problem. There are also concerns about maintenance of facilities, vandalism, and park use. Additional dollars from other subdivisions are not currently solving these problems.
- 4. Water- given the amount of ground water in the area there is a concern that the increased density will adversely affect the surrounding residents and people in the subdivision with flooding.
 - Ground is saturated.
 - Loss of surface area will cause a loss of recharging of ground water.
 - And soil composition does not support quick recharge.

The meeting ended at 8:00pm.

Respectfully submitted by Kathy Robertson.

Tack Roberton

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Oregon City Planning Division,

I am writing this letter in response to a recent building proposal notice that I received in the mail. The file numbers for the proposal are PD 03-01, WR 03-01, and VR 03-11. The notice indicates that the area of land directly adjacent to my back yard property line may soon become the home of a sprawling apartment complex, a series of row houses, and yet another crowded subdivision. I have several concerns with this proposal for land use and after the initial panic wore off I chose to list them out in writing as the notice suggests.

My first concern deals with the apartment complex. From what I understand it will be located along South End Rd. The distance from that location to my back yard is enough that it probably won't affect my family very much but it will affect many of my neighbors. With almost a decade of community policing experience, I have found that there are certain problems that crop up far more frequently in an apartment community as opposed to residential home owner neighborhoods. Noise, parties, fights, and domestic disputes happen more often in multi-family units. There is also the potential for car prowls, vandalism, and other issues that can overflow into the surrounding area. People who look at the comparison logically find that home owners generally have more respect for neighbors and the neighborhood than do renters. Renters are almost always temporary residents while home owners have a vested interest in the location they chose to call home.

The row house section, or attached single family homes, will be located much closer to my property and therefore will be that much more of a nuisance. I don't look forward to having a set of 2-story buildings overlooking my back yard and back windows. The proposal also doesn't specify if the row houses will be for rent or sold to home owners as condo's. I hope I don't offend anyone with the 15 foot monster fence I have planned.

I am also concerned with the inevitable increase in traffic and the overcrowding and burden placed on our schools. Over the past 3 years it seems that the City of Oregon City has been in some sort of race to build and populate every piece of available solid ground. South End, Central Point, and Partlow roads used to be easily traveled rural streets. The addition of multiple subdivisions coupled with the glaring lack of attention to the area roads have made travel capabilities dwindle into near gridlock at times. Even general road repair has been neglected, causing Partlow Rd. and Central Point to resemble "Craters of the Moon" in some places. It is more than obvious that by adding even more people to the area the situation will go from bad to worse.

John Mcloughlin grade school has also been pushed to the brink with the unchecked population boom. My daughter's 4th grade classroom has been increased to 32 students for 1 teacher. This type of overcrowding affects the quality of education that all of our children receive. Pair that with an abysmal education budget shortfall and it is easy to conclude that there will be a severe breakdown in the near future should the current trend continue. Being a lifetime resident of "upper" Oregon City, I would seriously encourage people to move elswhere.

There are also some questions with regards to our property values and possible difficulty in selling after constuction is completed. If the property values are expected to drop due to the apartments and town homes nearby, there just may be a mass exodus

16 Exhibit

from the surrounding home owner contingent. This may further deteriorate the neighborhood. Although I'm not quite finished with our remodeling projects, I am now on the fast track to completion should the need to evacuate arise. We also have 2 small feeder creeks running through the proposed build site. Have provisions been made to protect these from environmental damage?

Overall, I am happy for Mr. Reeder in having the opportunity to sell this land away and make a great deal of money. It appears to have been a very good investment. Given the opportunity I would be inclined to do the same. Unfortunately I feel that any profit made by Mr. Reeder under the current proposal will be offset by the loss to the surrounding neighbors. A more reasonable solution would be to trade the apartment complex and row house section for additional single family homes.

However the decision turns out I am hoping that we will have ample notification. If it goes through as proposed I will need a little time to locate another home and transplant my family elsewhere.

Brett Livingston

May 1, 2003

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

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

Subject: Comments Regarding Limited Land Use Application, PD03-01, WR03-01, VR-03-11, SP03-07, submitted by Paul Reeder.

We would like to preface our comments by saying we and to the best of our knowledge none of our neighbors along South Rose Road object to development of the vacant undeveloped land located on the north side of South Rose Road. We would like to see any development be compatible with the size and pattern of the surrounding residential properties. Hopefully any development would compliment and enhance the liveability of the area rather than having an adverse affect on the surrounding properties.

Comments:

1.Zoning- I question the appropriateness and validity of the R/6 MH zoning applied toTax lot 300. I have attempted to research the records to find when and why this zoning classification was assigned to this property. I was told it was required by the City's Comprehensive Plan.I have reviewed the Clackamas County Comprehensive Plan Map IV-5,Oregon City Area Land Use Plan Map dtd 1992(Atchmnt 1) which designates this property as LR, Low Density Residential.I have also reviewed Oregon State Laws relevent to land use planning and subdivisions. ORS 197.314 (1) states......".within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003 (26)(a)(C). A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (5)". This statute has been in effect for over five years, therefore the comprehensive plan should have been amended many years before this property was annexed and in as much as this property was zoned for single family residential uses, siting of manufactured homes on the property was defined in whether any other zoning.

A. This property was zoned FU-10,Low Density Residential prior to annexation into Oregon City by a majority vote of the Oregon City voters at the Nov 2,1999 Special election.

(1).OC Comp Plan Pg G-1,G-2,G-3 states-"Transfer of county land use designations (as shown on their 1980 Comprehensive Plan Map) to city land use designations and zoning classifications. Proposed zone changes will remain consistent with the broad land use designations developed for the UGB area by Clackamas County".

(2) Annexation Proposal AN-99-03, Pg 2, para 6. states......" The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is Future Urbanizable on the Countys' Northwest Urban Land Map (map IV-1) and Low Density

Exhibit_____

Residential (LR) on the County's Oregon City Area Land Use Plan (MapIV-5). Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available".

Page 16,para 16.states......."The City's Plan provides that the city will process a zone change from County FU-10 to a city zone designation that corresponds to the County's Comprehensive Plan designation of Low Density Residential . Oregon City has three zones that may be applied to the County's Low Density Residential plan designation: R-10,R-8 and R-6. The City's comprehensive plan provides that the zoning decision will be made through a quasi-judicial proceeding that addresses the City's comprehensive goals and policies and compatibility with the land use pattern in the area established by the comprehensive plan".

OCMC Chap 17.06.050 Zoning of annexed area. Table 17.06.050 City Land Use Classifications states: Property having a Low Density Plan Designation will receive a City Zone of R-10.

(3)When the adjacent property, Tax lot 1700 was being considered for annexation by the Planning Commission in approx 1988, the city did not have a specific policy as to how newly annexed property would be zoned. It was suggested by Commissioner Alayne Woolsey and approved by other commission members that the policy would thereafter be "Any newly annexed property would be zoned R-10 and when development was desired a different zoning would be considered as appropriate".

(4) I have been told this zoning designation may have been made as a result of the state requiring areas be zoned for Manufactured Home placement and may have been an arbitrary decision that this area be rezoned to comply with state directives. In reviewing city planning maps, it appears the city has rezoned our and several of our neighbors properties from FU-10 to R-6/MH and should any of these properties be annexed into the city they will be rezoned R-6/MH.

(5) I have been advised by city planning staff that the OC Comprehensive Plan was probably changed sometime during the mid to late "90's". The Comp plan requires that proposed changes to the Comp Plan require" Advertisement in local papers 30 days prior and notification to Property owners and renters within 300 feet of affected properties 30 days prior to changes proposed". We, nor any of our neighbors have ever received any notification of proposed changes to the comp plan <u>OR</u> that the rezoning on this property was proposed or that the city was rezoning our properties to the R-6 M/H. Our property is located approximately 30 feet (across S. Rose Rd) from this property.

(6)This property should never have been rezoned to R-6 for the following reasons:

a.High Water Table- This property sits in the South End Drainage Basin. Virtually all of the surrounding properties drain towards or across this property. I have lived across the road from this property for over 50 years and am well aware of the geotechnical characteristic's of the property. I have observed a Ford 8-N tractor stuck near the southeast corner of this property during the month of July and could not be pulled out until late August.

b.In 1996, Oregon City and Clackamas County contracted with Kampe Associates to perform a Hydrologic Study of the South End Basin.(Atchmnt 2)This study found that the soils in this area consist of hydrologic soil groups C and D.Group C-Soils having a slow infiltration rate when thoroughly wet....These soils have a slow rate of water transmission.Group D-Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These soils have a very slow rate of water transmission. Lot 300 consists primarily of Soils group C and the southwest corner being group D. This causes the topsoil above the clay substrata to become marshy and spongy during the winter rain months and takes a long time to dry out. Topsoil in this area varies from 1 inch or so down to perhaps 1 foot.

c.In 1999 the applicant applied for a zone change from R-10 to R-8 on the adjacent property, Tax lot 1700. One of the reasons the zone change was denied was due to the high water table. The applicant had a Hydrologic Report done on the property which said there was no high water table. I believe this report was done in August.I questioned these findings based on my experience walking across the property during the rainy season. I dug 6 holes approx midway between the creek and northern boundary of the property, the holes filled quickly to or near the surface. The hydrologic Report for the current application states the ground water table is two to three feet below the surface. The current Hydrologic report was done Dec 19,2002. On April 26,2003, I dug four holes approx eight inches deep in approx the area where the proposed street crosses the property near lots 22 and 23 and one hole each approx where lot 22 and 23 will be located. (Atchmnt 3) The attached photos show the results.(Atchmnt 4)Both Hydrologic Reports were done during the driest parts of the year before the winter rains.

Considerable research, investigations and studies have been done on this area. OTAK Engineering did a survey of the Oak Tree subdivision area (properties adjacent to east of Tax lots 300 and 1700) for Oregon City to determine drainage problems within the Oak Tree subdivision. Comments from that survey was that "Properties to the south/west of the Oak Tree subdivision was a Virtual Swamp".

d.Properties adjacent to the north boundary of tax lot 300,Tax Lot 302, 18851 S. Rose Road and Tax Lot 301,18835 S. Rose Road have had water in the crawl space and required installation of french drains around the house and installation of a sump pumps.

e.Possible "Constrained" Land. I have a map titled Vacant Land which shows Unconstrained Vacant Land (1996) and Constrained Vacant Land (1996).The map I have is a reduced copy of what I believe is a larger map. It is difficult to determine for sure on this copy, but it appears that the east edge of tax lot 300 is within the constrained area. I asked Christina for a larger map but she could not determine which map it was and had other customers needing assistance so could not take the time to look for it.Copy attached. (Atchmnt 5)

f. Is not compatible with the size and pattern of surrounding properties. All properties surrounding Tax lot 300 are zoned R-10 or FU-10.

g.Inappropriately limits the amount of land available in this area for construction of single family residences on minimum lot sizes of 10,000 square feet.

2. Planned Unit Development.

General Comments: We do not feel a PDU would be appropriate development for these two properties due to the technical constraints addressed above, the impact of the greatly increased residential density on the environment and the incompatibility with the surrounding developed properties. All of the properties surrounding the proposed development are zoned R-10 or FU-10. The applicant had the option to develop these properties under the more locally acceptable R-

10 and R-6/MH standards but decided to take the more speculative (and presumably more lucrative) option of a PUD. The applicant has developed numerous properties in Clackamas county and the surrounding area. He knew or should have known these properties had limited development potential when he purchased them. These proprties, in particular Tax lot 300 was on the market for over 10 years and was viewed by many developers who after evaluating the development potential and possible constraints decided the properties were not suitable for development.Some said they thought the properties were better suited for use as a Nature Park.Oregon City did express an interest in the properties for use as a park but could not negotiate an acceptable purchase price for the properties. A PUD is not intended to compensate an applicant for making a questionable business investment at the expense of the surrounding property owners. There is no requirement that this proprty be developed as a PUD. OCMC Chap 17.64.030 states...... "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 fact that the civy has not applied a PUD overlay on these properties suggests these lots may be satisfactorily developed as a standard subdivision development.

Specific Comments: We believe this Application should not be approved as submitted for the following reasons:

(1) Recharging of Ground Water- State Goal 5 requires conservation and protection of natural resources. The higher density will reduce the amount of water that will be retained on site and allowed to soak through the sub soils and recharge the ground water. We and several neighbors have wells as our water source and depend on ground water recharging to replemish our water supply. The water level in our well has dropped approximately 20 feet since development has begun in the South End Basin. The increase in impervious land surfaces (rooftops and pavement) and increased storm runoff has been detrimental to the area wells.

(2)Compatability- The proposed development would not be compatable with the size and pattern of the surrounding residential properties and would change the character of the neighborhood. The development would adversely affect adjacent properties. Development as single family homes on 10,000 square foot lots would be more appropriate and would blend in with the rest of the surrounding properties. A primary goal of Metro 2040 is to provide more housing without changing the character of the surrounding area.

(3) Transition to UGB- The north boundary of this development is approximately 500 feet from the edge of the UGB and is a transitional area between higher density developed urban area and limited or undeveloped rural area.Development at the R-10 density would be more appropriate.

(4) Traffic- Development as proposed is likely to cause considerable problems. The current traffic load on South End Road due to the increased development in the South End Area already makes it difficult to safely enter South End Road during the morning and evening commute periods. Should the development being proposed across South End Road southeast of the intersection of Rose Road and South End Road be completed the additional traffic may require installation of a traffic control device. Development at a lower density would help mitigate the traffic problems.

(5) Open Space- The applicant proposes 26.3 % of the proposed development for open space. This exceeds the minimum requirement of 20% but much of the space is not readily available to many of the lots. Most of the open space is located on the southern portion of the development. There should be more open space set aside towards the northerly boundary to serve families at that end of the development. Where are the residents going to walk and exercise their pets? With very small lots and little open space We anticipate property owners on the south side of Rose Road will experience problems with trespassers and pets deficating on our lawns and in our yards. This does not promote a liveable environment.

(6) Recreational areas-There is only one area specified as an activity area. The applicant states the closest play area is John McGloughlin school approx 800 feet from the site. The northern boundary of the development is approx 2900 feet from John McGloughlin school. To get to the school would require walking along South End Road as there are no sidewalks along this portion of South End Road. This would be very hazardous. It is unrealistic to expect children to walk over 1/2 mile to play at a playground. Where will smaller, younger children play? The small size of the proposed lots leave little open space on each property for recreational use.

(7) Lot size- Most of the single family lots are approx 50 feet X 100 feet. Lots this size leave little or no room to park a Recreational Vehicle or boat, both of which are quite common in this area. Also, narrow lots often require that the garages are placed in front of the houses on the lots. Will this be another "Snout House" development. This type of home would not contribute to the liveability and character or be comparable to development on the surrounding properties. This would have a serious degrading affect on the surrounding properties.

(8) Schools- This development will have an impact on the John Mcgloughlin Elementary school. The principal at John Mcgloughlin has stated that classes will be increased to 42 students per class next year and when the other developments currently being built in the south end area are completed the school will be further overloaded.

We believe subdivision and development of these properties as a PUD as proposed by the applicant would have a significant adverse affect on our property and all other developed surrounding properties and would contradict the purpose and intent of the Metro 2040 Plan, the Oregon City & Clackamas County Comprehensive Plans and Oregon's Statewide Planning Goals and Guidelines.

5

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5 ATACHMENTS



FINAL REPORT

HYDROLOGIC STUDY OF SOUTH END BASIN

Prepared for:

CLACKAMAS COUNTY COMMUNITY DEVELOPMENT DIVISION and CITY OF OREGON CITY

Prepared by:

Kampe Associates, Inc.

February 1996



PLANNING ENGINEERING SURVEYING

KAMPE ASSOCIATES #

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this 100-year flood event. Since localized flooding problems are known to exist, it is assumed that the 1977 FEMA study made no analysis of this (then largely rural) area.

Soils Characteristics

Classification of soils in the study area has been made by the Soil Conservation Service; (see **Exhibit 1** for a map of the soil types in the study area). Soils are categorized into *Hydrologic Soil Groups*, based on an estimate of the amount of runoff resulting from precipitation. These groupings assume that the soils are thoroughly wet and receive precipitation from long-duration storms. This rainfall to runoff relationship is complex and includes the *drainage* and *permeability* characteristics of the soil.

Drainage is the removal of excess surface and subsurface water from the soil. How easily and effectively the soil is drained depends on the depth to bedrock, to a cemented pan, or to other layers that affect the rate of water movement; permeability; depth to a high water table or depth of standing water if the soil is subject to ponding; slope; susceptibility to flooding; subsidence of organic layers; and potential frost action. Excavating and grading and the stability of ditchbanks are affected by depth to bedrock or to a cemented pan, large stones, slope, and the hazard of cutbanks caving.

Permeability refers to the ability of a soil to transmit water or air. The estimates indicate the rate of downward movement of water when the soil is saturated. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Permeability is considered in the design of soil drainage systems, septic tank absorption fields, and construction where the rate of water movement under saturated conditions affects behavior. Typical soil permeabilities vary from low values between 0.2-0.6 inches/hour to moderate values between 0.6-2.0 inches/hour to high values between 2.0-6.0 inches/hour.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained t excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Soils in the study area are predominately silt loams on level to moderate slopes. Drainage characteristics for these soils, with the exception of the area of Delena Silt Loam, are moderate. Table 1 summarizes the various soil types found and their hydrologic grouping.

TABLE 1 HYDROLOGIC GROUPINGS OF SOILS		
Soil Legend	Soil Name	Hydrologic Soil Group
8B	Bornstedt Silt Loam, 0-8% slopes	С
24B	Cotrell Silty Clay Loam, 2-8% slop es	С
30C	Delena Silt Loam, 3-12% slopes	D
46B	Jory Stony Silt Loam, 3-8% slopes	С
46C	Jory Stony Silt Loam, 8-15% slopes	С
64B	Nekia Silty Clay Loam, 2-8% slopes	С
	Source: Soil Survey of Clackamas County, Oregon (U.S	S + SCS)

Existing Drainage Facilities

The existing storm drainage facilities consist primarily of roadside ditches, culverts and open channels, with two exceptions: storm drains constructed with the Partlow Estates and Cook Street Addition Subdivisions; and "Minor" storm drainage systems, discharging into drainage swales in open space areas, constructed with the older rural subdivisions listed above. (Map of the existing facilities is included as **Exhibit 2**.)

Land Use

The transition of a drainage basin from rural to urban land uses can greatly alter its hydrological response to rainfall. Urban land development is usually characterized by a rapid conversion from farmland and natural vegetative cover to rooftops and pavement. This increase in impervious land surfaces can dramatically alter the quantity and quality of storm runoff. As urban development occurs, the amount of rainfall converted to surface runoff is increased and the amount of rainfall* contributed to groundwater recharge is decreased. If urban development is accompanied by an efficient drainage system, the time needed for surface runoff to reach a stream is substantially decreased. This results in a concentration of stormwater runoff that generally increases peak flow. Greater peak flows can create flooding problems, depending on the capacity of the drainage system and the downstream conditions.

This basin has developed primarily a low-density (approximately two lots per acre), single-family, residential homes, while under the jurisdiction of Clackamas County. More recently, "Cook Street Addition," "Westling Farm," Hazelgrove" and "Partlow Estates" subdivisions have developed with higher density (approximately five lots per acre). The following subdivisions are located within the basin:

Asquith Estates Cook Street Addition Finnegans Terrace 1,2, &3 Longstanding Acres Hazelgrove 1 & 2 Oaktree Oregon City Maywood Park Navajo Hills Estates Partlow Estates South End Terrace South Park Estates Sunview Acres Sunnyridge Acres 1,2, &3 Westling Farm Willaview







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Prepared by:

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Revised February 6, 1996





29 April 2003

Tony Konkol Associate Planner Oregon City Planning Division 320 Warner-Milne Road Oregon City, OR 97045

Re: Rose Road Land Use Application File Numbers PD-03-01; WR 03-01; VR 03-01

Dear Mr. Konkol,

Our residence at 18851 Rose Road shares a 350-foot property line with the above-referenced property on that same street. We believe the Applicant's property is fundamentally unsuited for the proposed development and therefore are opposed to this application. Our concerns center around these issues:

 Surface and Subsurface Water Residents surrounding this property as well as those throughout the neighborhood have both documented and anecdotal evidence of flooded basements and crawl spaces, spongy lawns and standing water during much of any wet season. We therefore question the validity of the Applicant's studies regarding these issues.

As a result of a 2002 home inspection finding evidence of recurring and pooling water under our home we have, at considerable expense, replaced roof-drain dry wells and installed French drains around the perimeter of our crawlspace which feed into another dry well. On at least two occasions so far this year a sump pump has needed to remove overflow from that drywell and typically ran a day or two following each significant rain event.

Geotechnical engineering tests by the Applicant were conducted on December 19, 2002. We noted with particular interest the report showing TP-10, the test pit nearest our property, had no water at 10 feet. While the entire month of December did have above average rainfall, the preceding 10 months were below average; National Weather Service precipitation records for the Portland-area dating back to 1871 reveal only 16 years have been drier. In fact, the two months preceding the testing were the 4th and 5th driest in recorded history! Relying on observations taken on one day in an unusually dry year cannot possibly represent typical conditions and are statistically invalid. These findings are totally inconsistent with our experiences of crawl space water, overflowing drywells, backed-up drains and standing ground water all less than 100 feet and just a few weeks distant from the Applicant's measurements. The findings also belie the common experiences of most, if not all, neighborhood residents.



The February, 1996 *Hydrologic Study of South End Basin* study by Kampe Associates reports "chronic flooding problems" as a result of the Oak Tree Subdivision's failure to construct adequate storm drainage piping (see Drainage Problems, p-2). The study also indicates the soils in both the Rose Rd. and Oak Tree areas are hydrologic groups C and D – having slow and very slow infiltration when thoroughly wet. In fact, the preponderance of property across Rose Rd. from this development is group D – having the slowest rate of water transmission. The report further states "Urban land development is usually characterized by a rapid conversion from farmland and natural vegetative cover to rooftops and pavement. This increase in impervious land surfaces can dramatically alter the quantity and quality of storm runoff." and "greater peak flows can create flooding problems, depending on the capacity of the drainage system and downstream conditions."

The same Kampe section also mentions some concrete pipes and catch basins have been added to portions of South End Road but also notes that elsewhere existing roadside ditches need improvement and that they are choked with vegetation. The December 1, 1999 City of Oregon City *Findings and Conclusions on Annexation Proposal AN-99-03* notes "typically, larger scale residential subdivisions require the installation of on-site detention facilities in addition to a piped overflow to a City system." (Section 11, p-13) Today, open and vegetation-choked ditches still line both sides of South End Road at the Rose Road intersection. Is this the City system that will handle all runoff from the Applicant's development?

The considerable density of this proposal would cover most of the development with streets, driveways, sidewalks and roofs and therefore afford little remaining area to absorb water in an area that is already unable to do so. In our opinion, storm water falling onto this diminished permeable area cannot help but adversely affect surrounding properties. Further, while some detail is provided how ground water will be addressed adjacent to the wetland areas, we find little to comfort us about possible safeguards for the back portions of the property nearest our residence. Applicant's geotechnical report recommends "surface water drainage should be directed away from structures, and, if possible, roof-drain water should be carried to the street or discharged to the storm drain system." We want assurances that water will not be directed toward our property and that the Applicant cannot construe the "if possible" portion of the recommendation to be an option. The City's 1999 Analysis and Findings / Conclusions and Recommendations (in response to the Applicant's previous proposal for this site) stated "properly addressing these issues upfront is critical to avoid unforeseen groundwater-related problems during and after construction." We contend the Applicant's proposals are inadequate, have failed to address the recognized problems within the neighborhood and are silent to the concerns of adjacent property owners. Can the City or Applicant state with reasonable certainty that surface and subsurface water problems on adjacent lands will not be exacerbated by this development?

 Traffic The residents on Rose Road and Deer Lane have but a single outlet which empties onto an arterial, South End Road. Mass transit on South End is almost non-existent and impractical for most commuting. The Applicant's proposal therefore will likely result in a substantial increase in vehicular traffic; one exit will be available for approximately 100 households. Applicant's traffic analysis indicates a minor increase in wait times to access South End Road. That seems counterintuitive given such an increase in traffic but it may not consider the additional time it will take residents merely to get to the Rose/South End intersection.

3 <u>Schools / Recreation</u> The Applicant states that "...the development may facilitate a boundary adjustment for the Elementary Schools" and "the School District has the responsibility for managing population increases, and can do so by adding classroom space, moving classrooms, etc." And, "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."

Applicant further promotes the use of John McLoughlin Elementary School as "...the closest open space with play structures" in an apparent attempt to deflect a requirement for sufficient open spaces on his property for residents of his development. He further states the school "...is approximately 800 feet from the site or no more than a 0.15 mile walk from most new lots." We know from private discussions with school officials that they do not encourage or endorse this or any use which would further burden overstressed and vandalized school facilities. And, the school district currently requires Rose Road students to be bussed the short distance to the elementary school because of unsafe walking conditions on South End Road; is it therefore advisable to recommend that children walk there for recreation? Finally, a map should be consulted to confirm the 800-foot distance to "most new lots".

While additional homes may promote some funding increases to the educational community, schools and their programs are typically strained whenever populations increase. At a time when school funding problems are the most desperate in memory, the Applicant's statements seem inappropriate and irresponsible.

4. <u>Boundaries / Fencing / Separation</u> We are very concerned about having logical, aesthetic and well-constructed boundaries between our property and the proposed development. With approximately 350 feet of property line bordering the Applicant's property and with extremely small lots and minimal setbacks proposed, we believe adequate visual and physical separation must be established and provision made for its ongoing maintenance. While this may be a part of the Applicant's planning, specific detail is lacking in any documentation we have seen.

The Applicant's proposal is not in keeping with the character, livability and well being of the surrounding neighborhood and community. He has made few if any attempts to recognize or satisfy the concerns of neighborhood. He has provided little information to mitigate ground water concerns, is dismissive toward the problems of schools, has proposed minimal open spaces & other improvements and has generally understated or ignored many potential problems.

Finally, we see no discussion of what recourse we may have in the very real event the Applicant's analyses are incorrect or that he in any way imperils neighboring properties. We understand the City will not accept liability and the Applicant will be long gone once the development is completed. Given that and, in our view, the Applicant's questionable ability to clearly and fully address these issues, we urge the City to aggressively investigate every claim and statement made in this proposal.

We realize growth and change are inevitable and that this neighboring parcel will certainly someday be developed. But growth should be promoted in a manner consistent with sustainable community values, character and quality of life. This proposal is neither the best use of this site nor in the interests of the neighborhood and we therefore request the application be denied.

Respectfully,

Michael A. Tondreau Virginia L. Tondreau

18851 S. Rose Rd. Oregon City, OR 97045 503-657-7997 mtondreau@ieee.org

CENTRAL POINT-LELAND ROAD-NEW ERA COMMUNITY PLANNING ORGANIZATION 11466 Finnegan's Way Oregon City, Oregon 97045

May 3, 2003

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

Attention: Planning Commission

Dear Planning Commission Members:

With reference to the Rose Vista proposal, File PD03-01, and related files, the CPO officers are opposed to Rose Vista as proposed.

There is concern that the existing natural drainage channels as identified in the "Hydrologic Study Of South End Basin" (Kampe Associates, February 1996) will not be adequately protected and preserved. In addition, structural changes to Rose Road, including elevation changes, curbing, sidewalks, etc., may cause environmental degradation to the surrounding properties.

This area is currently developed as single family units, both at rural and urban densities. The addition of apartments and townhouses, the first in this area, significantly alters the character of the area. At a minimum, Rose Vista, if it is approved, should include only single family units at densities not smaller then the contiguous area including Lafayette Avenue.

There is a lack of adequate public transportation along South End Road, and Tri-Met is considering a reduction of current service levels.

The 600+ vehicle trips per day would add further congestion to South End Road and South End hill. During South End hill closures (black ice days, snow, rock falls, flood damage during '96, etc.) there would be additional congestion on other Oregon City streets.

Also of concern would be the resultant school boundary changes for McLoughlin Elementary School, which would be disruptive to the families already residing in the area, some for many years.

Please deny the Rose Vista application.

Respectfully, James & Xozel

James A. Kosel Chairperson

Exhibit 9

April 13, 2003

Tony Konkol City of Oregon City PO Box 3040 320 Warner-Milne Road Oregon City, OR 97045

RE: FILE # & TYPE:	PD 03-01: Planned Unit Development
	WR 03-01: Water Resource Review
	VR 03-11: Pedestrian Lighting Standard Review

Dear Mr. Konkol,

Per our conversation at City Hall the other day, I am writing to you with two concerns regarding the above- mentioned file. I would also like to request that a copy of the staff report be mailed to me, when it becomes available.

y first concern is that the density found in the PUD request is based on Tax Lot 300 being zoned R-6/MH. The entire surrounding area is either zoned R-10 or FU-10 and it is the collective memory of this neighborhood that the piece in question was also zoned R-10. No one that I have spoken to in this area has a memory of being notified of a zoning change of Tax Lot 300. Can you please outline for me the timing of such change and the steps that were taken to notice the affected neighbors?

Second, there is a serious concern in this area about the level of ground water we must all contend with. I see from the plans that there will be a detention pond at the southern corner of Tax Lot 300 and the water will then feed into the existing channel system. Currently, Tax Lot 300 acts as a very big sponge and much of the water in that area slowly seeps into the ground. The building of 54 homes, the necessary roads, etc., will obviously change this. Since all of the newly generated storm water will dump into the channel system, instead of being absorbed, subsequently ending up on my property, I am concerned that the water flow on my property could increase in volume and velocity. Any change in these parameters would also significantly affect the property located at 19024 S Rose Road, as the channel continues across the back of that piece.

Thank you for taking the time to consider my concerns. I look forward to your reply.

Sincerely,

Van

thleen Galligan ¹ 18996 S Rose Road Oregon City, OR 97045 503-656-5832

Exhibit 20
To: Oregon City Planning Commission Tony Konkol, Associate Planner

Subject: Proposed building project on Rose Road

Date: May 1, 2003

We can not imagine anyone building 84 homes on the proposed sites on Rose Road. Mr. Reeder planned to build on the front section a few years ago and the Rose Road Neighborhood Assoc. presented legitimate concerns and the project didn't proceed. Now we are back to square one and the concerns are even greater.

First of all this area has a very high water table with underground springs and floods every year. Where will all this water go? --under their houses and across the road into the neighbor's yards. These neighbors have problems every year with water in their yards. There have been several years that water goes across the road and it is like a big pond. We live at the end of Rose Road on an acre and there is lots of space for the water to go. When we get too much rain the ground becomes like a sponge. We have had 18 inches of water under the house and the water even has gone into the heating ducts. Yes, we have to use a sump pump to extract the water. If Mr. Reeder does build that many houses on that site, every house should be required to have a built in sump pump because they will need them.

Traffic will be a nightmare. The report projected that 800 cars would use the road daily. It is difficult now especially turning on to Rose Road from South End. It is a safety issue. I have been nearly rear ended on several occasions. Now the problems driving in and out would be multiplied. What about fire trucks and emergency vehicles trying to get down the road? During peak hours there will be traffic jams.

What about city services increased to accommodate this area? City police would need to be increased and that doesn't look promising. We have a brand-new fire station which remains closed. McLoughlin School is already too full. We were told you are not concerned with the schools because that is their problem. Since the tax payers have to pay for all of these services we should consider the school problem as well as the others.

We are not against building in this area. Larger sized lots and a reasonable number of well constructed homes would be desirable. Cramming 84 homes on this projected site is unrealistic and will affect the livability of this whole area.

Thank you for your time,

Kathy & Jim Worden 18835 S. Rose Rd. Oregon City, OR 97045 503.655.9506

Exhibit 21

April 4th 2003 18845 Lafayette Avenue Oregon City, Oregon 97045

Oregon City Planning Division Oregon City Hall 320 Warner Milne Road Oregon City, OR 97045

To Whom It May Concern:

As a resident near Rose Road and South End Road, I am have concerns regarding the applied for building (PD 03-01, WR 03-01, VR 03-22, and SP 03-07) projects.

Assuming that wetlands drainage can be approved, I continue to question the proposal. Am I correct in assuming that these properties are the very edge of the Oregon City boundaries? I would think that city planners might have some consideration of greenspace at the very edge of the city.

These properties represent the quickly disappearing characteristics of historic Oregon. We need new development, but we also need to preserve some areas to remind us: "This is Oregon!"

The acres on Rose Road are a great example of a "grown over farm". Wild birds and deer feed on the old apples, native plants abound in the area, and a chorus of frogs fills the spring air. Why not preserve something of this natural beauty?

These properties should be preserved serving as parkland or wetland sites. I believe that residents of this area would be willing to pitch in to keep the place orderly and presentable until the city can make a better decision.

The owner has been a good neighbor and I would hope that he would get some satisfaction knowing that a remnant of old Oregon can be honored in his name.

I plan to take photos, petition neighbors, and further contact city hall. Thank you for taking the time to read my letter, please put a copy in the appropriate file.

Yours Truly, William F. Wigmore

503-722-2992 geetar19@aol.com

Exhibit 22

Rose Road PUD: PD 03-01





25 Exhibit

Sisul Engineering

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027 (503) 657-0188 Page Analysis FAX (503) 657-5779

Downstream Drainage Analysis

In regards to the downstream drainage facilities of the between Rose Road and Southridge Meadows, the City has requested analysis of downstream facilities. While in respect of private property owners, we did not enter privately owned lands; we observed what we could from public rights-of-way and from aerial topography maps. In addition, the City has had two Drainage System Master Plan reviews of the South End drainage basin.

EXISTING CONDITIONS:

The westerly channel crossing through the proposed Rose Vista PUD and which crosses Rose Road is the more significant of the two drainageways. This channel drains an area including a significant portion of the Lafayette and Oaktree Avenue area. The upper portion of the basin reach includes the Julie Ann Drive area and also a portion of Netzel Drive. From the street right-of-way in Lafayette Avenue an 18" storm drain pipe drains between lots to the northwesterly portion of the proposed subdivision.

The easterly channel crossing through the proposed Rose Vista PUD drains the easterly portion of the Lafayette and Oaktree Avenue area. This channel may also drain a portion of the United Methodist Church site as well.

The westerly channel currently crosses under Rose Road in two 24" concrete culverts. The easterly channel crosses under Rose Road in a single 12" concrete culvert. The westerly channel drains to what appears a poorly defined drainageway south of Rose Road and according to the drainage master plans and the topography maps merges with another sub-basin south of Rose Road. From this point the combined drainage system drains southerly (and nearly parallel with Rose Road) across several parcels until it merges with the easterly channel approximately 250' southwesterly of Rose Road. The easterly channel after crossing under Rose Road drains into a well defined channel between homes along a parcel line. This well defined channel is approximately 18" wide and perhaps a foot deep. After the easterly and westerly channels merge the drainage flows southwesterly and appears to pass through a culvert on Tax Lot 2002. The size and material of this culvert is not known. Approximately 100 feet downstream of this culvert crossing the drainage system enters the drainage system constructed for Southridge Meadows. It is presumed that this recent subdivision was designed to adequately handle the upstream basin flows.

MASTER PLANS:

The 1988 Oregon City Drainage Master Plan prepared by Otak, Incorporated, an engineering firm, indicated the that the 25 year flows at the westerly (and main drainage) channel at Rose Road would have a 25 year event runoff of 23 CFS (for both existing and future conditions). The Otak report indicated that the existing 18" CMP culvert at Rose

Exhibit

Downstream Drainage Analysis

Road was deficient and should be upsized to a 30" concrete culvert. The Otak report also indicated that the main drainage swale between Rose Road and South End Road (which they calculated will have a 25 year event flow of 50 CFS) should be improved to have a 5 foot bottom, with a depth of at least 2 feet and 2:1 side slopes. In addition it notes that a culvert at a private crossing should be at enlarged to 36".

In 1997 the City adopted a hydrologic study of the South End basin. This South End Basin Master Plan was prepared by Kampe Associates, Inc. for the City of Oregon City the Clackamas County Community Development Division. The Kampe report indicated that there were existing twin 24" culverts at the Rose Road crossing. The Kampe report does not indicate improvements required to the crossings or to downstream drainage system between Rose Road and Southridge Meadows. The Kampe report does note for a 25 year event the estimated existing peak flow is for the basin upstream of the westerly channel crossing on Rose Road to be 20.5 CFS. Kampe's report also notes that the estimated peak flow for future basin to be 31.7. Near but downstream of Rose Road where two drainage sub-basins merge into a single channel, Kampe estimates the future peak flow for this channel will be 61.3 CFS.

SUMMARY:

The 1988 and 1997 studies, are far as their estimate of the flows from the sub-basins of concern of this analysis, are similar. The sub-basin upstream of Rose Road as changed little since the 1988 study. The development that includes Julie Ann Drive has been built since that study and the old drive-in theater has been developed into the United Methodist Church. Neither study factored in the City's current storm detention requirements which were adopted in 1999. In 1988 the City did not require storm water detention. In 1997 storm water detention was required for new developments, but permitted release rates were higher than they are today.

It appears that between 1988 and 1997 the culvert crossing for the westerly channel crossing Rose Road was enlarged. The Otak study noted an 18" CMP culvert at this point, the 1997 Kampe study indicated to 24" concrete pipes, which was confirmed by our field investigations. The recommendations for the downstream channelization in the Otak study from Rose Road to South End Road are unlikely to be permitted today. Besides the City's water resources requirements, which would be difficult to overcome to allow such channelization, state and federal permits would also be required. It is more likely that future development will have to spaced away from the drainageways as is being required in the Rose Vista PUD. The culvert (if it indeed exists on or near Tax Lot 2002) is likely to be undersized. While the Kampe report makes no recommendations regarding this culvert, the Otak report appears to indicate that this culvert should be sized to a 36" diameter. The need for this culvert could probably be eliminated if the property owner were allowed access to his parcel from the street stubs in Southridge Meadows.

The impacts of the proposed subdivision/PUD inregards to peak flows to the downstream drainageways will be little. The City of Oregon City's stormwater design requirements require that detention systems be design to reduce peak runoff from a 2 year event to 50% of the predevelopment runoff rate, and to match the runoff rates for 5 and 25 year events.

Downstream Drainage Analysis

Therefore the for a 2 year event or smaller the peak flows to downstream channels should be slightly less than may occur in a 2 year event occurring today. The 5 and 25 year events should be no worse than a 5 or 25 year event occurring today.



PD 03-01: Connectivity

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- 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" WDE, 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.

DR S.L.W. ■ J.W.H.			City of Oregon City Public Works Standard Drawings	SCALE N.T.S.
	DATE	APPR. J.E.T.	320 Warner Milne Rd. Oregon City, Oregon 9	ZA
			RESIDENTIAL DRIVEWAY APPROACH	Exhibit 0

CITY OF OREGON CITY

ENGINEERING POLICY 00-01 Guidelines for Development

EFFECTIVE: April 10, 2000

PREPARED BY

COMMUNITY DEVELOPMENT DEPARTMENT

320 Warner-Milne Road

Post Office Box 3040

Oregon City, Oregon 97045-0304

Telephone: (503) 657-0891

Engineering Division

31 Exhibit

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Applicability. This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements and submittal of documentation. The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting all applicable City Code and Public Works Standards.

Availability of Codes and Standards. Copies of these City Codes and Standards are available at City Hall for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

General

• Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master (System) Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings, Appendix Chapter 33 of the Uniform Building Code (by reference), and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

Water (Water Distribution System Design Standards)

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their Locations. Fire hydrants shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to steamer port. This adapter is for a 5-inch hose. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange P aint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention as semblies are also required on residential domestic lines greater than or equal to 2-inch cliameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the

property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.

- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system, the applicant shall:
 - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or
 - Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.

Sanitary Sewer (Sanitary Sewer Design Standards)

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County before recording the plat or o btaining a certificate of occupancy.

Stormwater (Stormwater and Grading Design Standards)

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, and energy dissipaters if necessary.
- The applicant shall design and construct required public stomwater system improvements to City standards. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (if adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increas ed runoff created through the development of the site, as well as convey any existin g off-site surface water entering the site from other properties.
- The applicant shall submit hydrology/detention calculations to the City Engineering Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

Dedications and Easements

• The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions.
- After installation of the first lift of asphalt, applicant shall provide asphalt berms or another adequate solution, as approved by the City Engineering Division, at storm catch basins or curb inlets on all streets. This ensures positive drainage until the applicant installs the second lift of asphalt.
- All street names shall be reviewed and approved by the City (GIS Division 657-0891, ext.168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and temporary street name signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential lot within one year of City acceptance of public improvements for the project (e.g.; subdivision, partition, or Planned Unit Development) unless a building permit has been issued for the lot.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes within the development's property boundaries, and all handicap access ramps required in their development at the time of street construction.
- Street lights shall typically be owned by the City of Oregon City under PGE plan "B" and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property 1 ines. The required lights shall be installed by a qualified electrical contractor. Streetlight S are to be spaced and installed per recommendations of the Illuminating Engineering S ociety of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a

25-foot mounting height unless otherwise specified. The applicant shall declicate any necessary electrical easements on the final plat. All streetlights and poles shall be constructed of material approved by PGE for maintenance by PGE.

Grading And Erosion Control

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to +/- 0.1 feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations. Submit one copy (pertinent sheet) of any residential lot grading for each lot (e.g., 37 lots equals 37 copies).
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over five (5) acres, as modified by DEQ. Applicant shall provide a copy of this permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
 - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from n an-made, natural, temporary, or permanent ponds shall meet the same standard.
 - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
 - > Effective erosion control shall be maintained after subdivision site work is complete and throughout building permit issuance.
 - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
 - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
 - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

Geotechnical

• Any structural fill to accommodate public improvements shall be over-seen and directed by a geotechnical engineer. The geotechnical engineer shall provide te st reports and certification that all structural fill has been placed as specified and provide a final

summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.

• Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building periodit.

Engineering Requirements

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Engineering Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/striping.
- Applicant shall pay City invoice for the manufacture and installation of p ermanent signs for street names and any traffic control signs/signals/striping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within the subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans for final approval; the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 24" x 36". Blueline copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, six (6) copies of the p lans with one full set wet signed over the engineer's Professional Engineer Oregon starup.

City of Oregon City Engineering Policy 00-01v3

- Minimum Improvement Requirements. Applicant shall provide a surety on land division developments for uncompleted work before a plat is recorded as required by a Land Division Compliance Agreement (available in hard copy or electronic version from City Engineer office). This occurs if the applicant wishes to record the final plat before completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.
- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Land Division Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.
- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM or 3.5-inch diskette, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM or 3.5-inch diskette to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with OR S 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
 - > The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
 - Show the City Planning File Number on the final plat, preferably just below the title block.
 - > A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
 - > Use recorded City control surveys for street centerline control, if applicable.
 - > Tie to City GPS Geodetic Control Network, County Survey reference PS 2 4286, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other

monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the land division.

- > Show state plane coordinates on the Point of Beginning.
- The civil construction drawings, once approved by the City Engineering Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs.
- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
 - > Maintaining surface runoff patterns established for each lot,
 - > Maintaining any proposed private storm lines or detention, and
 - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
 - > The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Engineering Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.

City of Oregon City Engineering Policy 00-01v3

• Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

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Finnegans Terrace Property Owners Association

P.O. Box 839 Oregon City, Oregon 97045

May 9, 2003

To:

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

Attention:

Planning Commission

Dear Planning Commission Members:

Representing the Home Owners Association Officers and the residents of the Finnegans Terrace I am writing in opposition to the Rose Vista proposal, File PD03-01.

We are extremely concerned that changing the zoning for the proposed development will be a severe and degrading deviation from the current single family unit, rural and urban neighborhood planning. In the 25 years we have existed as a neighborhood under the current planning code we have witnessed much development in our area, including the most recent addition of the Parish Grove development. Development has been held to low density neighborhoods, similar to ours, and therefore has been of low impact and has served to add value to the adjacent lands. The current Rose Vista proposal is not compliant with any of the neighboring developments, will degrade home owner values with high density housing, and will change the rural and urban texture of our community.

Adding high-density homes with a lower income housing base will increase crime in an out-of-the-way portion of Oregon City. Last summer we witnessed the reduction of South End Store hours due not to a lack of business, but because of the increase in crime during the late hours. Further degrading and even crowding our neighborhoods will only aggravate this problem.

Other infrastructure problems abound. South End road itself is highly susceptible to freezing in the winter because of it's proximity to the Willamette river. South End is accessed through two under scaled and dangerous intersections both interfacing Highway 99. Tri-Met is reducing service levels to the South End area. Without public transportation, six hundred additional vehicle trips will nearly double the traffic in the 3 square mile area, (this is a generously low estimate as most families have *more* than one car) around Rose Vista. This will increase traffic activity at McLaughlin School and endanger our children leaving the school as well. Pedestrian access to adjacent neighborhoods and the school is only through exposed bicycle paths along South End that are right at the level of the street. Adding additional traffic that tends to illegally pass on the right, crossing into these lanes, will no doubt result in serious injury for children and parents walking to and from the school.

Drainage for the Rose Vista development will either have to be onto adjacent (currently pristine) rural lands or onto South End Road itself, where no storm drain system exists.

32 Exhibit

The tiny plot of land would be straining with the run-off of the apartment buildings and parking lot with no green space for absorption of the rain water. This is not only degrading to the adjacent water table, but will cause standing water issues on the narrow Rose Vista Avenue and on the well-traveled South End road itself.

Rezoning Rose Vista is a very bad idea. The officers of my association wish to be on the record in opposition.

Respectfully,

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King Production

Russ Woodward President; Finnegans Terrace Property Owners Association

CITY OF OREGON CITY

Planning Commission

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



动脉动动动动动 WR 03-01 FILE NO .: Complete: March 26, 2003 120-Day: July 24, 2003 Extended to: August 7, 2003 **APPLICATION TYPE:** Type III Extended to: August 21, 2003 Extended to: October 2, 2003 **HEARING DATE:** August 25, 2003 7:00 p.m., City Hall 320 Warner Milne Road Oregon City, OR 97045 **APPLICANT:** Paul Reeder 10893 Forest Ridge Lane Oregon City, OR 97045 **REPRESENTATIVE:** Sisul Engineering, Inc. Tom Sisul 375 Portland Avenue Gladstone, OR 97027 **REQUEST:** The applicant is requesting a Water Resource Determination and mitigation approval in association with a 76 lot Planned Unit Development. The 2 subject sites are located northwest of South End Road and northeast of Rose LOCATION: Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1). Tony Konkol, Associate Planner **REVIEWER:** 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 is appealable to the city commission, on the record. The city commission decision of appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

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

BACKGROUND:

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

Tax Lot 300, which has a Comprehensive Plan Designation of Low Density Residential/Manufactured Housing (LR/MH) was amended from Low Density Residential (LR) to Low Density Residential/Manufactured Housing per City Ordinance 92-1029 (See PD 03-01).

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

The original application proposed a PUD consisting of 52 detached single-family dwellings, 14 attached single-family dwellings, and an 18 unit multi-family development. The application was revised on April 21, 2003 to request a PUD consisting of 52 detached single-family dwellings and 24 attached single-family dwellings. A third revision, dated May 29, 2003, has proposed the development of 51 detached single-family dwellings and 24 attached single-family dwellings. A tatached single-family dwelling. This revision includes the relocation of the local street around an existing wetland and the removal of the fill in the vegetated corridor. The final application increased the wetland buffer areas to 50 feet and accounted for the pathway system throughout the open space (Exhibit 2).

The applicant's original Water Resource Report, dated December 17, 2002 (Exhibit 3) was amended to include an analysis of the impacts of the pathway through the WQRA, dated February 19, 2003 (Exhibit 4) and an amended alternatives analysis, impact analysis, and mitigation plan dated May 29, 2003 (Exhibit 5).

Mr. Sisul submitted a letter dated June 27, 2003 in response to Staff's determination that all of the water resources on the site would require a 50-foot buffer (Exhibit 6). The letter addressed the drainage course entering the northern wetland from the subdivision to the north of the subject site. The addendum indicates that a stream can have all three wetland indicators and still be considered an intermittent stream, which would require the 15-foot rather than the 50-foot vegetated buffer. Please see Section 17.49.050.B below for staff response.

The applicant submitted a final revised Water Resource Report, dated July 15, 2003 (Exhibit 7) and August 1, 2003 (Exhibit 8) addressing the design of the PUD, storm pond location and preliminary design, and impacts due to the development of bike paths within the vegetated corridor. Additional information concerning the design of the storm pond (Exhibit 9), the downstream runoff impacts (Exhibit 10), and an addendum to the Geotechnical Report were provided (Exhibit 11)

The applicant submitted a letter dated May 19, 2003 expressing their frustration with the City's Development Code language in regards to Water Resources and is requesting consideration of their initial PUD layout and water resource mitigation plan (Exhibit 12). Please see Section 17.49.050.F below for staff response.

BASIC FACTS:

- 1. **Location.** The development is located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).
- 2. **Existing Conditions.** The 16.02-acre site comprises two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700 contains an old vacated home and tax lot 300 is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional

wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

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

- 3. **Zoning and surrounding Land Uses.** Tax lot 1700 is zoned R-10 Single-Family Dwelling District. Tax Lot 300 is zoned R-6/MH Single-Family/Manufactured Home Dwelling District.
 - North: Directly north of a majority of the site is the Oaktree Subdivision that is zoned R-10 Single-Family and developed with single-family dwellings. There is a 1.25-acre parcel zoned R-10 Single-Family that is developed with a single-family dwelling.
 - South: Directly south of the site is Rose Road. South of Rose Road are 13 lots of varying sizes outside the Oregon City city limits developed with single-family dwellings. The parcels have a Comprehensive Plan designation of Low-Density Residential/Manufactured Housing.
 - West: The property to the west of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing.
 - East: South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.
- 4. **Project Description.** The Preliminary Planned Unit Development (PUD) consists of 76 dwelling units (52 detached single-family lots and 24 attached single-family dwellings). Access to the site would be from Rose Road at 4 locations, including 2 cul-de-sacs and a loop road. The applicant has proposed full street improvements on the 2nd cul-de-sac and loop road. The 1st cul-de-sac is proposed as a private access tract that will be reviewed during Site Plan and Design Review of the 10 attached housing units at the front of the site. The applicant has also proposed ½ street improvements for Rose Road and South End Road.

The PUD includes open space in two tracts, both containing a Water Quality Resource Area (WQRA), representing 24.8% of the gross area of the site. The applicant has proposed to increase the area of existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road within the vegetated corridor.

The applicant has generally kept out of the water resource and developed around them except for a portion of the pedestrian accessways and the necessary improvements to Rose Road. This encroachment is allowed with mitigation. The applicant has included a copy of the proposed Division of State Lands (DSL) Compensatory Mitigation Form (Exhibit 13). The applicant is reminded that they must also meet the City of Oregon City's Municipal Code chapter 17.49 Water Resource requirements in addition to DSL's requirements.

5. **Comments.** Notice of this proposal was sent to property owners within three hundred feet of the subject property and various City departments and other agencies on April 2, 2003. The subject site was posted on April 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on April 9, 2003 requesting comments. Comments were received from the Oregon City Engineering Department (Exhibit 14), the Oregon City Park Department (Exhibit 15), and the Hazel Grove/Westling Farms Neighborhood Association (Exhibit 16).

Comments have been received from the following individuals: Brett Livingston of 18925 Lafayette Avenue, Oregon City, Oregon 97045 (Exhibit 17); John and Phyllis Dinges of 18896 Rose Road, Oregon City, Oregon 97045 (Exhibit 18); Michael and Virginia Tondreau of 18851 Rose Road Oregon City, Oregon 97045 (Exhibit 19); James Kosel of 11466 Finnegan's Way, Oregon City, Oregon 97045 (Exhibit 20); Kathleen Galligan of 18996 Rose Road, Oregon City, Oregon 97045 (Exhibit 21); Kathy and Jim Worden of 18835 Rose Road, Oregon City, Oregon 97045 (Exhibit 22); and William Wigmore of 18845 Lafayette Avenue, Oregon City, Oregon 97045 (Exhibit 23); and Russ Woodward of PO Box 839, Oregon City, Oregon 97045 (Exhibit 24).

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

DECISION-MAKING CRITERIA:

Oregon City Comprehensive Plan

Section "F" Natural Resources/Natural Hazards

Oregon City Municipal Code Standards and Requirements Chapter 17.49 Water Resource Overlay District Chapter 17.50 Administration and Procedures

ANALYSIS AND FINDINGS:

Consistency with the Comprehensive Plan

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

Description of Water Resources, Rivers and Creeks

5.Little Beaercreek:

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

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

Water Resource Goals:

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

Policies:

- 3. The City shall encourage the open space use of water resources and land use compatible with water resources preservation;
- 4. The City shall establish development review procedures which will preserve the natural function of water resource areas and protect them from deterioration by:
 - a. Incorporation of the natural water resource feature in site design;
 - b. Prevent clearing of natural vegetation in the water resource impact areas;
 - c. Preserve the natural retention storage capacity of the land; and
 - d. Prevent discharge of water pollutants into the ground.

- 5. Provide the opportunity to increase water resource areas by encouraging and requiring water resource restoration and creation.
- 6. Encourage educational opportunities for the study of water resources through the schools, community college, Metro, and other agencies.

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

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

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

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

7. South Rose Road area: (3-1E-1, tl 2000, 3-1E-1CD, 3-1E-12B)

Description: This area is shown on the SCS maps as having a high proportion of Delena Soils. There is also evidence of wet soils/high water table in this area. Determinations will be required for any development in this area.

Finding: This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology Hazards of North Western Clackamas County that indicates the proposed project site is located in a Wet Soils-High Water Table. The applicant has submitted a Geotechnical Engineering Report for Rose Vista Subdivision by James D. Imbrie, Scott L. Hardman, P.E., and Kirk L. Warner, P.G.; all with GeoPacific Engineering, Inc. The report is dated January 2, 2003 (Exhibit 23). An addendum to the Geotechnical Engineering Report was provided and is dated July 14, 2003 (Exhibit 6). On site subsurface explorations were conducted on December 19, 2002.

It appears that the Geotechnical Report meets most of the City's requirements and has preliminarily addressed the geotechnical conditions for the proposed development. The applicant shall specify how the high ground waters will affect the function of the detention ponds, including special construction requirements, storage volumes, and pond function.

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

Chapter 17.49 WR Water Resource Overlay District

****The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over tax lots 300 and 1700****

17.49.030 Applicability.

A. This chapter shall apply to development in the water quality resource area overlay district, which may also be referred to as the "Water Resources Overlay District" in this code. The overlay zone restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with Table 17.49-2, Standards for Restoring Marginal Existing Vegetated Corridors.

C. These standards are in addition to any other applicable standards of this code.

1. Applications for subdivisions, partitions and planned developments shall demonstrate compliance with these standards as part of the review proceedings for those developments;

2. Applications for development other than those described in subdivision 1 of this subsection shall demonstrate compliance with these standards as part of a land use review or limited land use review process as established in Chapter 17.50.

Finding: This section of the code applies to the subject site as described above in 17.49.030.C.1.

17.49.040 Administration.

A. This chapter establishes a water quality resource area overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document. The official map is on file in the office of the city recorder.

Finding: The City's Water Quality Resource Area Overlay District is over the subject site. A stream and two drainage courses and associated jurisdictional wetlands have been identified on the site.

1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.

Finding: The Oregon City Local Wetland Inventory was used as a source to the City Water Quality Resource District Map and identifies two wetlands on the site (Exhibit 25).

2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the city. If the protected water feature is not located on the subject property and access to the water feature is denied, then existing data may be used to delineate the boundary of the water quality resource area.

Finding: The wetland delineation was performed in 1997 by Rita Mroczek and was approved by the Oregon Division of State Lands on March 24, 1998. in accordance with Oregon Division of State Lands regulations, approved delineations are valid for a 5-year period. Environmental Technology Consultants was contracted to perform the water resource investigation by Sisul Engineering, the agent for the applicant. Field investigations were performed on October 28, November 8, and November 21, 2002 to reinvestigate the wetland boundaries as per the criteria outlined in OAR 141-090-0045, in the event that the project construction extends beyond the 5-year valid period (ending March 24, 2003). The applicant complies with this section.

3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area. Applications for development on a site located in the water quality resource area overlay district may request a determination that the subject site is not in a water quality resource area and this is not subject to the standards of Section 17.49.050.

Finding: This application concurs with the City map and determination that this chapter is applicable and that subject site is within the Water Quality Resource Area. The applicant has indicated that the resource is jurisdictional water. The applicant has proposed to fill a portion of the wetland and develop a pedestrian walkway within the Water Quality Resource Area. The standards for development of this chapter are applicable.

a. Applicants for a determination under this section shall submit a site plan meeting the following requirements:

i. The site plan must be drawn at a scale of no less than one inch equals twenty feet;

ii. The site plan must show the location of the proposed development and the lot lines of the property on which development is proposed;

iii. The site plan must show the location of the protected water feature. If the protected water feature is a wetland, the delineation must be made by a qualified wetlands specialist pursuant to the 1987 Corps of Engineers Delineation Manual. For all other protected water features, the location must be established by a registered professional engineer or surveyor licensed by the state of Oregon.

iv. The site plan must show the location of the water quality resource area;

v. If the proposed development is closer than two hundred feet to the protected water feature, the site plan must include contour intervals of no greater than five feet; and

vi. If the vegetated corridor is fifteen feet, the site plan must show the protected water feature's drainage area, including all tributaries.

b. Alternatively, an applicant may have the city staff gather the information necessary to determine the location of the water quality resource area by making an application therefore and paying to the city a fee as set by resolution of the city commission.

c. Determinations under this section will be made by the planning manager, or designee, as a Type II decision.

Finding: The applicant has not requested a determination that development of the site will not occur within the delineated Water Quality Resource Area. The standards for development of this chapter are applicable.

4. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the city engineer. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

Finding: The applicant has indicated that the initial approval from the Oregon Division of State Lands expired on March 24, 2003. The applicant submitted a revised mitigation plan to DSL (Exhibit 13).

This criterion is not met. DSL concurrence will be necessary prior to the issuance of a grading permit on the site. See Condition 3.

b. The requirements of this chapter apply only to water quality resource areas within the water quality resource area overlay district. If, in the course of a development review, evidence suggests that a property outside the District may contain a Title 3 wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code. Additionally, the standards of Section 17.49.090 shall be applied to the resource and, if the standards of Section 17.49.090 are met, the district boundaries shall be amended.

Findings: The criterion does not apply.

17.49.050 Water quality resource area standards.

This section applies to water quality resource areas within the water quality resource area overlay district.

A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of water quality resource areas.

B. The water quality resource area is the vegetated corridor and the protected water feature. The width of the vegetated corridor is specified in Table 17.49-1 At least three slope measurements along the water feature, at no more than fifty-foot increments, shall be made for each property for which development is proposed. Depending on the slope measurements, the width of the vegetated corridor may vary.

Table 17.49-1 WIDTH OF VEGETATED CORRIDOR

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	 Edge of bankfull flow Delineated edge of Title 3 wetland 	50 feet
ануу <u>н какала кала</u> нуу шуун какалан калан канала тай	≥ 25 percent for 150 feet or more (see Note 2)		200 feet
	≥ 25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(1).

2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.

3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

Findings: The applicant provided a Water Resources Report and addendums, Exhibits 3-11, which identifies the jurisdictional water ways on the subject site and that the water resource is not identified by the Fish and Wildlife section of the Oregon City Comprehensive Plan nor Oregon Department of Fish and Wildlife as an anadramous fish-bearing stream. The applicant has proposed a 50-foot vegetated corridor around the delineated wetlands and the drainage ditch entering the north wetland on the site. The vegetated corridor areas are to be improved by removing non-native species, and replanting with non-nuisance plants from the Oregon Native Plant List and seeding to achieve one-hundred percent ground cover.

The applicant initially proposed a 15-foot vegetated corridor around the drainage ditch entering the north wetland on the site. Staff did not concur with this determination. On page 2 of the Water Resource Report dated December 17, 2002 (Exhibit 3) the applicant state's the following in part:

One exception is the eastern portion of the northernmost drainage course that consists of a ditch with no adjacent wetlands. Many ditches meet wetland hydrology and hydric soil criteria, and whn vegetation is present, commonly meet hydrophytic vegetation criteria also. But even though all three wetland criteria were met, it is a channelized feature conveying flows from a naturally occurring drainage course that was present prior to ditch construction. Therefore it generally meets the criteria outlined in the OCMC definition for a stream......Given the degraded character of this feature and the fact that it generally meets the criteria of an intermittent stream as defined by OCMC 17.49, we have concluded that the 15' vegetated corridor is the most appropriate. City of Oregon City staff will have the final decision on the vegetated corridor width for the ditched area.

The applicant submitted an addendum to the Water Resource Report (Exhibit 6) indicating that a stream can meet all three wetland criteria and still be classified as an intermittent stream. Staff does not concur with the interpretation of the OCMC by the applicant. A wetland is defined in the OCMC as follows:

Wetlands means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Delineation Manual.

Staff did not agree with the addendums to the report and recommended to the applicant that the vegetated corridor around the water feature should be a 50-foot buffer since the resource meets all the criteria of a wetland as described in the Water Resource Report submitted by the applicant. Even though this is a narrow wetland that also functions as a drainage swale, it still meets the criteria of a wetland to be protected by a 50-foot buffer. Staff finds that all of the water features located on the site are representative of the category described in the portion of the table below:

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(1).

2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.

3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

The applicant has revised the PUD application to incorporate the 50-foot buffer around all of the water features on the site (Exhibit 2). The applicant has met this requirement as proposed.

C. Uses Permitted Outright.

1. Stream, wetland, riparian and upland enhancement or restoration projects; and farming practices as defined in ORS 30.930 and farm uses, excluding buildings and structures, as defined in ORS 215.203;

2. Placement of structures that do not require a grading or building permit;

3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

Findings: The applicant has not proposed an outright permitted use.

D. Uses Under Prescribed Conditions.

1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.

2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.

3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.

Findings: The applicant has not proposed a use under the prescribed conditions category.

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:

1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;

2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;

3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;

4. New public or private utility facility construction;

5. Walkways and bike paths (see subsection (H)(5) of this section);

6. New stormwater pre-treatment facilities (see subsection (H)(6);

7. Widening an existing road adjacent to or running parallel to a water quality resource area;

8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.

<u>Findings</u>: This project includes items 1, 4, 5, 6, and 7. Findings regarding compliance with Subsections G and H are outlined below.

F. Prohibited Uses.

1. Any new development, other than that listed in subsections C, D and E;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

Findings: The applicant has not proposed a prohibited use. The applicant has request that the Planning Commission approve the original PUD layout and water resource mitigation plan, which included extensive filling of the vegetated corridor in order to increase the holding capacity of the wetlands. Staff has determined that filling a vegetated corridor is a prohibited use based on the definition of "development" in Chapter 17.49, which is defined in part as follows:

Any manmade change defined as buildings or other structures, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development.

Staff would not recommend the initial PUD design and water resource mitigation plan for the following reasons:

- 1) Filling the vegetated corridor is a prohibited use;
- 2) The objective of the PUD ordinance is to preserve existing natural resources. The initial layout fills an existing wetland in order to provide the loop street. There are several other options to the placement of the road other than through an existing wetland; and
- 3) The applicant has proposed to fill the vegetated corridor in order to increase the holding capacity of the wetland and provide a better wetland environment, however; the applicant does not want the vegetated corridor around the wetland to increase. Increasing the water depth as a mitigation measure will increase fluctuations within the wetland during the wet and dry seasons and the graded and filled vegetated

corridor does not represent a natural environment, which the PUD and Water Quality Overlay District are attempting to protect.

G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.

1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.

Findings: The applicant has provided a topographic map of the site showing the delineation of the water quality resource area. The Proposed Utility Plan, Sheet 3 of 6, was included in the PUD application (Exhibit 18). The Oregon City Water Quality Resource Area Overlay District boundaries are indicated on a separate map (identified as "Water Quality Resource Areas Map" in Exhibit 3) in the Water Resource Report. This criterion is met.

2. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six inches diameter at a height of four feet, natural or historic drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the water quality resource area;

Findings: The Existing Conditions Plan, Sheet 2 of 6, was included in the PUD application (Exhibit 2).

3. Location of Title 3 wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist;

Findings: A wetland delineation using the Division of State Lands process (Exhibit 3) revealed the wetland areas within the project site. The delineation was completed by a professional wetland scientist from Environmental Technology Consultants. This criterion is met.

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

Findings: The location of nuisance plants are shown on Figures 2 and 3 of 7 included in the water resource report from Environmental Technology Consultants (Exhibit 3). This criterion is met.

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

Findings: The applicant has separated the two water features on the site into a southern and northern water quality resource area (WQRA). The southern WQRA has been identified as having a higher quality area at the lower end of the wetland and the remainder of the wetland is or marginal quality. The vegetated corridor beyond the wetland is generally of poor quality. The applicant indicates that in accordance with Table 2 of the OCMC 17.49, the entire vegetated corridor associated with the southern WQRA meets the "Degraded" classification since it generally lacks a tree canopy and the vegetation is almost entirely non-native.

The northern WQRA has been identified as having a higher quality area consisting of two groves of Oregon Ash. North of the drainage corridor is a lobe of a wetland in transition from wet to dry hydrologic conditions. The vegetated corridor beyond the wetlands is generally of poor quality. The applicant indicates that in accordance with Table 2 of OCMC 17.49, the entire vegetated corridor associated with the northern WQRA meets the "Degraded" classification since the canopy, under-story, and vegetation is almost entirely non-native species. This criterion is met.

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

Findings: The applicant has indicated that the overall character of the southern Vegetated Corridor is approximately 5% tree canopy; 25% shrub coverage, which is primarily non-native; and 90% groundcover. The

northern Vegetated Corridor is approximately 15% tree canopy; 50% shrub coverage, which is primarily non-native; and 80% groundcover. This criterion is met.

7. An analysis of the impacts the proposed development may have on the water quality resource area. 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: The applicant indicates that the areas of the site proposed for development currently provide a portion of the basin that feeds each of the drainage courses. In the southernmost wetland, a relatively large portion of the existing basin that feeds the feature is onsite. If stormwater was picked up from the development and discharged at an outlet point that bypassed the wetlands, the wetlands would experience a drier hydrologic condition and vegetation conditions would be expected to become drier.

The applicant has discussed the impacts of the development on the wet soils – high water table identified on the site and the relationship of the wet soils – high water table and the wetlands located on the site. The applicant has proposed to intercept groundwater and discharge the water to the wetlands to maintain the onsite hydrology that is currently entering the wetlands. The applicant has proposed to connect the small wetland lobe adjacent to Rose Road with the larger wetland. The applicant has recommended a multiple orifice structure to provide metered flows to the wetland that would more closely approximate natural recharge of the wetlands (Exhibit 7). This criterion is met.

8. An analysis of the impacts the proposed development will have on the water quality of affected water resources, taking into account relevant natural features and characteristics of the water quality resource area;

Findings: The applicant provided an analysis of the impacts the proposed development will have on the water quality of the affected water resources. The applicant has indicated that the proposed pathway through the Water Quality Resource Area will have minimal negative impact on the resource. This criterion is met.

9. An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;

Findings: The initial impact analysis (exhibit 3) indicated that the water level in the water quality area will be raised through hydrologic control structures at the outlet point from the site and that this will provide a wetter hydrologic regime for wetland enhancement, will increase retention time of flows in the system, and will offset the flashiness that is potential from stormwater discharges. The addendum to the Water Resources Report (exhibit 5) indicates that the impacts to the wetland functions and values are the same as described in the original Water Resource Report, only the magnitude of impacts has been reduced, decreasing from 0.38 acres to 0.24 acres. The applicant indicates that the hydrologic enhancement proposed in the original document is now no longer feasible.

The applicant has indicated that the proposed mitigation for the pathway system includes signage to minimize potential impacts from pathway users and path design to prevent surface runoff from sheet flowing straight down the path and into the protected water feature. The applicant is required to meet the development standards for walkways and bike paths within the water quality resource area. Those standards are addressed in section 17.49.050.H.5.b below.

The applicant has indicated that the mitigation plan primarily consists of vegetation enhancements, interception of groundwater to be released into the wetlands, and a multiple orifice structure to control releases from the storm system to the wetlands.

The applicant has proposed a preliminary plan that appears to provide appropriate mitigation to protect and enhance the existing wetlands on the site. The Water Resource Scientist, Stormwater Engineer, and Geotechnical Engineer shall provide a detailed design and analysis that will maintain and enhance all of the existing/proposed wetlands with the proposed development and detail how the hydrology and runoff levels will be maintained at pre-development levels.

This criterion is not met. The applicant can satisfy this section by complying with condition of approval 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 water resource report was prepared by Richard Bublitz, a Wetland Scientist with Environmental Technology Consultants. This criterion is met.

11. Alternatives analysis demonstrating that:

a. No practicable alternatives to the requested development exist that will not disturb the water quality resource area,

Findings: As part of the PUD development, the applicant is required to provide connectivity between culde-sacs and the development. The two existing water resource areas on the site extend the complete width of the site, limiting the ability to provide the required connectivity without disturbing the water quality resource area.

The applicant has indicated that where impacts are necessary for the replacement of Rose Road, they have been minimized by limiting encroachment beyond the proposed rights of-way to the minimum necessary to install franchise utilities and to construct fill slopes for the raised roadway. This criterion is met.

b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,

Findings: The water resource report indicates, and staff concurs, that the development of the pathway and the expansion of Rose Road in the water quality resource areas are limited to the area necessary to allow for the proposed use. This criterion is met.

c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,

Findings: The applicant has proposed to restore the vegetated corridor with 509 total trees planted at an average spacing of 15 feet and 988 shrubs planted at an average spacing of 8 feet. The applicant has proposed to plant 155 trees and 885 shrubs. The applicant has not proposed a spacing requirement for the wetland plantings. It is unclear if the proposed spacing and number of trees and shrubs is appropriate for the wetland mitigation. A revised planting plan was provided as part of the application to include the expanded buffer area. It is unclear if the planting plan was approved by the Wetland Biologist.

The applicant has proposed to replace the areas being removed by the expansion of Rose Road and the development of the pedestrian accessway. The applicant has proposed a mitigation plan that includes wetland and vegetative corridor plantings. The Rose Road improvements will remove approximately 10,354 square feet of wetlands and approximately 2,300 square feet of vegetated corridor. The proposed expansion of Rose Road will fill the existing connection of the small northerly wetland lobe to the larger northern wetland. The applicant has proposed to re-establish the wetland connection that will be filled with the Rose Road expansion.

As discussed above, the applicant has preliminarily addressed the impacts and feasible mitigation that is necessary to maintain the current hydrology and runoff levels into the wetland areas and the impacts to the wet

soils - high water table located on the site. The mitigation plan may need to be revised in order to address the above outstanding issues.

This criterion is not met. The applicant can satisfy this section by complying with conditions of approval 6 and 7.

d. It will be consistent with a water quality resource area mitigation plan,

The mitigation plan is incomplete and must include a detailed landscape mitigation plan for the Findings: wetland planting as required by Condition 7 and include any additional mitigation as determined by further analysis of the impacts due to development on the wet soils - high water table and maintaining the current runoff level into the wetlands as required by Conditions 4 and 5.

e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,

Findings: The applicant has indicated that where impacts are necessary for the construction of the pathway through the vegetated corridor, they have been minimized by limiting encroachment to the minimum necessary to grade, fill, and install the pathway and water resource crossing.

With some revisions to the plan, as indicated in 11.c and 11.d above and H.5 below, the applicant would then meet the intent of this criterion.

f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures: i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed, and

Findings: The applicant has not proposed an improvement under this criterion.

ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation, and

Findings: The applicant has not proposed an improvement under this criterion.

iii. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable;

The applicant has not proposed an improvement under this criterion. **Findings:**

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,

The water quality resource mitigation plan was prepared by Richard Bublitz, a registered Findings: wetland scientist. The applicant indicates that the main impact will be the reduction of natural runoff into the wetland, creating a drier condition. This criterion is met.

b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,

Findings: The mitigation requirements of Table 17.49-2 requires the use of non-nuisance plantings from the Oregon City native plant list, removal of debris and noxious materials, removal of non-native species, vegetation of disturbed and bare areas and planting and seeding for 100% coverage. The applicant has indicated that the mitigation plan will include the removal of invasive species on the site. The applicant hasindicated that seeding the vegetated corridor with native grasses will not occur. The applicant shall provide a detailed planting plan for areas where nuisance species are to be removed in order to ensure that the disturbed area is planted and seeded for 100% coverage. The plan shall be updated to include the revised buffer for the northern wetland.

The applicant indicates that the main impact will be the reduction of natural runoff into the wetland, creating a drier condition. The applicant's mitigation plan provides preliminary information concerning the feasible mitigation associated with development on the wet soils – high water table and maintaining the current runoff levels into the wetlands on the site.

This criterion is not met. The applicant can satisfy this section by complying with conditions of approval 7 and 8.

c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,

Findings: The owner and applicant's names were provided in the application. The contractor(s) for the water resource area improvements will be identified at the time of the construction permit issuance.

d. A map showing where the specific mitigation activities will occur,

Findings: Conditions of approval 6 and 8 address this criterion.

e. A maintenance program assuring plant survival for a minimum of three years,

Findings: The applicant shall provide evidence to the City ensuring a three-year maintenance plan for the water resource area. The site plan submitted identifies a two-year maintenance plan.

This criterion is not met. The applicant can satisfy this section by complying with condition of approval 9.

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 has proposed a schedule for the mitigation and monitoring of the water resource area. A preliminary implementation schedule was provided by the applicant that identifies the mitigation, mitigation maintenance, monitoring, and reporting. The applicant has indicated that a detailed implementation schedule, construction timelines, maintenance, monitoring, reporting, and contingency plan will be part of the DSL requirements and required before the issuance of a grading permit on the site (Exhibit7). 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.

This criterion is not met. The applicant can satisfy this section by complying with condition of approval 10.

H. Development Standards. Applications for provisional uses in the water quality resource area shall satisfy the following standards:

1. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 17.49-2.

Findings: The project will include restoration and maintenance in accordance with the approved mitigation plan (item 12 above) and specification in Table 17.49-2 (see items 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 used to anchor or stabilize the work equipment. These protections will remain throughout the construction process.

The applicant has proposed a fenced swath to provide construction access into the vegetated corridor in order to construct the pathway. In the original application, the applicant proposed noxious invasive species control for those areas where no fill will be placed. These techniques shall be utilized for this project.

This criterion is not met. The applicant can satisfy this section by complying with condition of approval 11.

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: This criterion is addressed with conditions of approval 8 and 9.

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 is addressed with condition of approval 11.

5. Walkways and bike paths:

a. A gravel, earthen, tree bark product, or equivalent walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of fifty percent of the trail may be within thirty feet of the protected water feature.

Findings: The applicant has not proposed a walkway or bike path under this criterion.

b. A paved walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the water quality resource area must be increased by a distance equal to the width of the paved path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of twenty-five percent of the trail may be within thirty feet of the protected water feature; and

Findings: The applicant has proposed a paved walkway that will cross the protected water feature. The applicant has indicated that a small pre-fabricated bridge will cross each water quality resource area, and the footers will be placed beyond the jurisdictional limits of the wetlands/waters. The pathway through the southernmost water quality resource area does not cross the jurisdictional wetland as proposed. The pathway through the northernmost water quality resource area will cross the jurisdictional wetland. The asphalt pathway shall not be constructed closer than ten feet from the boundary of the protected water feature. The footings of the

bridge required to cross the wetland may be placed within ten feet of the boundary of the protected water feature, however; the footings shall not be placed within the jurisdictional limits of the wetland.

The applicant has increased the width of the water quality resource area equivalent to the pathway area placed within the vegetated corridor.

This criterion is not met. The applicant can satisfy this section by complying with condition of approval 12.

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

Findings: The applicant has proposed an asphalt path less than 12 feet in width. This criterion is met.

- 6. Stormwater quantity control and quality control facilities.
- a. Except for flood control facilities designated by adopted Oregon City stormwater master plans, the stormwater quantity control and quality control facility may encroach a maximum of twenty-five feet into the outside boundary of the water quality resource area of a protected water feature, (maximum allowable encroachment to be proportionally reduced for applicable intermittent stream vegetated corridor).

Findings: The applicant has not proposed any facilities that will encroach into vegetated corridor. This criterion is not applicable.

- b. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.
- **<u>Findings:</u>** This criterion is not applicable.
- c. All stormwater shall be collected on-site and passed through a treatment facility, such as a detention/composting facility or filter as approved by the city engineer in consultation with planning staff, prior to being discharged into the water quality resource area.

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

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

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the drainage. Therefore, it appears that there is a flow constriction between Rose Road and Southridge Meadows.

The applicant has proposed to drain the site into two detention ponds and four areas with underground detention pipes. The detention systems are located adjacent to the wetland areas and do not encroach into the water resource buffer areas. The applicant proposes to drain the northwestern side of the site into various detention pipes and a pond, then into the northwestern drainage swale. The applicant does not clearly show how the storm system for the southeast swale will function.

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

Most of the proposed detention pipes are undersized. The detention pipes minimum size is 42-inches.

Preliminary Hydrology/Detention calculations have been provided to the City for review (Exhibit 26). The applicant's engineer has provided an additional Downstream Drainage Analysis for the area between Rose Road and the drainage inlet at Southridge Meadows (Exhibit 10). 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 15-year storm events. Therefore, the peak runoff for these posted developed storms should be less than the existing storm events.

The applicant has preliminarily addressed how the storm system will function in a high ground water table and how the existing water resource/wetlands will be maintained/recharged.

This standard is not met. The applicant can meet this standard by complying with Conditions of Approval 5, 10, and 13.

d. The water quality resource area shall not be subject to a significant negative impact as a result of changes to existing hydrologic connections.

Findings: The applicant has indicated that the water quality resource area will become drier due to the reduction of current water flows into the wetlands. The applicant will be required to demonstrate that the predevelopment water flows into the wetlands are being maintained.

This criterion is not met. The applicant can satisfy this section by complying with conditions of approval 4, 5, and 7.

- 7. Additions, Alterations, Rehabilitation and Replacement of lawful structures.
- a. For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of this title (Chapter 17.58).
- **Findings:** The existing roadway, Rose Road, is not a nonconforming use. This criterion is not applicable.
- b. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to and will have no greater material adverse impact on the protected water feature than the existing structures, roadways, driveways, accessory uses and development.

Findings: This criterion is addressed in section 11.f above.

8. Off-Site Mitigation

a. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

i. As close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable;

ii. Within the watershed where the development will take place or as otherwise specified by the city in an approved wetland mitigation bank.

b. In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction has been placed on the property where the mitigation is to occur is required.

Findings: The applicant has not proposed off-site mitigation. This criterion is not applicable.

I. Vegetated Corridor Width Reduction. A reduction in the width of the vegetated corridor required by Table 17.49-1 may be allowed as part of a Type III proceeding under the following conditions:

<u>Findings</u>: This applicant has not proposed to reduce the vegetated corridor. This criterion is not applicable.

1. On slopes that are greater than or equal to twenty-five percent for less than one hundred fifty feet, a maximum reduction of twenty-five feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that the slope is stable.

Findings: The applicant has not proposed to reduce the vegetated corridor width. This criterion is not applicable.

- 2. On an anadromous fish-bearing stream, the two hundred foot vegetated corridor may be reduced if the following criteria are met:
- a. The existing condition of the vegetated corridor is primarily developed with commercial, industrial or residential uses or is significantly degraded with less than twenty-five percent vegetative cover.
- b. A decrease is necessary to accomplish the purposes of the proposal and no practicable alternative is available.
- c. Decreasing the width of the vegetated corridor will not adversely affect the water resource functional values. The functional values of a water resource include, but are not limited to, the following: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; groundwater recharge and discharge; erosion control; historical and archaeological and aesthetic value; and recreation.
- d. Improvements will be made to the remaining vegetated corridor pursuant to the mitigation requirements of the section on Degraded Existing Vegetation Corridor in Table 17.49-2 of this chapter. The applicant must demonstrate that the improvements will increase the functional values of the water resource.
- e. A proposal to enhance a vegetated corridor shall not be used as justification to reduce an otherwise functional standard corridor width.
- f. In no case may the reduced corridor be less than otherwise would be required by Table 17.49-1 for a non-anadromous fish-bearing stream.

Findings: The applicant has not proposed to reduce the vegetated corridor width. This criterion is not applicable.

17.49.060 Subdivision and partitions.

A. The purpose of this section is to amend the City regulations governing land divisions to require that new subdivisions and partitions plats delineate and show the water quality resource area as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this sections.

Findings: The applicant shall comply with subsection (D) below.

B. The standards for land divisions in a water quality resource area overlay district shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that for partitions the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a transfer of density pursuant to Section 17.49.070.

Findings: The applicant has not proposed a partition. This criterion does not apply.

C. Prior to preliminary plat approval, the water quality resource area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.

Findings: The applicant has proposed a Planned Unit Development on the site. The applicant has identified the tract as private open space.

D. Prior to final plat approval, ownership of the water quality resource area tract shall be identified to distinguish if from lots intended for sale.

Findings: The applicant has proposed a Planned Unit Development on the site. The applicant has identified the tract as private open space. The applicant shall identify the ownership of the tract prior to final plat approval.

17.49.070 Density Transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.

B. Development applications for subdivisions that request a density transfer shall be proposed as part of a planned unit development and shall comply with Chapter 17.64.

Findings: The applicant has proposed a Planned Unit Development on the site and shall comply with Chapter 17.64.

C. Development applications for partitions that request a density transfer shall:

Findings: The applicant has proposed a Planned Unit Development on the site. This criterion is not applicable.

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

Findings: The City does not currently have minimum density requirements. This criterion is not applicable.

17.49.090 Map Administration.

A. The purpose of this section is to provide a process for amending the water quality and flood management areas map to add wetlands and correct the location of protected water features and the water quality resource area overlay district if the protected water feature does not exist or is outside the water quality resource area overlay district. The information used to establish an error shall include a topographic map of the site with contour intervals no greater than five feet and a report qualifying the map amendment prepared by a registered professional engineer licensed by the state of Oregon or a qualified wetland specialist.

Findings: City staff handles modifications to water resource boundaries relying on the applicant's Water Resource Report findings and maps to establish minor modifications to the boundary. A significant error would be processed under this Map Amendment process. In this case, staff finds that the mapped resource area compared to the reported resource locations involve minor modification to the boundary.

B. Map corrections shall be processed pursuant to the requirements of Chapter 17.68.

Findings: This criterion does not apply.

1. Within ninety days of receiving information establishing an error in the existence or location of a protected water feature, the city shall provide notice to interested parties of a public hearing at which the city will review the information.

- 2. The city shall amend the water quality and flood management areas map if the information demonstrates:
 - a. That a protected water feature no longer exists because the area has been legally filled, culverted or developed prior to the adoption of the amendment of Title 3 of the Functional Plan (June 18, 1998); or
 - b. That the protected water feature does not exist or is outside the water quality resource area overlay district.

Findings: This criterion does not apply.

C. Modification of the water quality resource area overlay district. To modify the water quality resource area overlay district, the applicant shall demonstrate that the modification will offer the same or better protection of the protected water feature and water quality resource area by:

1. Preserving a vegetated corridor that will separate the protected water feature from proposed development; and

2. Preserving existing vegetated cover or enhancing the water quality resource area sufficient to assist in maintaining or reducing water temperatures in the adjacent protected water feature; and

3. Enhancing the water quality resource area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent protected water feature; and

4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent protected water feature; and

5. Stabilizing slopes adjacent to the protected water feature.

Findings: This criterion does not apply.

D. Adding Title 3 Wetlands.

1. Within ninety days of receiving evidence that a wetland meets any of one of the criteria in this section, the city shall provide notice to interested parties of a public hearing at which the city will review the evidence.

2. A wetland and its vegetated corridor shall be included in the water quality resource area overlay district if the wetland meets any one of the following criteria:

a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has sixty percent or greater vegetated cover, and is over one-quarter acre in size; or the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

b. The wetland is in the flood management area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).

Findings: This criterion does not apply.

Chapter 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication conference and neighborhood meeting.

A. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. The applicant may also schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed.

B. Preapplication Conference. To schedule a preapplication conference, the applicant shall contact the planning manager, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way. The purpose of the preapplication conference is to provide staff from all affected city departments with a summary of the applicant's development proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The planning manager shall provide the applicant(s) with the identity

and contact persons for all affected neighborhood associations. Following the conference, the planning manager shall provide the applicant with a written summary of the preapplication conference.

C. Affected Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

D. Notwithstanding any representations by city staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The planning manager may waive the preapplication requirement if, in the manager's opinion, the development does not warrant this step. (Ord. 98-1008 \$1(part), 1998)

Findings: The applicant held a pre-application meeting with staff, identified as PA 02-47, on July 31, 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.

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must be submitted on the form provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met. (Ord. 98-1008 §1(part), 1998)

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

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

A. Upon submission, the planning manager shall date stamp the application form and verify that the appropriate application fee has been submitted. The planning manager will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the planning manager shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty days within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one-hundred-eighty-day period, the planning manager shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

C. Once the planning manager determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete and take final action on the application within one hundred twenty days of that date unless the applicant waives or extends the one-hundred- twenty-day period. The onehundred-twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one-hundred-twenty-day period.

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one-hundred-twenty-day period for the amount of time required to correct the notice defect.

3. The one-hundred-twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.

4. The one-hundred-twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. The approval standards which control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted. (Ord. 98-1008 §1(part), 1998)

Findings: The applicant submitted the application on January 14, 2003. The City deemed the application complete on March 26, 2003.

(d) <u>17.50.090 Public notices</u>.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasijudicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the planning manager has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080(H), the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. The city's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;

2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.

Findings: The City has provided the required notice. Property owners within 300 feet of the subject site were noticed of the Type III application on April 2, 2003. The application was advertised in the Clackamas Review and the property was posted on April 7, 2003.

(e) <u>17.50.100 Notice posting requirements</u>.

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

A. City Guidance and the Applicant's Responsibility. The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one-hundred-twenty-day period in a timely manner.

B. Number and Location. The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice. (Ord. 98-1008 \$1(part), 1998)

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

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

A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.

C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

1. The file number and date of decision;

2. The name of the applicant, owner and appellant (if different);

3. The street address or other easily understood location of the subject property;

4. A brief summary of the decision, and if an approval, a description of the permit approved;

5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;

6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type II. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved. (Ord. 98-1008 §1(part), 1998)

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

(g) <u>17.50.140 Performance guarantees</u>.

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

A. Form of Guarantee. Guarantees shall be in a form approved by the city attorney, including an irrevocable standby letter of credit issued by a recognized lending institution to the benefit of the city, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the city. The guarantee shall be filed with the planning division.

B. Amount of Guarantee. The amount of the performance guarantee shall be equal to at least one hundred ten percent of the estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than one hundred ten percent if deemed necessary by the community development director. The cost estimate substantiating the amount of the guarantee must be provided by the applicant supported by either an engineer's or architect's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor and other costs.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the applicant. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval or the guarantee, the director may, at his discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city. Once constructed and approved by the city, any remaining funds shall be refunded to the applicant.

D. If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the applicant fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in subsection C of this section. (Ord. 98-1008 $\S1$ (part), 1998)

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

STAFF RECOMMENDATION:

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

EXHIBITS:

- 1. Vicinity Map
- 2. Site Plan
- 3. Water Resource Report dated December 17, 2002
- 4. Addendum to the Water Resource Report dated February 19, 2003
- 5. Addendum to the Water Resource Report dated May 29, 2003

- 6. Addendum to the Water Resource Report dated June 27, 2003
- 7. Addendum to the Water Resource Report dated July 15, 2003
- 8. Addendum to the Water Resource Report dated August 1, 2003
- 9. Letter from Tom Sisul concerning groundwater; dated July 17, 2003
- 10. Addendum to the Storm Calculations
- 11. Addendum to the Geotechnical Engineering Report; dated July 14, 2003
- 12. Applicant's letter to the Planning Commission dated May 19, 2003
- 13. Applicant's proposal to Division of State Lands (On File)
- 14. Oregon City Engineering Department comments
- 15. Oregon City Park Department comments
- 16. South End/Westling Neighborhood Association comments
- 17. Mr. Livingston comments
- 18. Mr. Dinges comments
- 19. Mr. Tondreau comments
- 20. Mr. Kosel comments
- 21. Ms. Galligan comments
- 22. Mr. Worden comments
- 23. Mr. Wigmore comments
- 24. Mr. Woodward comments
- 25. Oregon City Local Wetlands Inventory
- 26. Preliminary Storm Calculations (On File)

Conditions of Approval Planning File WR 03-01 August 18, 2003

- 1. The Geotechnical Engineer shall address the use and construction of the detention ponds in high ground water. The Geotechnical Engineer shall coordinate the design criteria to the Storm Water Engineer and Water Resource Scientist.
- 2. The applicant shall follow and incorporate the recommendations in the Geotechnical Report for the design of the site.
- 3. The applicant shall process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit, or to revoke a permit that has been issued for this project.
- 4. The applicant shall provide additional documentation/design to demonstrate and make clear how the hydrology and runoff levels will be maintained at pre-development levels in the wetland areas. This documentation shall be approved by the City prior to the issuance of a grading permit for the site.
- 5. The Water Resource Scientist, Storm Water Engineer, and Geotechnical Engineer shall provide a detailed design and analysis that will maintain the pre-development levels, enhance the existing/proposed wetlands with the proposed development, and harmonize the storm pond and the wetlands together. The Storm Water Report shall be revised to incorporate comment/design criteria from the Geotechnical Engineer and Water Resource Scientist.
- 6. The applicant shall update the planting plan, as approved by the Water Resource Scientist, to include the recently added areas within the 50-foot buffer around the northern drainage into the site. The applicant shall identify the spacing requirements for the tree and shrub plantings located in the wetland. If a spacing minimum is not going to be used for the plantings in the wetland, the applicant shall provide a detailed planting plan for the wetland.
- 7. The applicant shall submit a revised mitigation plan to address the impacts and feasible mitigation that is necessary to maintain the current hydrology and runoff levels into the wetlands and the impacts and feasible mitigation for the wet soils high water table located on the site as a result of further documentation/design as required in Condition 4 above. The applicant shall update the proposed mitigation plan to account for the increased vegetated corridor area, including, but not limited to, the number of trees and shrubs proposed to be planted within the water quality resource area.
- 8. The applicant shall submit a detailed planting plan for areas where nuisance species are to be removed in order to ensure that the disturbed area is planted and seeded for 100% coverage.
- 9. The applicant shall provide a three-year maintenance plan for landscaping materials within the water quality resource area to the City prior to the issuance of a grading permit for the site.
- 10. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

- 11. 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 grading permit for the site and shall remain in place throughout the construction process. The applicant shall implement the less obtrusive noxious species control as described in the December 17, 2002 water resource report (Exhibit 4).
- 12. The asphalt pathway shall not be constructed closer than ten feet to the boundary of the protected water feature. The footings of the bridge required to cross the wetland may be placed within ten feet of the boundary of the protected water feature, however; the footings shall not be placed within the jurisdictional limits of the wetland.
- 13. The developer shall provide detention and water quality systems that conform to current City standards.

Planning Files: PD 03-01, WR 03-01, VR 03-11, and SP 03-07















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WATER RESOURCES REPORT

For

Tax Lots 1700, 300; Rose Road Oregon City, Oregon

> Prepared for: Paul Reeder 10893 S Forest Ridge Rd Oregon City, OR 97045

> > December 17, 2002

1. Evaluated by:



Environmental Technology Consultants 1924 Broadway, Suite A Vancouver, WA 98663 (360) 696-4403 FAX (360) 696-4089 E-mail: etc-vancouver@gwest.net



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PROJECT, SITE DATA, AND EVALUATION SUMMARY

Site: Tax Lots 1700, 300; Rose Road; Oregon City, Oregon

ETC Project Number: EVA-02-020

Project Staff: David Waterman, Richard Bublitz

Applicant:Paul ReederOwner:Same10893 S Forest Ridge RdOregon City, OR 97045(503) 650-8100

- Site Location: The site is located on the west side of Oregon City, Oregon, north of South End Road and adjacent to the east of Rose Road. Legal description: TL 1700, Section 12A, T3S, R1E, W.M.; and TL 300, Section 1CD, T3S, R1E, W.M. Lat: 45°19'57" Lon: 122°37'49".
- Acreage: 16.0 acres
- **Topography:** The site is located on a fairly flat terrace above the Willamette River. The site topography slopes mildly at 1 to 3% toward two broad swales in the central portion of the property. The swales drain in general from east to west across the site toward Rose Road, where the flow exits the site via culverts.
- Land Use History: The property currently contains an old vacated home, and the remainder of the site is old pasture that is succeeding into brush. In conversation with an adjacent property owner, he indicated that the site was used as horse pasture in the past. The vegetative character of the site indicates that it may have been used as an apple orchard at some time in the more distant past. Other agriculture usage may also have occurred.
- Adjacent Usage: The adjacent properties on all sides are older residential properties on fairly large lots. South End Road and Rose Road provide frontage to the site.
- Waterways: None
- Floodway: None
- LWI Map Reference: City of Oregon City Local Wetland Inventory T3S R1E Sections 1 and 12
- Other Wetland Determinations: 1997 delineation prepared by Rita Mroczek; approved by Oregon Division of State Lands on March 24, 1998.
- **Determination:** The original delineation had mapped 1.1 acres of jurisdictional wetlands.
- Wetland Classes: PFO1B/C, PSS1B/C, PEM1B/C

Introduction:

The subject property consists of two parcels totaling 16.0 acres in Oregon City, Oregon with the following legal descriptions: TL 1700, Section 12A, T3S, R1E, W.M.; and TL 300, Section 1CD, T3S, R1E, W.M. The City of Oregon City Water Quality and Flood Management Areas Map (Exhibit A, Ordinance 99-1013) shows protected water features and associated vegetated corridors on the site. Therefore a water resources report is required in accordance with Oregon City Municipal Code (OCMC) 17.49 for any proposed development on the parcel.

A wetland delineation was performed in 1997 by Rita Mroczek and was approved by the Oregon Division of State Lands on March 24, 1998. In accordance with Oregon Division of State Lands regulations, approved delineations are valid for a 5-year period. An additional scope of our investigation was to reinvestigate the wetland boundaries as per the criteria outlined in OAR 141-090-0045, in the event that the project construction extends beyond the 5-year valid period (ending March 24, 2003).

Environmental Technology Consultants was contracted to perform the water resource investigation by Sisul Engineering, agent for the applicant. Field investigations were performed on October 28, November 8, and November 21, 2002.

Protected Water Feature Description / Vegetated Corridor Width Determination:

Two drainage courses traverse the site in a general east to west direction. The "Protected Water Features" as regulated by OCMC 17.49 primarily consist of jurisdictional wetlands along these two drainage courses. In addition to the wetlands directly associated with the drainage courses, one lobe of wetland was delineated north of the northernmost drainage course. A total of 1.01 acres of wetland were delineated onsite and surveyed during the original investigation.

The upper portion of the northernmost drainage course (~200 linear feet) consists of delineated wetlands of uniform width within the banks of the ditch with no adjacent wetlands. Plot 8 was sampled within the ditch and did meet the three criteria of a jurisdictional wetland.

In accordance with Table 1 of OCMC 17.49, the jurisdictional wetlands fall into the category of "All Other Protected Water Features". The adjacent slopes are clearly less than 25% as shown on the attached Figure 1 (slopes are in the range of 1 to 3%). Therefore the vegetated corridor width for the wetlands is 50° . One exception is the eastern portion of the northermost drainage course that consists of a ditch with no adjacent wetlands. Many ditches meet wetland hydrology and hydric soil criteria, and when vegetation is present, commonly meet hydrophytic vegetation criteria also. But even though all three wetland criteria were met, it is a channelized feature conveying flows from a naturally occurring drainage course that was present prior to ditch construction. Therefore it generally meets the criteria outlined in the OCMC definition for a stream. In accordance with Table 1 of OCMC 17.49, wetlands have 50' vegetated corridors and intermittent streams with slopes less than 25% and which drain less than 100-acres have 15' vegetated corridors. (The adjacent slopes are less than 25% as shown on Figure 1 and the basin feeding this feature is approximately 52-acres as determined by analysis of the South End Basin map from the City of Oregon City.) Given the degraded character of this feature and the fact that it generally meets the criteria of an intermittent stream as defined by OCMC 17.49, we have concluded that the 15' vegetated corridor is the most appropriate, as shown on Figure 1. City of Oregon City staff will have the final decision on the vegetated corridor width for the ditched feature.

Assessment of Water Quality Resource Area:

The Water Quality Resource Area consists of the Protected Water Features and their associated vegetated corridors. There are two distinct Water Quality Resource Areas on the subject property, and they will be described separately below.

1. Southernmost Water Quality Resource Area

This wetland is fed primarily by stormwater from upgradient development, which enters the site via a concrete culvert on the northeast property line. Natural runoff and infiltrated shallow groundwater from a portion of the subject property also contribute to the hydrology of this feature. It appears that continuing upgradient development to the north along South End Road has cut off a portion of the small upgradient basin that formerly fed this feature, although the area still meets the three criteria of a jurisdictional wetland. A 12" concrete culvert transports water from this drainage course to the west across Rose Road.

A vegetation map for this resource area is included as Figure 2 in Appendix A. Several native associations of plants are present within the wetland. The highest quality area is at the lower end of the wetland and includes an overstory of *Fraxinus latifolia* (Oregon Ash, FACW) and a dense thicket of *Spiraea douglasii* (Douglas' Spiraea, FACW) in the understory. This association is identified on Figure 2 as *Fraxinus-Spiraea*. Just above this is a small grove of fairly large *Populus balsamifera* (Black Cottonwood, FAC) trees. This area is identified as *Populus* Grove on Figure 2. The remainder of the wetland is of marginal quality consisting primarily of non-native pasture grasses such as *Agrostis* sp. (Bentgrass species, FAC), *Holcus lanatus* (Common Velvet Grass, FAC), and *Festuca arundinacea* (Tall Fescue, FAC-). A common associate with the pasture grasses within the wetland is *Ranunculus repens* (Creeping Buttercup, FACW) in areas where hydrology is the strongest. This association is identified as *Pasture – Ranunculus* on Figure 2.

The vegetated corridor beyond the wetland is generally of poor quality. The 50' corridor on the south side of the wetland consists primarily of non-native pasture grasses. There are several small dense thickets of *Rubus discolor* (Himalayan Blackberry, FACU) identified as *Rubus* Thicket on Figure 2, along with an area of recent *Rubus* colonization (approximately 15% cover). A small thicket of *Crataegus monogyna* (English Hawthorn, FACU+) also extends into the south side of the vegetated corridor. The vegetated corridor on the north side of the wetland is primarily pasture that has colonized with *Cytisus scoparius* (Scotch Broom, UPL) at percentages of 25 to 30%, along with lower percentages of *Rubus discolor*. Sparse *Malus sylvestris* (Common Apple) trees are present in this association as well. One large thicket of *Rubus discolor* was present, identified as *Rubus* Thicket on Figure 2. An association identified as *Malus-Crataegus-Rubus* was also present, consisting of a low canopy of *Malus sylvestris* and *Crataegus monogyna*, with a dense understory of *Rubus discolor*.

In accordance with Table 2 of OCMC 17.49, the entire vegetated corridor associated with the southernmost water quality resource area meets the "Degraded" classification. The area generally lacks a tree canopy, and the vegetation is almost entirely non-native (pasture grasses, *Cytisus scoparius, Rubus discolor, Crataegus monogyna*).

Summary of vegetative conditions in Southernmost Water Quality Resource Area:

% Tree Canopy:	5% total		
% Shrub cover:	25% total (primarily non-native)		
% Groundcover:	90% total		
Nuisance plants present:	Rubus discolor (Himalayan Blackberry), Cytisus scoparius (Scotch Broom), Crataegus monogyna (English Hawthorn)		
Other plants present:	Fraxinus latifolia (Oregon Ash), Populus balsamifera (Black Cottonwood), Malus sylvestris (Common Apple), Spiraea douglasii (Douglas' Spiraea), Agrostis sp., (Bentgrass species), Festuca arundinacea (Tall Fescue), Holcus lanatus (Velvet Grass), Dactylis glomerata (Orchard Grass)		

2. Northernmost Water Quality Resource Area

This wetland is also fed by primarily by offsite stormwater runoff from developments to the north of the site, which enters the subject property via a concrete culvert along the north property line. The basin that currently feeds this drainage course is larger than the southern drainage course, and thereby hydrology is considerably stronger in this feature. Flows exit the site via two parallel 24" culverts that transport the water to the west side of Rose Road.

A vegetation map for this area is included as Figure 3 in Appendix A. Within the delineated wetlands, the highest quality vegetation communities consist of two groves of *Fraxinus latifolia* (Oregon Ash, FACW), identified as *Fraxinus* Grove on Figure 3. The trees are generally in the range of 4 to 8 inches diameter, which may indicate that the groves are fairly young; or that the dense trees have resulted in stunted growth due to competition for light; or that growing conditions are not otherwise favorable. The understory in these areas consists primarily of *Spiraea douglasii* (Douglas' Spiraea, FACW), *Crataegus monogyna* (English Hawthorn, FACU+), *Rosa* sp. (Rose species), and *Rubus discolor* (Himalayan Blackberry, FACU). *Phalaris arundinacea* (Reed Canary Grass) has colonized the *Fraxinus* Grove along the main drainage corridor in substantial percentages. Within the drainage corridor, just above the *Fraxinus* grove, the ditch is more defined and the vegetation in the bottom of the ditch consists of pasture grasses along with *Ranunculus repens* (Creeping Buttercup, FACW). The side banks of the ditch consist of *Spiraea douglasii*, *Rosa* sp., and *Rubus discolor*. Further upstream the ditch is covered by a dense thicket of *Rubus discolor*.

North of the drainage corridor a lobe of wetland was delineated. This area appears to be in a transitional state from wet to dry hydrologic conditions as evidenced by the significant percentages of non-hydrophytic species in the area. This wetland does not have a connection to the main wetland along the drainage course except via the roadside ditch along Rose Road. The majority of the lobe is covered with a dense grove of fairly young *Fraxinus latifolia* (Oregon Ash, FACW) along with *Crataegus monogyna* (English Hawthorn, FACU+) in lower percentages. The shrub stratum is dominated by *Spiraea douglasii* (Douglas' Spiraea, FACW) and *Rubus discolor* (Himalayan Blackberry, FACU). Other shrubs present include *Malus sylvestris* (Common Apple, UPL), *Quercus* sp. (Oak species), and *Cytisus scoparius* (Scotch Broom, UPL). The herbaceous stratum is dominated by FAC pasture grasses with *Polystichum munitum* (Sword Fern, FACU) and *Fragaria virginiana* (Wild Strawberry, FACU) also common.

The vegetated corridor beyond the wetlands is generally of poor quality. The upper portion of the drainageway is surrounded by a narrow vegetation association identified as *Crataegus-Malus-Rubus* on Figure 3. This association consists of a low overstory of *Crataegus monogyna* (English Hawthorn, FACU+) and *Malus sylvestris* (Common Apple, UPL) providing 50 to 65% canopy coverage with an understory of dense *Rubus discolor* (Himalayan Blackberry, FACU). The remainder of the vegetated corridor is primarily pasture that has colonized with *Cytisus scoparius* (Scotch Broom, UPL) with lower percentages of *Rubus discolor*. The cover percentage of *Cytisus scoparius* ranges from 20% up to 75%. Different hatching patterns are shown on Figure 3 to demarcate different percentages of *Cytisus scoparius*.

In accordance with Table 2 of OCMC 17.49, the entire vegetated corridor associated with the southernmost water quality resource area meets the "Degraded" classification. The only portion with any substantial canopy is the narrow *Crataegus-Malus-Rubus* association, and the canopy is almost entirely non-native species. The *Rubus discolor* (Himalayan Blackberry) in the understory is a noxious invasive non-native species. Beyond this association, the vegetation consists of non-native pasture grasses and noxious invasive species, primarily *Cytisus scoparius* (Scotch Broom). As the entire area has greater than 10% coverage with non-native species, it meets the "Degraded" classification.

Summary of vegetative conditions in Northernmost Water Quality Resource Area:

% Tree Canopy:	15% total 50% total (primarily non-native)		
% Shrub cover:			
% Groundcover:	80% total		
Nuisance plants present:	Rubus discolor (Himalayan Blackberry), Cytisus scoparius (Scotch Broom), Crataegus monogyna (English Hawthorn), Phalaris arundinacea (Reed Canary Grass)		
Other plants present:	Fraxinus latifolia (Oregon Ash), Malus sylvestris (Common Apple), Spiraea douglasii (Douglas' Spiraea), Rosa sp. (Rose species), Quercus garryana (Oregon White Oak), Agrostis sp., (Bentgrass species), Festuca arundinacea (Tall Fescue), Holcus lanatus (Velvet Grass), Dactylis glomerata (Orchard Grass), Polystichum munitum (Sword Fern), Fragaria virginiana (Wild Strawberry)		

Fish and Wildlife Resources in the Water Quality Resource Areas

The subject property drainage courses were most likely non-channelized wetlands in their historic condition. These wetlands currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

According to <u>www.streamnet.org</u>, which contains data obtained from Oregon Department of Fish and Wildlife and other sources, the Beaver Creek system is utilized by fish only at the lower end of the stream below Sevcik Pond. There is probably a dam or similar in-water structure that impounds water in the pond that precludes fish passage upstream from that location. Based on the available data, fish utilization does not occur until 4 miles downstream from the subject property wetlands. Onsite investigation did not reveal any evidence that the subject property wetlands were suitable for fish habitat.

Due to the generally poor habitat conditions within the water quality resource areas, other wildlife utilization is also limited. As described above, the water quality resource areas consist of several groves of trees, but are primarily pasture with colonizing noxious invasive species. Features that are generally conducive to wildlife utilization include the following: well developed vegetative strata (tree overstory, tree understory, shrub understory, and groundcover), vegetative diversity on the vegetative strata present, high food value plant species present, structural habitat elements (snags, down woody debris, water features, rock outcroppings), positive edge character, limited disturbance, size and connectivity to other habitat areas. The onsite wetlands and vegetated corridors provide little of these habitat features. The several groves of dense young Fraxinus latifolia (Oregon Ash) trees do provide small islands of habitat for birds, with cover and nesting opportunities available. The small grove of larger Populus balsamifera (Black Cottonwood) also provides nesting opportunities and may provide potential for cavity nesting in the future if a tree gets topped or eventually dies and becomes a snag. The site is fairly disturbed, with suburban development on all sides. Based on the onsite investigations, we expect that the site is utilized by common wildlife species that inhabit open space in urban and suburban areas: songbirds, predatory birds (primarily hawks), rodents (mice, voles, etc.), squirrels, other small mammals (rabbits, raccoons), and probably common frogs such as Pacific tree frog.

Alternatives Analysis

a. No practical alternatives to the requested development exist that will not disturb the Water Quality Resource Area.

Sisul Engineering designed the preferred development layout and was consulted in preparing the alternatives analysis. The proposed project results in two areas of impact: (1) impact areas required for the half-street improvement of Rose Road totaling 12,434 square feet; (2) impact to a lobe of wetland north of the northernmost drainage corridor totaling 4,105 square feet.

There are no alternatives to the required street widening. Bringing the street frontage up to City standards including pavement widening, curbing, sidewalk, and installation of underground franchise utilities is a requirement of development within the City of Oregon City. Therefore no practicable alternatives exist that would not disturb the Water Quality Resource Area.

Subtracting the impact area for the necessary street improvements, the remainder of the lobe wetland north of the northernmost drainage corridor comprises 4,105 square feet. During our onsite analysis, we determined that the current condition of this feature appears to be in a transitional state from wet to dry hydrologic conditions. The applicant was informed of our conclusion and that hydrologic monitoring during the early growing season may reveal that this area does not meet the wetland hydrology criteria. Although the applicant decided not to pursue monitoring, in the event that filling this area becomes an obstacle with the regulatory agencies, this course of action may be pursued. In order to preserve this marginal wetland along with its vegetated corridor, it would be necessary to move the loop street access point further up Rose Road to the northwest. A short street along with a cul-de-sac terminus would then be required to provide access to lots between the resource area and the loop street. This option would have resulted in the loss of 4 lots. Given the increased construction costs for constructing the road with cul-de-sac, along with the loss of lots, the project would have been rendered economically marginal. In addition, cul-de-sacs are generally discouraged in Oregon City in favor of public streets with loop connections when feasible. With these considerations, it was therefore determined that this was not a practicable alternative.

b. Development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use.

The half-street improvement has been limited to the area necessary required by the City of Oregon City. As part of this impact, the site engineer has projected encroachment 10' beyond the new proposed right of way to allow for fill slopes for those portions of the roadway that are to be raised and for franchise utility installation. Fill slopes will be maximized to decrease the necessary encroachment and the impact area will then be recalculated during final design to ensure the minimum necessary impact for the half-street improvement. The wetland lobe impact was designed to not encroach into the wetlands along the main drainage corridor.

c. The Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 2.

The mitigation plan included in this document involves creating additional wetlands, enhancing existing wetlands, and improving the condition of the vegetated corridor. The wetland creation and enhancement is a requirement of state and federal agencies to mitigate for the wetland impact area. The key feature of the wetland mitigation is hydrologic improvement by raising the water level within the drainage features.

The proposed vegetated corridor shown on Figure 4 has been extended beyond the existing vegetated corridor in order to provide the required width between the created wetlands and the development

site. The entire vegetated corridor will be enhanced in accordance with Table 2 as described in the mitigation plan. The condition of the existing vegetated corridor is degraded, with non-native pasture grasses and noxious invasives as the dominant species as described in the assessment section of this report. Much of the vegetated corridor is proposed to be filled in order to keep the proposed vegetation corridor as an upland buffer. (If it is not filled, then the created wetlands would extend much wider in the direction perpendicular to the flow alignment as a result of the water level being raised to the needed depth for wetland mitigation.) Vegetation will be planted on the fill slopes in the vegetated corridor with the intent that a basis be provided for vegetative development into a native forested community that would naturally occur in this area. The planting has been designed so that the area will meet the "good" condition in Table 2. It will be in substantially better condition than its current degraded character.

d. It will be consistent with a Water Quality Resource Area Mitigation Plan

See item (c) above.

e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated.

The rationale for choosing the preferred project layout was described in item (a) above. In order to preserve as much of the resource areas as possible, the project was designed as a planned unit development (PUD). Impacts to resource areas have been avoided except for those areas near Rose Road which were unavoidable as described in item (a). Where impacts were necessary, they have been minimized by limiting encroachment beyond the proposed right of way to the minimum necessary to install franchise utilities and to construct fill slopes for the raised roadway. Mitigation has been designed to achieve an increase in the net functions and values of the resource area as described in the mitigation plan in this document.

Impact Analysis

[Note: The following impact analysis describes impacts to the resource areas that would potentially result if not mitigated. The impact analysis is intended to identify the potential losses of functions and values resulting from the proposed development in order to adequately design the mitigation project to offset those losses. Where design elements of the project are discussed in this section that involve mitigation of the described impacts, they are shown in italic type. Otherwise the mitigation is discussed in the <u>Mitigation Plan</u> section of the report. The net impact after mitigation is intended to be positive. In other words, in the post-development post-mitigation scenario the net functions and values of the resource areas are intended to be improved.]

A. Indirect impacts to functions and values of the Water Quality Resource Areas resulting from site development

The direct impact of filling wetlands is described in subheading (B) below. But development beyond the resource areas also has an indirect impact on the resource areas, particularly as relates to hydrologic conditions.

• Hydrology alteration

The areas of the site that are proposed to be developed currently provide a portion of the basin that feeds each of the drainage courses. (The remainder of the basins are offsite to the north.) In the southernmost wetland a relatively large portion of the existing basin that feeds the feature is onsite. If stormwater was picked up from the development and discharged at an outlet point that bypassed the wetlands (eg, at the existing culvert locations along Rose Road), the wetlands would experience a drier hydrologic condition and vegetation conditions would be expected to change. Therefore upon our recommendation the site engineer has designed the stormwater system to discharge into the wetlands following water quality treatment to prevent de-watering of the wetlands.

Even with the stormwater system designed to discharge to the wetlands, as with any development that increases impervious surface area, flow rates will be higher, peaks will occur in less time, and total duration of the flow hydrograph will be less relative to the natural condition. (This is mitigated somewhat due to detention requirements, but detention is not designed to replicate natural conditions but rather to prevent serious floods.) The altered inflow hydrograph has the potential to impact wetland hydrology. In the flow-through hydrologic systems present in both drainage courses, higher flows would be experienced but for less duration. The lower duration would result in less time for infiltration and while the total input volume would be approximately the same, the total volume of surface water output would be greater. Subsequently lesser extended periods of saturation would be experienced after storm events. This hydrology alteration is also translated to downstream areas in the Beaver Creek system, where synchronized flows from many developed sites have a cumulative impact on stream flows and channel conditions. The mitigation plan proposes to raise the water level through hydrologic control structures at the outlet point from the site. This will provide a wetter hydrologic regime for wetland enhancement, will increase retention time of flows in the system, and will offset the flashiness that is potential from stormwater discharges. This influence will benefit the downstream receiving waters as well.

• Water Quality Impacts from Residential Usage

Potential releases of oils, greases, car wash detergents, and household hazardous materials into storm drains or surface runoff potentially result in potential contamination of the receiving waters. Deleterious chemicals from pesticides and herbicides and nutrients from fertilizers and pet wastes can also be transported in surface runoff. Even if used in accordance with the manufacturer's directions, heavy precipitation events or precipitation events immediately after application may cause some migration into the resource areas. Water quality treatment has been designed in the stormwater system to mitigate this impact. The vegetated corridor between the development site and the protected water features provides a filtration media that mitigates water quality contamination associated with surface runoff. An increase in pollutant concentration in the onsite water inputs is still likely as compared to natural conditions, but the wetland also has water quality treatment functionality which serves as a benefit for downstream receiving waters that have fish habitat. The increased retention time in the wetlands maximizes the water quality functionality of the wetlands.

• Water Quality Impacts during Construction

Construction activities will result in temporary bare unvegetated surfaces. These surfaces have potential for severe erosion if rainfall occurs prior to establishment of vegetation, and particularly if rainfall intensities are high. Construction equipment can also track mud out onto paved surfaces where rainfall has the potential to wash the material into storm drains and subsequently into downgradient waterways. To mitigate this, the perimeter of the construction areas will be fenced off within the water quality resource areas to ensure that no vegetated surfaces are damaged beyond the minimum necessary for construction. An erosion control plan to be approved by the City of Oregon City will be prepared by the civil engineer to include sediment fencing at the perimeter of the graded surfaces immediately after grading is complete, installation of gravel construction entrances and exit ways, bio-bags or similar features around catch basins, and any other erosion control elements required by the City of Oregon City.

B. Direct Impacts to Water Quality Resource Areas

Portions of the water quality resource areas will be directly impacted as part of the proposed development project as required for the Rose Road half-street improvement and the fill of the northern wetland lobe. The highest quality portions of the wetlands to be impacted are the *Fraxinus* groves. As shown on the vegetation maps, there are three distinct groves of young *Fraxinus latifolia* (Oregon Ash) with an understory commonly dominated by *Spiraea douglasii* (Douglas' Spiraea). Each of the three groves will be impacted. The following table describes the functions provided by the *Fraxinus* groves and the impacts to those functions:

Existing Function:	Impact:
Wildlife Habitat: Low / Moderate	
The groves provide small islands of habitat on the site. They are likely utilized by songbirds for roosting, cover, and feeding. Squirrels and other small mammals also likely utilize this area. Due to the small size of the groves the functionality is limited, but in the context of the larger landscape, the groves due provide some continuity with offsite forested open space within the Beaver Creek system.	The proposed impacts result in the loss of approximately 45% of the total area of the <i>Fraxinus</i> groves. This loss will limit the amount of wildlife that can utilize these features. Wildlife utilization can still be maintained at lower numbers onsite while the enhanced portions of the water quality resource areas develop.
Hydrologic control: Low/ Moderate	
All of the wetlands on the site are flow-through systems, and therefore the hydrologic control is somewhat limited relative to a depressional system. The low infiltration rate of the Delena soils in the wetlands also limits hydrologic control. The broad low-gradient surface characteristic in conjunction with dense vegetation does slow the velocity of water that flows through the area and increases retention time. The trees and brush also provide interception of precipitation which is a significant hydrologic control function.	If unmitigated, the loss of vegetated wetland surface area would result in less retention time in the system and less interception, thereby negatively impacting hydrologic control.
Water quality: Moderate	
The shallow sheet flow regime provides substantial contact with soil and vegetated surfaces, which is effective in naturally treating water.	The loss of wetland surface area results in less flow contact with soil and vegetated surfaces, and thereby negatively impacts water quality functionality for the downstream system. Any reduction in retention time in the system (as described above) also contributes to less water quality functionality.
Primary Production: Moderate	
Trees and shrubs in this area produce substantial leaf detritus and other down woody debris that provides organics to downstream areas primarily in the form of dissolved organic carbon.	The loss of trees and shrubs is a negative impact to the primary productivity of the system.

Table 1A: Fraxinus Groves; Functions and Impacts

Beyond the *Fraxinus* groves, the remainder of the impacted wetlands consist of a Pasture association comprised primarily of non-native pasture grasses (*Agrostis*, *Holcus*, *Festuca*). The functionality of these areas is generally less than within the *Fraxinus* groves. The following table describes the functions provided by the Pasture and the impacts to those functions:

Existing Function:	Ітраст:
Wildlife Habitat: Low	
Wildlife utilizing the pasture portion of the wetlands is not significantly different than the non-wetland portions of the pasture. Rodents, rabbits, and predatory birds are the most likely groups that utilize the pasture.	The loss of the pasture portions of the wetlands have minimal impact on wildlife aside from the loss of area that occurs with any development, which reduces the population numbers that can utilize the area.
Hydrologic control: Low/ Moderate	
Relative to the wooded portions, the pasture portion of the wetlands provide similar hydrologic control. When flow is very shallow, the dense grasses provide greater resistance (lower velocity). During higher flows with greater flow depth, the grasses provide less resistance (higher velocity). The grasses also provide some interception of precipitation, although not as much as the forested areas.	If unmitigated, the loss of vegetated wetland surface area would result in less retention time in the system, thereby negatively impacting hydrologic control.
Water quality: Moderate	
Relative to the wooded portions, the pasture portion of the wetlands provide greater opportunity for vegetative contact under shallow flow conditions and therefore somewhat higher water quality functionality.	The loss of wetland surface area results in less flow contact with soil and vegetated surfaces, and thereby negatively impacts water quality functionality. Any reduction in retention time in the system (as described above) also contributes to less water quality functionality.
Primary Production: Low / Moderate	
Relative to the wooded portions, the pasture has less functionality to the downstream system as dissolved organics from dead grass material is less than for leaves.	The loss of area will result in less primary productivity.

Table 1B: Pasture wetlands; Functions and Impacts

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The vegetated corridors associated with the wetlands provide different functions and values than the wetlands. Most significantly, they are a means of protecting the wetlands from the potential impacts of adjacent development. As described above, much of the proposed vegetated corridor area will need to be filled in order to accommodate the raised water elevation proposed in the mitigation plan. The impacts described here relate to the impact of the fill on the functions and values provided by the existing vegetated corridor.

Existing Function:	Impact:
Wildlife Habitat: Low	
The existing condition of the proposed vegetated corridor is degraded, with non-native pasture grasses and noxious invasive shrubs (Scotch Broom, Himalayan Blackberry) as the dominants. Rodents, rabbits, and predatory birds are the most likely groups that utilize the pasture.	Open space area will not be lost as a result of vegetated corridor fill; only the condition of the corridor will change. Even if the area was not planted, any vegetation association that would colonize the fill could hardly be considered of poorer quality than what is already present. (Under the mitigation plan the condition of the vegetated corridor is to be improved)
Hydrologic control	
Under normal surface flow conditions, the vegetated corridor has no effect on the surface flows. The vegetated corridor does provide control in the form of precipitation interception.	If not revegetated, the loss of leafing parts from grasses, shrubs, and trees would have a negative impact on hydrologic control via interception.
Water quality: Moderate	
The dense grasses in the vegetated corridor would provide for adequate filtration of any runoff or shallow groundwater produced from the development site.	If not revegetated quickly, the fill slopes would provide little water quality filtration and would likely become a water quality detriment due to erosion and subsequent deposition. (Planting in the mitigation plan and erosion control are intended to alleviate this potential impact.)
Screening: Low/Moderate	
Dense vegetation in a vegetated corridor has the potential to reduce negative impacts associated with development on wildlife utilizing the wetlands. The pasture grasses provide negligible screening. The Scotch Broom and Blackberry provide screening that is good where it is densest and is marginal where it is less dense.	If not revegetated, the fill in the vegetated corridors would provide no screening.

Table 1C: Vegetated Corridor; Functions and Impacts

Mitigation Plan

The impacts to the functions and values of the Water Quality Resource Area were described in the Impact Analysis section above. Impacts were avoided and minimized where feasible as described in the Alternatives Analysis section of the report. In order to mitigate for the unavoidable impacts, the objectives of the mitigation plan involve the following elements:

- Control noxious invasive species in the water quality resource areas, including the wetlands and the associated vegetated corridors.
- Create additional wetlands to partially offset the loss of wetland area; (created wetlands to be of higher quality than existing wetlands)
- Enhance the functions and values of the existing wetlands that are to preserved; in particular the wildlife habitat and hydrologic control functionality.
- Enhance the functions and values of the proposed vegetated corridor between the wetlands and the development site; in particular the wildlife habitat and screening functionality. Also reestablish the water quality functionality.
- A. Noxious invasive species control

In those areas where grading is to be performed, the ground surface will be prepared prior to placing fill material. The ground will be bush-hogged to knock down the robust *Cytisus scoparius* (Scotch Broom). The vegetative parts will be removed from the area as best as possible, to be disposed of offsite, or burned onsite if allowed under city ordinance. The area will then be disked to break up the rooting parts as best as possible. The ground will then be compacted and fill placed.

In those areas where no fill will be placed, vegetation control will take place by less obtrusive means. *Crataegus monogyna* (English Hawthorn) will be girdled at the trunk and a wick-applied herbicide will be applied to the cut surface. *Rubus discolor* (Himalayan Blackberry), *Rubus laciniatus* (Evergreen Blackberry), and *Cytisus scoparius* (Scotch Broom) will be either mowed where mechanical equipment is accessible, and where not accessible, these species will be cut down with hand-held equipment (weedeaters, brush cutters, machetes, etc.). *Phalaris arundinacea* (Reed Canary Grass) will be initially treated with a spray-applied herbicide.

The treatments described above are an initial treatment that will need to be followed up with ongoing maintenance until the planted native vegetation becomes established. After the initial treatment, the first maintenance required will be when the cut stems of the *Rubus* species begin to re-leaf. At that point a spray treatment of Rodeo herbicide with R-11 surfactant will need to be applied to the leaves of the noxious invasives by a professional capable of distinguishing the native from the noxious species. An active maintenance plan of spraying should keep the noxious species from robust growth or spread, but if individuals show any substantial growth, they should be physically cut down as described above with herbicide treatments to follow. Future treatment of *Phalaris arundinacea* may involve additional herbicide treatments, or it may be possible after the area is inundated to physically uproot the *Phalaris*.

B. Wetland Creation and Enhancement

In order to achieve the above objectives, we have developed a mitigation concept that will adequately address each objective while also being feasible from an engineering design standpoint. The key feature of the mitigation concept is to enhance the hydrologic conditions in the wetlands. The hydrologic concept is to install a control structure to back up water into the wetlands, maintaining the flow-through hydrologic character during the wet season, but with a large volume of dead storage that will keep the site wetter than the pre-development condition. Under the conceptual design shown on Figures 4 and 5, the maximum dead storage depth would be approximately 1.5 feet at the lower ends of both drainage courses. This will expand the wetland boundary beyond the existing wetland boundary to partially mitigate the wetlands to be filled in the project. A static water level will be maintained between the northernmost and southernmost wetlands with a submerged pipe providing the connection. The majority of flows will now exit the site via the culverts under Rose Road at the northernmost wetland. The 12" culvert at Rose Road that transports flows from the southernmost wetland will have the inlet modified to act only as an emergency overflow.

The hydrologically enhanced wetlands can then be enhanced for wildlife habitat through plantings, with the intent to establish a higher value plant community than currently exists. Figures 6 and 7 identify the wetland areas that will be planted. The wetland is generally intended to develop into a native forested community. Trees will be planted at an average of 15' spacing (average 5.5 per 1000 square feet). Where the dense *Fraxinus* already exist in the two groves, no additional tree plantings will be planted in these areas. Shrubs will be planted between the tree plantings at an average of 8 per 1000 square feet; a basis for herb development will be provided by seeding the wetland area with a native mix. The following table lists the species that are to be used in the plantings:

Stratum	Scientific Name	Common Name	Location	Total #
Tree	Alnus rubra	Red Alder	Fringe	+
	Fraxinus latifolia	Oregon Ash	Throughout	(155 total
	Pinus ponderosa	Ponderosa Pine (Willamette Valley subspecie)	Fringe	trees to be planted)
	Populus balsamifera	Black Cottonwood	Fringe	
Shrubs	Cornus stolonifera	Red-Osier Dogwood	Throughout	
	Malus fusca	Pacific Crabapple	Fringe	(288 total shrubs to be planted)
	Physocarpus capitatus	Pacific Ninebark	Fringe	
	Rosa nutkana	Nootka Rose	Fringe	
	Rosa pisocarpa	Wild-clustered Rose	Fringe	
	Rubus spectabilis	Salmonberry	Fringe	
	Salix fluviatilis	Columbia River Willow	Throughout	
	Salix sitchensis	Sitka Willow	Throughout	

Table 2A: Wetland Plantings

* Final planting plan will be subject to revision based on availability of plant stock; and federal, state, and local regulatory review of plans.

The following is the seed mix to be utilized in the wetland areas:

40%	Glyceria occidentalis (Western Mannagrass)
20%	Alopecurus geniculatus (Water Foxtail)
10%	Scirpus microcarpus (Small-fruited Bulrush)
10%	Carex obnupta (Slough Sedge)
10%	Juncus effusus (Soft Rush)
10%	Eleocharis palustris (Creeping Spikerush)

Table 2B: Wetland Seeding Mixture

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C. Vegetated Corridor Enhancement

Much of the proposed vegetated corridor beyond the new wetland boundaries need to be filled to allow for the raised water level within the wetlands as shown on the cross section on Figure 5. Any disturbed areas will be seeded, and all areas will be planted to establish a native vegetation community.

All graded surfaces within the Water Quality Resource Area are to be initially seeded with grasses to provide quick cover and water quality functionality. The primary objective of the seeding is to provide cover and good soil-holding capabilities; secondarily the seed chosen is of low growth character to provide little competitive stress to the woody plantings; thirdly, the seed mix chosen contains a percentage of native grass and herb species that will begin to have greater influence in the future when the woody vegetation develops and begins to alter the composition of the community. The seed mix also mimics associations that are normal and climax in developed and populated areas. The seed mix is not 100% native species because our experience has been that, in disturbed areas, native vegetation is not as competitive as noxious invasive weeds that would likely colonize the area if guick cover is not established. The grasses chosen, while generally not native, are not noxious invasives and will eventually give way to other groundcover species as the vegetation community develops. The seeding will be done immediately after the grading is complete. Depending on timing relative to when the woody plants will be installed, the area will be either hydroseeded or broadcast seeded with straw mulch or similar placed on top. Irrigation will also be contingent on the timing of the project. The following is the seed mix to be utilized in disturbed surfaces within the vegetated corridor:

88%	Sunmark Stabilizer E/C Blend		
	Delaware Dwarf Perennial Ryegrass		
	Creeping Red Fescue		
	Annual Ryegrass		
	Highland Bentgrass		
	New Zealand White Clover		
8% 1	Native grass/herbs species		
	Bromus carinatus (California Brome)		
	Elymus glaucus (Blue Wildrye)		
	Lupinus polyphyllus (Large-leaf Lupine)		
4%	Sunmark Woodlands Mix		
	Holodiscus discolor (Ocean Spray)		
	Prunus virginiana (Chokecherry)		
	Rosa nutkana (Nootka Rose)		
	Amelanchier alnifolia (Serviceberry)		
	Mahonia nervosa (Oregon Grape)		
	Sambucus caerulea (Blue Elderberry)		
	Philadelphia lewisii (Mock Orange)		

Table 3A: Vegetated Corridor Seed Mix

Following the initial seeding the vegetated corridor will be planted with native woody species with the intent to establish a native forested community that would naturally occur in the area and that has high wildlife functionality. The area will be planted in accordance with the specifications of Table 2 of OCMC 17.49. Trees will be planted at an average of 15' spacing (5.5 per 1000 square feet). Shrubs will be planted at an average of 8' spacing (spacing to take into account trees; 14.5 per 1000 square feet). Table 3B below shows the proposed plantings:

Stratum	Scientific Name	Common Name	Location	Total #
Tree	Alnus rubra	Red Alder	Fringe	
	Acer macrophyllum	Bigleaf Maple	Upland	(400 total
	Pinus ponderosa	Ponderosa Pine	Throughout	trees to be
	Populus balsamifera	Black Cottonwood	Fringe	planted)
	Pseudotsuga menziesii	Douglasfir	Upland	
	Tsuga heterophylla	Western Hemlock	Upland	
Shrubs	Acer circinatum	Vine Maple	Throughout	*-
	Cornus stolonifera	Red-Osier Dogwood	Fringe	(1050 total shrubs to be planted)
	Corylus cornuta	Hazel	Upland	
	Malus fusca	Pacific Crabapple	Fringe	
	Physocarpus capitatus	Pacific Ninebark	Fringe	
	Rosa nutkana	Nootka Rose	Throughout	
	Rosa pisocarpa	Wild-clustered Rose	Fringe	
	Rubus spectabilis	Salmonberry	Fringe	
	Sambucus racemosa	Red Elderberry	Throughout	
	Symphoricarpos albus	Snowberry	Throughout	ł

* Final planting plan will be subject to revision based on availability of plant stock; and federal, state, and local regulatory review of plans.

At this early stage of the planning process, we do not yet know all the parties who will take part in implementation of the mitigation plan. The owner and applicant of the project, Paul Reeder, is the sole responsible party at this point. Contractors will be chosen after the project is approved for the hydrologic modifications described and for the landscaping services.

A maintenance program will consist primarily of ensuring the survival of the plantings and preventing the growth and spread of noxious invasives. To ensure the survival of the plantings, it may be necessary to install a temporary irrigation system depending on the season the plants are installed. If installed during the spring or summer months, irrigation may need to be provided throughout the remainder of the summer, at a minimum, to maximize the probability of plant survival. Irrigation will need to be continued into future growing seasons if ongoing monitoring reveals stress in the plantings. If plantings are installed during the fall, an irrigation system will not be immediately required. But ongoing monitoring during future growing seasons may reveal that temporary irrigation is needed. The control of noxious invasive species is described above in subsection A of the mitigation plan.

The mitigation does not involve any stream work and therefore timing relative to any in-water work period is not a relevant factor for the site construction schedule. A specific implementation schedule at this point is uncertain, although a general sequence for the mitigation plan relative to site construction is known. Initial control of noxious invasives as per subsection A will take place prior to site grading. Seeding of graded surfaces within the vegetated corridor will be performed immediately after grading is complete. Depending on weather conditions, a temporary sprinkler system may need to be installed to

ensure seed germination. Plantings will optimally be installed during the fall. Seeding within the wetland as per Table 2B will take place during October. During the first growing season at least two monitoring visits will be made to check the conditions of the plantings and assess whether irrigation needs to be installed. During the following two growing seasons monitoring visits will be made at least once during June or July to assess the conditions of the plantings and also assess the noxious invasive vegetation situation and make recommendations for maintenance. Maintenance activities will be performed upon the recommendation of the biologist who performs the monitoring. Any replacement plantings as required under Table 2 of OCMC will be installed during the fall after the monitoring. A monitoring report will be prepared at the end of each growing season describing the assessment, recommended maintenance activities, whether those activities have been performed, and conclusions regarding the success or failure of any previous maintenance activities, replanting, etc. Contingencies for any hydrologic problems that arise cannot be anticipated at this time. Contingencies for plant mortality may involve altering the species composition (not replanting a species that is doing very poor. but substituting for a different species), selecting different planting stock (eg, using 5-gallon instead of 2gallon), or using different soil amendments. All such modifications will be at the discretion of the mitigation design staff. Where such modifications affect mitigation that is also part of state or federal permits, these agencies will be contacted as needed.

Appendix A

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Site Overview Map (Figure 1) Southern WQ Resource Area Detail Map (Figure 2) Northern WQ Resource Area Detail Map (Figure 3) Proposed Development Plan (Figure 4) Conceptual Mitigation Cross Section (Figure 5) Southern WQ Area Mitigation (Figure 6) Northern WQ Area Mitigation (Figure 7) Site Vicinity Map Physical Setting Water Quality and Flood Management Areas Map SCS Soil Survey South End Drainage Basin Map

















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SITE VICINITY MAP Source: Thomas Brothers, 1999



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PHYSICAL SETTING Canby & Oregon City Quadrangles USGS 7.5 Minute Series 1961 (rev. 1985)



WATER QUALITY RESOURCE AREAS MAP Source: City of Oregon City

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SCS SOIL SURVEY Map Source: Soil Conservation Service, 1985



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Appendix B

2002 ETC Re-Investigation of Wetland Boundary from 1997-8

Wetland Boundary Re-Investigation (ODSL Det #97-0493)

Introduction:

The subject property is located in Oregon City, Oregon on the northeast side of Rose Road and north of South End Road. The site consists of two contiguous parcels totaling 16.0 acres and has the following legal description: Tax Lot 1700, Section 12A, T3S, R1E, W.M.; and Tax Lot 300, Section 1CD, T3S, R1E, W.M. A wetland delineation was performed on the site by Rita Mroczek and a delineation report was prepared dated September, 1997. The wetlands were surveyed by Trahan Consulting and a map was submitted to Oregon Division of State Lands (ODSL). Patti Caswell of ODSL prepared a letter dated March 24, 1998 that concurred with the wetland delineation and survey.

The property owner, Paul Reeder, is proceeding with plans to develop the subject property as a planned unit development. Permitting under state and federal removal-fill laws will be required under the current proposal.

Under OAR 141-090-0045, jurisdictional determinations are generally valid for a period of five years (from the date of the concurrence letter). Review of the project by the City of Oregon City along with review of the wetland permits by state and federal agencies are expected to prolong the start date of the project beyond the 5-year validation period for the original wetland delineation (March 24, 2003). Therefore the purpose of this investigation is to make our professional opinion on whether reissuance of the original jurisdictional determination by ODSL is appropriate.

This summary report documents the investigation, best professional judgment and conclusions of the investigators. Reissuance of the jurisdictional determination will be subject to the review of ODSL and should not be considered approved until documentation is obtained from ODSL.

Methodology:

In accordance with OAR 141-090-0045 (4), the information required for re-issuing a jurisdictional determination requires an onsite inspection to determine whether there has been a change in circumstances; and if no change in circumstances is identified, a description of the results of the investigation and conclusions regarding the accuracy of the original delineation. A "change in circumstances" is defined in OAR 141-090-0020 (5) as follows: "a change in site conditions that fundamentally alters the hydrology and/or substrate to the extent that the 'normal circumstances' of waters of the state are changed. The change in circumstances may be due to alterations on a site or alterations offsite that affect the site sufficiently to enlarge, reduce, or change the status or geographic extent of a jurisdictional water. A change in circumstances includes, but is not limited to, a dike breach or drainage system failure that restores former hydrologic conditions to a site, placement of fill material, or a water source diversion."

Our onsite investigation was performed primarily to make a determination regarding change in circumstances in accordance with the above definition. For the purpose of drawing conclusions regarding the accuracy of the original wetland boundary, we utilized a GPS unit with differential correction to locate the wetland boundary as surveyed by Trahan Consulting. This required two site visits. The first site visit was performed to tie surveyed reference points into the GPS coordinate system (U.S. State Plane, zone Oregon North 3601). The original site survey with wetland boundaries was then overlayed and rotated about these reference points to get the original survey onto the GPS coordinate system. Navigational waypoints in the GPS coordinate system were then set along the wetland boundaries and uploaded into the field GPS unit. During the second site visit we were then able to navigate to points along the original surveyed wetland boundary to within the accuracy of the GPS unit (1 meter).

Results of the Investigation:

Field investigations were performed by David Waterman on October 28 and November 8, 2002. An additional field investigation was performed by David Waterman and Rich Bublitz on November 21, 2002.

The entire site (Tax Lots 1700 and 300) was investigated by walking two transects parallel to Rose Road. We did not identify any areas beyond the drainage courses described in the original delineation report that had wetland characteristics. We did not identify any conditions on the site or offsite that would constitute a "change in circumstances" according to the above-referenced Oregon Division of State Lands definition. The hydrology sources for the wetlands have remained the same, primarily runoff from the offsite subdivisions to the north that flows onto the site via two culverts on the northeast property line. These subdivisions are fairly old, having existed prior to the 1997/8 delineation, and no changes were evident in the offsite areas that would indicate that the drainage character has altered. Runoff and infiltrated precipitation from onsite also contribute to the high water table in the concave areas. There was no evidence in any change of usage on the site in the original report, it appears that it has continued to undergo the successional process from pasture to scrub-shrub that was occurring at that time. Weedy species are the dominant shrubs that have developed with *Cytisus scoparius* (Scotch Broom) as the most prevalent species throughout the site and *Rubus discolor* (Himalayan Blackberry) also common.

No other maps or aerial photographs were investigated beyond what was included in the original wetland delineation report.

In regards to the accuracy of the original wetland boundary, our investigation was not a thorough delineation scope investigation, but rather a brief visual check of hydrologic and vegetation conditions along the wetland boundary as located using a GPS unit. The wetlands are described as two units: the southernmost unit and the northernmost unit as identified on the attached Figure 1. Much of the vegetation along the delineated boundary of the southernmost wetland was dominated by FAC pasture grasses, and the topography graded mildly from the drainage pattern out to upland. In these areas where no distinct change in vegetation or hydrology was evident it appeared that soils were used as the primary basis for locating the wetland boundary. Because our investigation did not entail a detailed soil investigation, we relied on the soil data from the original delineation, and generally concluded that we had no evidence to indicate that the wetland boundary should be changed. We did not identify any areas where there was evidence that the wetland boundary was broader than originally delineated. There were several areas along the wetland boundary where it appeared that on the basis of the vegetation and landform, the wetland boundary may actually be less wide than delineated by a maximum of approximately 20'. We informed the applicant of this and told him that hydrologic monitoring during the early growing season may reveal that a narrow fringe of the delineated wetlands experience non-wetland hydrologic conditions. Given the relatively minor possible changes, and the fact that these changes would not allow for any significant change in the proposed development plan as currently laid out, he decided that the cost of additional investigation and agency review time was not justified.

Within the northernmost wetland, we identified one portion of the wetland boundary that definitely warrants a change. The upper end of this feature is a ditch that meets the three criteria of a wetland as sampled in Plot 8 of the original delineation. The upper ~200 linear feet of this feature was surveyed as a straight reach in the original survey map. This reach actually is not entirely straight. The applicant had mowed a path across the ditch, the remainder of which is covered in dense thicket of *Rubus discolor* (Himalayan Blackberry). It was probably also covered during the original investigation, which would explain why the ditch alignment was not more accurately surveyed. We located a node at this mowed point using our GPS unit. This is shown on Figure 1. We did not identify any areas beyond the delineated boundaries that had wetland characteristics. We did identify several significant areas within the wetland boundary that we felt were questionable. There were two distinct *Fraxinus latifolia* (Oregon

Ash, FACW) dominated groves in this delineated area, as identified on Figure 2. The first encompassed the lower portion of the drainageway and the second grove was within the lobe of wetland north of the main drainageway. The area immediately north of the Fraxinus grove along the drainage course is pasture that has colonized with a dense thicket of *Cytisus scoparius* (Scotch Broom). We feel fairly strongly that hydrologic investigation of this area would reveal non-wetland conditions. The wetland lobe further north including the other Fraxinus latifolia grove appears to be in a transitional state from wet to dry, and the drier hydrologic condition may be partially a result of the roadside ditch draining this area. In addition to the Fraxinus latifolia, the other hydrophytic dominant in this area is Spiraea douglasii (Douglas' Spiraea, FACW). Other species common in this area included Crataegus monogyna (English Hawthorn, FACU+), Quercus sp. (Oak species), Malus sylvestris (Common Apple, UPL), Cytisus scoparius, Polystichum munitum (Sword Fern, FACU), Fragaria virginiana (Wild Strawberry, FACU), along with the FAC pasture grasses that occurred elsewhere on the site. Plot 19 from the original wetland delineation shows that the vegetation meets hydrophytic criteria and the soils are hydric in this area; but we feel that the hydrology in this area is questionable. Due to timing, the applicant once again decided not to purse hydrologic monitoring.

Conclusions:

No change in circumstances was evident during the 2002 site investigations as compared to the conditions described in the 1997/8 original delineation. We did not identify any areas where there was evidence of wetland conditions beyond the original delineated boundary. Within the southernmost wetland we did identify several narrow fringes of areas within the wetland boundary where we felt that hydrologic data may reveal non-wetland conditions. The applicant has decided not to pursue this and therefore we feel it is appropriate to maintain the wetland boundary from the original wetland delineation in the southernmost wetland area. Within the northernmost wetland boundary we have recommended a change at the upper end of the drainage course where the alignment is not straight as originally surveyed. This is shown in Figure 1. In the wetland lobe to the north of this drainage course we identified vegetation conditions that indicated transitional hydrology from wet to dry. Once again the applicant has decided not to pursue this, and therefore we feel it is appropriate to maintain the wetland boundary from the original wetland delineation in the northernmost wetland area with the exception of the bend in the ditched reach at the upper end as shown on Figure 1. In the event that obstacles are encountered during the wetland permit review process, we would like to keep the option open to monitor hydrology in the lobe area during the early growing season with the potential of having a portion of it removed from the wetland boundary.

Prepared by:

David Waterman



Richard Bublitz









Division of State Lands

775 Summer Street NE Salem, OR 97310-1337 (503) 378-3805 FAX (503) 378-4844 TTY (503) 378-4615

March 24, 1998

State Land Board

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Rita N. Mroczek 3980 SW 170th Ave. Aloha, OR 97007

Re: Wetland Delineation Report for Rose Road Site, Oregon City, Clackamas County, T03S R01E S1; Det. #97-0493

Dear Ms. Mroczek.

I have reviewed your report for the property referenced above and I visited the site on November 21, 1997. Thank you for sending the survey map. Based on the information presented in your report and the observations I made in the field, I concur with your findings as surveyed by Trahan Consulting Incorporated.

The 1.01 acres of wetlands are subject to the permit requirements of the State Removal-Fill Law Federal and local regulations may apply as well. If it is necessary to fill, remove, or alter more than 50 cubic yards of material in a wetland or waterway, a state permit will be required. In evaluating a permit application, our agency will first consider whether there is an analysis of alternatives that avoid or minimize wetland or waterway impacts.

Your contact for a Removal-Fill permit is Tami Hubert. If you have any questions, please feel free to contact me at extension 226.

Sincerely,

Patti E. Caswell Wetlands Technician

Mr. Paul Reeder, Applicant City of Oregon City Planning Department Jim Goudzwaard, Corps of Engineers Doris McKillip, Corps of Engineers Tami Hubert, DSL

etlands/Patti/letters/97-0493 doc

Addendum Addressing Path in Water Quality Resource Area

Alternatives Analysis:

Because the two water quality resource areas span the entire width of the property, it was necessary for any path traversing from the single-family homes out to Rose Road to cross the resource areas. The impacts were minimized. The path crosses both water quality resource areas as near to perpendicular as possible, rather than meandering across these features or crossing in a diagonal direction that would result in an increased linear footage of path alignment. The specific locations of the perpendicular crossings also minimize impact area. The crossing in the northernmost wetland is in the upper reach, where the drainage course is ditched and the resource area is at its narrowest. The width of the water quality resource area to be crossed in the northernmost wetland is 31 feet. With a path width of 4.75 feet, the path area is therefore 148 square feet. The crossing in the southernmost wetland is located where the wetland is at its narrowest width and therefore the total width of the water quality resource area is also narrowest. The width to be crossed is 120 linear feet, and therefore 570 square feet.

Impact Analysis and Mitigation Discussion:

The path will have no direct impact on either of the Protected Water Features within the resource areas. A small pre-fabricated bridge will cross each water feature, with the footers to be established beyond the jurisdictional limits of the wetlands/waters. Construction equipment will not be allowed to directly enter or cross either the wetland or ditch. Therefore there will be no direct impact to water quality, wetland hydrology, or wetland vegetation within the protected water features.

The primary impacts are to the vegetated corridors beyond the protected water features. The preliminary design of the asphalt path is 4.75' wide. Final engineering design of the path will not be prepared until the preliminary plans have been approved, but we expect that the asphalt will be at or just slightly above the final grade, and therefore no extensive excavation or fill will be required for path construction. We expect that the ground surface to be directly disturbed will be a maximum of 7.5' wide. For construction equipment access through the vegetated corridor a 10' wide swath will be fenced with temporary construction fencing to ensure that no impacts occur beyond the minimum necessary. As shown in the cross-sectional views included with the original Water Resources Report dated December 17, 2002 as Figure 5 of 7, some of the vegetated corridor is proposed to be graded to allow the raising of the water level that is integral to the wetland mitigation plan. Once again, it is important to note that the engineering grading plans have not been prepared, and only conceptual design has taken place, but it is likely that at least a portion of the vegetated corridors where the paths cross will be graded. In that case, the actual construction of the path would have minimal direct impact to the ground surface beyond what has already been addressed. In the event that the areas where the path crosses will not be graded, then construction will be performed during the dry season to ensure that the ground surface is disturbed only minimally. The vegetation in the vegetated corridors to be disturbed is of poor quality, as described in the original Water Resources Report. The same treatment will be applied to disturbed surfaces caused by path construction as already proposed in the original Water Resources Report including seeding and planting disturbed ground beyond the asphalt. We feel that the mitigation plantings proposed in the original report to upgrade the vegetative conditions within the corridor to a "Good" condition are more than adequate to address vegetation impacts caused by path construction.

The following paragraphs analyze the impacts of the path on the specific functions and values provided by the vegetated corridor, as identified in the original Water Resources Report.

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Exhibit

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1. Wildlife Habitat

The poor quality of the existing vegetation where the paths cross results in minimal impact to wildlife utilizing the area. Trees to be planted in the vicinity of the paths as already provided for in the original Water Resource Report will provide canopy cover over the paths, so the path area will not be lost as functional wildlife habitat. The primary potential impact is disturbance and stress to wildlife caused by human and domestic pet presence along the path. We concluded in the original report that wildlife presence is largely confined to species that have adapted to conditions within urban and suburban areas, including songbirds, rodents, squirrels, small mammals such as raccoons and rabbits, and common frogs. Human and pet presence along the paths will cause no greater impact to wildlife than along the existing interfaces of the vegetated corridor with the development site. The key feature to minimizing the impact on wildlife will be to restrict usage of the vegetated corridor to the path. We feel that installation of signs along the path will be adequate to minimize usage of the vegetated corridor beyond the path. If the area is in common ownership, we feel a certain amount of selfregulation can be expected by the citizens.

2. Hydrologic Control

The path is proposed as an impervious surface, and therefore will not infiltrate water like undisturbed ground. The best way to offset this is to establish canopy cover over the path to intercept precipitation, which has already been proposed. In addition, the hydrologic alteration of the wetland as proposed in the original Water Resources Report more than offsets the impacts to hydrologic control described in the original report plus the loss of 718 square feet of pervious surface due to the path.

3. Water Quality

The loss of 718 square feet of area where water would have contact with vegetation, duff, and soil does result in a minor water quality impact. The key feature to mitigate this will be to design the path with some cross slope to prevent surface runoff from sheet flowing straight down the path and into the Protected Water Features. Once the water from the path enters the adjacent vegetated area, the water quality concern is negligible. One potential indirect impact to water quality from the path presence is the potential for pet waste near the path, which could result in nutrient and fecal coliform loading into the Protected Water Features. Once again, we feel that signage is the best method for addressing this concern, requesting that people remove all pet waste, and we expect self-regulation by the residents to keep the water resource area in good condition.

4. Screening

Screening is a function that minimizes impacts between development areas and wildlife utilizing natural areas. The wildlife habitat concerns are addressed above.

Summary of Mitigation Elements Discussed:

As discussed, we feel that mitigation elements proposed in the original Water Resources Report (planting, seeding, hydrologic alteration of wetlands) are adequate to address the impacts covered in the original report plus the majority of the potential impacts of the additional 718 square feet of path discussed in this document. But several additional mitigation elements have been described in the above section, as outlined below:

1. Signage

We feel signs installed along the path should be installed to minimize potential impacts to wildlife habitat and water quality functionality within the water quality resource area. The signs should read as follows: "This is a sensitive natural resource area protected under federal, state, and city law. Please stay on the path to minimize impacts on wildlife. Please remove all pet waste and litter to protect the water quality. Any violations are subject to fine."

2. Path Design

The path shall be designed with some cross slope to prevent surface runoff from sheet flowing straight down the path and into the Protected Water Features.

Prepared by:

David Waterman



Richard Bublitz

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May 29, 2003

Introduction:

ETC prepared a Water Resources Report dated December 17, 2002 for the proposed Rose Vista project. An addendum to the original report dated February 19, 2003 that discussed the path that crosses the wetlands and vegetated corridors was also submitted to the City of Oregon City. (All mitigation proposed in the February 19 addendum is still in effect and is not proposed to be superceded by this document). Included in the original Water Resources Report was an assessment of the resources on the site, a preliminary project layout, an alternatives analysis, an impact analysis and a mitigation plan that was designed to offset the impacts of the development. Since the development application was submitted, the Oregon City planning department reviewed the project layout and mitigation plan and required design changes. This document addresses the most recent project design changes.

The assessment of the resources as described in the first six pages of the original Water Resources Report has not been modified in this document. The alternatives analysis, impact analysis, and mitigation plan have changed and are described in the following sections.

Alternatives Analysis:

The project has been redesigned to avoid all wetland impacts with the exception of the impacts required for the half-street improvements to Rose Road. These impacts were non-negotiable with the City of Oregon City as described in the original Water Resources Report. Impacts have been reduced from 0.38 acres to 0.24 acres.

The only other impacts to water quality resource areas on the subject property are stormwater facility encroachments into the 50' vegetated corridor. Three separate facilities encroach into the corridors, and the maximum encroachment proposed is 25'. This encroachment is allowed under 17.49.050.H(6), provided that an equal area is added to the vegetated corridor elsewhere on the subject property. The vegetated corridors throughout the site are generally in very poor condition, dominated by pasture grasses and noxious invasive weeds. Therefore an extensive alternatives analysis of stormwater facility siting is not warranted.

The total area of stormwater facility encroachment into the vegetated corridor is 11,548 square feet. To compensate for this, the vegetated corridor has been widened in other areas, adding 11,594 square feet to account for the area lost. The new project design is attached as Figure 1.

Impact Analysis:

The impacts to the wetland functions and values are the same as described in the original Water Resources Report, only the magnitude of impacts has been reduced, decreasing from 0.38 acres to 0.24 acres.

The impacts to the vegetated corridors have also been reduced, with no fill being allowed within the corridors. Several 25' stormwater facility encroachments into the vegetated corridors are now proposed, however our professional opinion is that these new encroachments will have minimal impact. As described in the original Water Resource Report, the primary functions of the vegetated corridors are wildlife habitat, water quality, and screening. The vegetated corridor is currently in a degraded condition, and therefore the placement of stormwater facilities into these areas does not reduce existing wildlife habitat functionality. (If planted properly, these stormwater features could actually significantly improve the wildlife habitat functionality relative to the existing condition.) Because these stormwater features are intended to improve water quality and hydrologic control, they therefore do not have a negative impact on

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Exhibit

those functions. The stormwater facilities will become part of the open space areas, and do provide a wider area of buffer between building lots and the wetlands, and therefore there is also no loss to the screening functionality.

Mitigation Plan:

The major change in the mitigation plan is that the City of Oregon City has determined that they will not allow fill material to be placed within the vegetated corridor. Because of this restriction, the water level cannot be raised within the existing wetlands as an enhancement as originally proposed. (Without the adjacent fill, a raised water level would cause the wetlands to extend well beyond their existing boundaries, thereby rendering much of the property undevelopable.)

This restriction has necessitated a design change in the mitigation plan to involve no hydrologic enhancement. The cross sectional drawing, attached as Figure 5 of the original Water Resources Report, is no longer applicable under the current plan. Vegetation enhancements to the existing wetlands are now the primary mitigation elements. The mitigation plan was redesigned and submitted to the Oregon Division of State Lands on May 16, 2003.

The mitigation plan now involves the following elements:

- Control noxious invasive species in the water quality resource areas, including the wetlands and the associated vegetated corridors.
- Enhance the functions and values of the existing wetlands that are to preserved; in particular the wildlife habitat functionality.
- Enhance the functions and values of the proposed vegetated corridor between the wetlands and the development site; in particular the wildlife habitat and screening functionality.

A. Noxious invasive species control

No changes are proposed to the noxious invasive species control described in the original document.

B. Wetland Enhancement

The hydrologic enhancement proposed in the original document is now no longer feasible. Therefore the enhancement will focus solely on enhancing the condition of the vegetation. Those areas that do not already contain forested cover will be planted with native trees and shrubs. Those areas that do already contain forested cover will be planted with native shrub understory. Because no wetland creation areas are proposed with the new plans, a greater portion of the existing wetlands had to be planted to meet Oregon Division of State Lands mitigation requirements for wetland enhancement. Therefore this mitigation plan proposes a greater number of wetland plantings than the original document. And also because hydrologic enhancement is now longer allowable, the species composition is a somewhat drier association (more tolerant of prolonged dry conditions) than proposed in the original mitigation plan. Figures 2 and 3 attached with this document show the enhancement areas and the number of plantings in each of the areas. The following table shows the proposed plantings:

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Stratum	Scientific Name	Common Name	Location	Total #
Tree	Fraximus latifolia	Oregon Ash	Throughout	(155 total
	Pinus ponderosa	Ponderosa Pine (Willamette Valley subspecie)	Fringe	trees to be planted)
	Populus balsamifera	Black Cottonwood	Fringe	-
Shrubs	Cornus stolomfera	Red-Osier Dogwood	Throughout	
	Malus fusca	Pacific Crabapple	Fringe	(885 total
	Rosa mutkana	Nootka Rose	Fringe	shrubs to be
	Rosa pisocarpa	Wild-clustered Rose	Fringe	planted)
	Rubus spectabilis	Salmonberry	Fringe	-1

Table 2A: Wetland Plantings

* Final planting plan will be subject to revision based on availability of plant stock; and federal, state, and local regulatory review of plans.

Because the wetland already contains herbaceous vegetation cover, and because the hydrologic condition is not proposed to change, seeding with wetter species would be ineffective as proposed in the original mitigation plan, and therefore this has been eliminated from the revised mitigation plan.

C. Vegetated Corridor Enhancement

Because no fill is proposed in the vegetated corridor, and the existing vegetated corridor currently contains dense grasses, the seeding proposed in the original mitigation plan has been eliminated from this plan.

The vegetated corridor has been reconfigured relative to the original plan. The spacing of vegetated corridor plantings is the same as proposed in the original Water Resources Report (average 15' on center for trees, average 8' spacing for shrubs). The planting species have not changed from the original plan, but the total number of plantings has slightly increased.

Stratum	Scientific Name	Common Name	Location	Total #
Ттее	Alnus rubra	Red Alder	Fringe	<u></u>
	Acer macrophyllum	Bigleaf Maple	Upland	(509 total
	Pinus ponderosa	Ponderosa Pine	Throughout	trees to be
	Populus balsamifera	Black Cottonwood	Fringe	planted)
	Pseudoisuga menziesii	Douglasfir	Upland	1
	Tsuga heterophylla	Western Hemlock	Upland	
Shrubs	Acer circinatum	Vine Maple	Throughout	[
	Cormus stolonifera	Red-Osier Dogwood	Fringe	1
	Corylus cornuta	Hazel	Upland	1
	Malus fusca	Pacific Crabapple	Fringe	(988 total
	Physocarpus capitatus	Pacific Ninebark	Fringe	shrubs to be
	Rosa nutkana	Nootka Rose	Throughout	planted)
	Rosa pisocarpa	Wild-clustered Rose	Fringe	1
	Rubus spectabilis	Salmonberry	Fringe	
	Sambucus racemosa	Red Elderberry	Throughout	I
	Symphoricarpos albus	Snowberry	Throughout	1

Table 3: Vegetated Corridor Plantings

Environmental Technology Consultants Job #02-020 – Rose Vista Page 3 May 29, 2003

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No changes are proposed to the maintenance program or the monitoring program proposed in the original Water Resources Report. No changes are proposed to the general implementation schedule.

Environmental Technology Consultants Job #02-020 – Rose Vista Page 4 May 29, 2003

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Sisul engineering

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027 (503) 657-0188 FAX (503) 657-5779

June 27, 2003

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

ATTN: Tony Konkol

RE: Rose Vista; J.O. SGL00-107 City File #PD0301

Dear Mr. Konkol:

You informed me the other day that you were considering requiring a larger buffer around what we felt to be a stream along the upstream portion of the northerly drainageway. You noted this in regards to the stream bottom meeting the wetland criteria. In response to your discussion with me I asked the environmental scientist on this project, Rich Bublitz of Environmental Technology Consultants, to please address the differences between stream systems and what is generally considered to be wetlands. I felt you were being confused by the terminology that was being used by wetland scientists and biologists, which is somewhat different to what the typical lay person refers to. This letter from Mr. Bublitz and Mr. Waterman, of Environmental Technology Consultants, I hope will clear up this matter with you.

Should you have any questions, please feel free to give us a call.

Thomas

Thomas J. Sisul, P.E

TJS/lae Enc.

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WA Landscape Contractors License #: ENVIRTCO23RB **OR CCB General Contractor #147522** A Division of Sisul Enterprises, Inc.

June 27, 2003

Tom Sisul Sisul Engineering 375 Portland Avenue Gladstone, OR 97027

Dear Mr. Sisul,

Our firm prepared a Water Resources Report dated December 17, 2002 for the proposed Rose Vista subdivision. On Page 2 of that report we described the existing Protected Water Features and classified them in accordance with Table 1 of OCMC 17.49 in order to establish the vegetated corridor width. We have been informed that city staff has disagreed with our conclusion regarding the ditched reach at the upper end of the northernmost drainage course. The disagreement in classification apparently stems from the fact that the ditch meets the City definition of a stream but also meets the three criteria of wetlands: hydric soils, wetland hydrology, and hydrophytic vegetation. Our original assertion was that a stream can meet the three wetland criteria and still be classified as a stream. The purpose of this letter is to elaborate on our rationale.

In the Water Resources Report we prepared in 2002, we made reference to the City of Oregon City definition of "stream" as defined in 17.49.020: "areas where surface waters produce a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses." The ditched reach does contain well-defined bed and banks as per the City of Oregon City definition. It does convey the flow from a naturally occurring watercourse that in its natural condition may or may not have contained a shallow channel.

According to Table 1 of OCMC 17.49 there are only three classifications of Protected Waters: (1) Anadromous fish-bearing streams; (2) Intermittent streams with slopes less than 25% and which drain less than 100-acres; and (3) Ali other protected water features. In order for the ditch to be classified under #3, it would have to be evident that it did not classify under either #1 or #2. Just because a stream meets all three wetland criteria, it still is a stream, and meets #2. The way we interpret Table 1, #3 is a default classification for all features that do not meet either #1 or #2, and was not intended to take precedence over features that do meet either #1 or #2.

In support of our above assertions, the following paragraphs reference the widely accepted technical publications on classifying streams and wetlands. The primary reference used in classifying wetlands and other water features is the document entitled Classification of Wetlands and Deepwater Habitats of the United States, published in 1979 by the US Fish and Wildlife Service and prepared by Lewis M. Cowardin. The classification system described in that document is commonly referred to as the Cowardin classification system. In general terms, wetlands are those areas where the water is shallow enough that plants can root in the soil and emerge through the water surface; and deepwater habitats are those areas where water is too deep to support these plants. According to the document there are five major systems: Marine, Estuarine, Riverine, Lacustrine, and Palustrine. The following is a brief description of each

system intended for the non-scientist: Marine systems consist of open ocean and coastline; the Estuarine system consists of areas where freshwater and seawater mix; the Riverine system consists of waters confined within a channel; the Lacustrine system are lakes and large open-water ponds; and the Palustrine system are areas of saturation or shallow inundation with vegetation dominating the surface. Cowardin states the following: "The first four of these include both wetland and deepwater habitats, but the Palustrine includes only wetland habitats." The key point is that those portions of Riverine systems where the depth does not exceed 6' are considered wetlands.

The following is the technical definition of the Riverine system from Cowardin: "The Riverine System includes all wetland and deepwater habitats contained within a channel, with two exceptions: (1) wetland dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts in excess of 0.5%." In accordance with this definition, channelized water bodies whose surface contains greater than 30% vegetative cover are excepted from the Riverine System and are classified as Palustrine wetlands even though they are channelized. Because the ditched reach of concern is dominated by emergent vegetation, it does fall out of the Riverine classification. However, this does not mean that it is not a stream. For instance, the Oregon City National Wetland Inventory shows many of the wetlands and streams that are present in the area. Smaller streams such as Beaver Creek and its tributaries, Newell Creek and its tributaries are all dominated by a Palustrine wetland classification: PFO___ (Palustrine Forested followed by a hydrologic modifier), PSS__ (Palustrine Scrub-Shrub followed by a hydrologic modifier). Clearly these features are streams, and they are regulated under the OCMC 17.49 as such. These areas are streams that meet a Palustrine classification due to the fact that vegetation covers at least 30%.

To summarize our conclusions, we assert that certain features do meet the definition of both a stream and a wetland. However we interpret OCMC 17.49 Table 1 as indicating that the stream classification takes precedence in determining the vegetated corridor width. Please call our office if you have any questions about this letter. Thanks.

Sincerely,

David Waterman



Richard Bublitz, Professional Wetland Scientist



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Fax: (360) 696-4089

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July 15, 2003

Mr. Paul Reeder C/O Sisul Engineering 375 Portland Avenue Gladstone, Oregon 97027

RE: Addendum to Water Resources Report dated December 17, 2002 Proposed Rose Road Subdivision Oregon City, Oregon

This letter is to address issues raised in the Oregon City Staff Report concerning Oregon City Municipal Code Standards and Requirements, Chapters 17.49 and 17.50. The staff report concluded that water quality impacts to the resource area, wetland/wet soil recharge, buffers, and mitigation adequacy, scheduling, and monitoring, had not been adequately addressed.

The high water table/wet soil is caused by a slowly permeable layer at a depth of approximately 33-36 inches with a permeability rate of 0.06-0.2 inches per hour in the Bornstedt silt loam covering most of the site. The water table in this soil is from 2.0-3.0 feet below ground during the winter and early spring. The wetland areas are composed of Delena silt loam with an extremely low permeable layer at a depth of approximately 2.0 feet. Permeability below the upper 2 feet is <0.06 inches per hour. The water table in the winter and early spring is from ground level to 18 inches below ground.

Groundwater travel in these soils is primarily horizontal, with a horizontal conductivity much greater than 3 times the vertical conductivity, which is the average horizontal conductivity factor for soils without a low conductivity layer in the sub soil. Due to the physical structure of the soil profile, water that infiltrates to the hardpan in lawns, the common areas and buffer areas adjacent to, and up gradient from, the wetland will discharge into the wetland via the same groundwater pathway as currently exists. The exception to this is areas where the groundwater flow will be intercepted by gravel or compacted native soil filled utility trenches. That water, up gradient from the wetlands, intercepted by compacted fill will follow the path of least resistance down gradient and eventually discharge to the wetland area, if in sufficient quantity to exceed the infiltration

capacity of the low conductivity layer in the sub soil. Areas that drain into gravel filled utility trenches will follow the trench until it is either infiltrated or is discharged at some point along the facility to a shallow water table or a surface discharge point. It is recommended that any water that can be collected in sub surface drains within these trenches, and located at an elevation that will allow collection and subsequent discharge, be collected and discharged to the wetland areas.

Impervious areas will be collected in a storm drain system and directed to a storm water detention facility. Discharge from this facility will be through a water quality swale, bio retention facility or other facility approved by Oregon City review staff. It is recommended that the discharge be through a multiple orifice structure to provide metered flows to the wetland that would more closely approximate natural recharge. As the proposed pathway is pervious (gravel) no impacts to the recharge or water quality will be realized from its construction.

The lobe wetland will be reconnected with the northern wetland by construction of a ditch along Rose Road, the bottom of which will be at an elevation that will provide water exchange between the two wetland areas, but not low enough to drain either of the areas.

In response to the issue of inadequate buffers, the buffer along the upper end of the northern wetland (ditch area) will be increased to 50 feet to be in accordance with OMC 17.49.050, specifically Table 17.49-1. The buffer area impacted by the pathway will be mitigated by an increasing the buffer area in the down gradient vicinity of the impact by an area equal to the impact area.

The final mitigation plan will be submitted to the Oregon Division of State Lands as part of the final permit application requirements. This will include the implementation schedule, construction timelines, maintenance, monitoring, reporting and a contingency plan, all as required by ODSL rules and regulations governing permit applications and mitigation plans. These items, along with any required in water work restrictions will become part of the permit conditions and will be in place prior to any grading or issuance of a grading permit as mandated by Oregon City and Oregon DSL requirements.

Sincerely, Environmental Technology/Consultants Richard S. Bublitz, PWS Division Manager

Addendum to Water Resource Report

August 1, 2003

Introduction:

This addendum is in response to a memorandum from Tony Konkol to Tom Sisul dated July 25, 2003 regarding the Rose Vista Planned Unit Development. The section titled "Required Revisions to the Application" Item (6) requested that the water resource report be amended to accurately depict the proposed changes to the PUD, including the amount of open space, added open space storm water facilities, and groundwater mitigation measures proposed. Also needing to be addressed was the impact of the path system, due to a design change in the pathway surface.

Open Space Area/Impact Changes Due to PUD Design Changes:

The current proposal dedicates 173,080 S.F. or 3.97 acres to open space area. This area includes active and passive common areas, wetland water resource areas and resource buffers, referred to as North Open Space and South Open Space on plans revised on July 16, 2003. On the plan revisions dated May 15, 2003, 159,994 S.F. or 3.67 acres were dedicated to open space within those designated areas. The current project design has removed all impacts to the water resource area and associated buffers, except those associated with the widening and frontage improvements required by the City of Oregon City to Rose Road and the pathway through the buffers, and increased the open space area by 13,086 S.F.

Pathway System Impacts and Mitigation:

A required change in the pathway system surfacing material has increased the impervious surface area of the project by 14,700 S.F. Although the impervious area has increased, the impacts to the water resource will be negligible. The pathway is located along the northeast property line for much of its length, which is also the high point in the general slope of the project, which drains the southwest. Surface runoff during high precipitation events that exceed the infiltration capacity and groundwater flow will still migrate to the resource area as described in the groundwater flow and mitigation analysis section of this addendum. Surface runoff from the path adjacent to the resource area will still be directed to a small portion of the buffer. Due to the nature of the pathway use (pedestrians and bicycles) this minor buffer contact will provide adequate water quality attenuation, as no pollutants other than soil particles, are expected to be deposited on the pathway surface. The resource crossings associated with the pathway are to be bridges constructed of wood, with cross-planked walkways, allowing precipitation to drain between the planks, and directly to the resource area.

The pathway crossing of the resource buffer areas has reduced the overall buffer area by a total of 3110 S.F. This area is mitigated through buffer averaging as indicated on the attached figure and totals 3188 S.F., exceeding the impact area. The buffer averaging

Exhibit

areas were placed in locations with the highest potential to give additional protection to the water resource area. These additional buffer areas are placed: (1) adjacent to the parking area across from lots 74-76; (2) adjacent to the driveway entrance near lot 67; and (3) contiguous to the north side of the buffer in the vicinity of lots 61-66. Areas adjacent to concentrated parking areas, or other high traffic areas have the greatest potential for accidental/incidental spills or disposal, and therefore were considered to provide the maximum possible benefit for the increased buffer area.

Groundwater and Resource Recharge Mitigation Measures:

The high water table/wet soil is caused by a slowly permeable layer at a depth of approximately 33-36 inches with a permeability rate of 0.06-0.2 inches per hour in the Bornstedt silt loam covering most of the site. The water table in this soil is from 2.0-3.0 feet below ground during the winter and early spring. The wetland areas are composed of Delena silt loam with an extremely low permeable layer at a depth of approximately 2.0 feet. Permeability below the upper 2 feet is <0.06 inches per hour. The water table in the winter and early spring is from ground level to 18 inches below ground.

Groundwater travel in these soils is primarily horizontal, with a horizontal conductivity much greater than 3 times the vertical conductivity, which is the average horizontal conductivity factor for soils without a low conductivity layer in the sub soil. Due to the physical structure of the soil profile, water that infiltrates to the hardpan in lawns, the common areas and buffer areas adjacent to, and up gradient from, the wetland will discharge into the wetland via the same groundwater pathway as currently exists. The exception to this is areas where the groundwater flow will be intercepted by gravel or compacted native soil filled utility trenches. That water, up gradient from the wetlands, intercepted by compacted fill will follow the path of least resistance down gradient and eventually discharge to the wetland area, if in sufficient quantity to exceed the infiltration capacity of the low conductivity layer in the sub soil. Areas that drain into gravel filled utility trenches will follow the trench until it is either infiltrated or is discharged at some point along the facility to a shallow water table or a surface discharge point. It is recommended that any water that can be collected in sub surface drains within these trenches, and located at an elevation that will allow collection and subsequent discharge. be collected and discharged to the wetland areas.

Impervious areas, with the exception of the pathway, will be collected in a storm drain system and directed to a storm water detention facility. Discharge from this facility will be through a water quality swale, bio retention facility or other facility approved by Oregon City review staff. It is recommended that the discharge be through a multiple orifice structure to provide metered flows to the wetland that would more closely approximate natural recharge.

The lobe wetland will be reconnected with the northern wetland by construction of a ditch along Rose Road, the bottom of which will be at an elevation that will provide water exchange between the two wetland areas, but not low enough to drain either of the areas.



SUL ENGINEERING

A Division of Sisul Enterprises, Inc.

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

July 17, 2003

FAX (503) 657-5779

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

ATTN: Tony Konkol and Dean Norlund

RE: Rose Vista; J.O. SGL00-107 City of Oregon City File #PD03-01, WR-03-01 and SP 03-07

Gentleman:

The purpose of this letter is to explain how we plan to address the City's concerns about ground water and wetland recharge. Enclosed with this letter you will see a letter from Jim Imbrie with GeoPacific addressing the issue of ground water and how it might impact the detention pond performance. Also there is a letter from Rick Bublitz of Environmental Technology Consultants addressing from the perspective of the wetland scientist regarding recharging the wetlands. The purpose of this letter is to inform you on how we will address in the design aspect of these issues.

In accordance with Mr. Imbrie's suggestion, we are adjusting the detention ponds so that they will be essentially ponds with their active storage area above existing grade. The bottom of the pond or dead storage area will also be above existing grade as shown. Although Mr. Imbrie suggests having the dead storage below existing grade, this could not be done and still have a gravity drain of the dead storage area. If pumping the dead storage out for maintenance was acceptable then we could depress the ponds for the dead storage. Raising the detention ponds will allow us to drain the storm water release from the ponds towards the wetland areas. Releasing the water towards the wetlands will recharge the wetlands. In addition, if it is acceptable to the City's public works section we will also follow Mr. Bublitz recommendation for cut-off barriers within the utility trenches that will pick up ground water that could follow the utility trenches and direct it towards the wetland areas as well. Finally, to try and stop or minimize horizontal movement of ground water at the Rose Road right-of-way, the franchise utility trench, which runs along the Rose Road right-of-way would be backfilled with a mixture of CDF and Bentonite or some sort of similar water impervious mixture. This would prevent or slow ground water from moving across the Rose Road right-of-way and thus should help keep the wetlands upstream of Rose Road recharged longer.

We believe that all of these design elements will both keep the detention ponds functioning as intended and will keep the wetlands recharged to the maximum extent possible.

If you have any questions, please feel free to give me a call.

Thomas J. Sisul, P.E.

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A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027 (503) 657-0188 Page Analysis FAX (503) 657-5779

Downstream Drainage Analysis

In regards to the downstream drainage facilities of the between Rose Road and Southridge Meadows, the City has requested analysis of downstream facilities. While in respect of private property owners, we did not enter privately owned lands; we observed what we could from public rights-of-way and from aerial topography maps. In addition, the City has had two Drainage System Master Plan reviews of the South End drainage basin.

EXISTING CONDITIONS:

The westerly channel crossing through the proposed Rose Vista PUD and which crosses Rose Road is the more significant of the two drainageways. This channel drains an area including a significant portion of the Lafayette and Oaktree Avenue area. The upper portion of the basin reach includes the Julie Ann Drive area and also a portion of Netzel Drive. From the street right-of-way in Lafayette Avenue an 18" storm drain pipe drains between lots to the northwesterly portion of the proposed subdivision.

The easterly channel crossing through the proposed Rose Vista PUD drains the easterly portion of the Lafayette and Oaktree Avenue area. This channel may also drain a portion of the United Methodist Church site as well.

The westerly channel currently crosses under Rose Road in two 24" concrete culverts. The easterly channel crosses under Rose Road in a single 12" concrete culvert. The westerly channel drains to what appears a poorly defined drainageway south of Rose Road and according to the drainage master plans and the topography maps merges with another sub-basin south of Rose Road. From this point the combined drainage system drains southerly (and nearly parallel with Rose Road) across several parcels until it merges with the easterly channel approximately 250' southwesterly of Rose Road. The easterly channel after crossing under Rose Road drains into a well defined channel between homes along a parcel line. This well defined channel is approximately 18" wide and perhaps a foot deep. After the easterly and westerly channels merge the drainage flows southwesterly and appears to pass through a culvert on Tax Lot 2002. The size and material of this culvert is not known. Approximately 100 feet downstream of this culvert crossing the drainage system enters the drainage system constructed for Southridge Meadows. It is presumed that this recent subdivision was designed to adequately handle the upstream basin flows.

MASTER PLANS:

The 1988 Oregon City Drainage Master Plan prepared by Otak, Incorporated, an engineering firm, indicated the that the 25 year flows at the westerly (and main drainage) channel at Rose Road would have a 25 year event runoff of 23 CFS (for both existing and future conditions). The Otak report indicated that the existing 18" CMP culvert at Rose

Exhibit 10

Road was deficient and should be upsized to a 30" concrete culvert. The Otak report also indicated that the main drainage swale between Rose Road and South End Road (which they calculated will have a 25 year event flow of 50 CFS) should be improved to have a 5 foot bottom, with a depth of at least 2 feet and 2:1 side slopes. In addition it notes that a culvert at a private crossing should be at enlarged to 36".

In 1997 the City adopted a hydrologic study of the South End basin. This South End Basin Master Plan was prepared by Kampe Associates, Inc. for the City of Oregon City the Clackamas County Community Development Division. The Kampe report indicated that there were existing twin 24" culverts at the Rose Road crossing. The Kampe report does not indicate improvements required to the crossings or to downstream drainage system between Rose Road and Southridge Meadows. The Kampe report does note for a 25 year event the estimated existing peak flow is for the basin upstream of the westerly channel crossing on Rose Road to be 20.5 CFS. Kampe's report also notes that the estimated peak flow for future basin to be 31.7. Near but downstream of Rose Road where two drainage sub-basins merge into a single channel, Kampe estimates the future peak flow for this channel will be 61.3 CFS.

SUMMARY:

The 1988 and 1997 studies, are far as their estimate of the flows from the sub-basins of concern of this analysis, are similar. The sub-basin upstream of Rose Road as changed little since the 1988 study. The development that includes Julie Ann Drive has been built since that study and the old drive-in theater has been developed into the United Methodist Church. Neither study factored in the City's current storm detention requirements which were adopted in 1999. In 1988 the City did not require storm water detention. In 1997 storm water detention was required for new developments, but permitted release rates were higher than they are today.

It appears that between 1988 and 1997 the culvert crossing for the westerly channel crossing Rose Road was enlarged. The Otak study noted an 18" CMP culvert at this point, the 1997 Kampe study indicated to 24" concrete pipes, which was confirmed by our field investigations. The recommendations for the downstream channelization in the Otak study from Rose Road to South End Road are unlikely to be permitted today. Besides the City's water resources requirements, which would be difficult to overcome to allow such channelization, state and federal permits would also be required. It is more likely that future development will have to spaced away from the drainageways as is being required in the Rose Vista PUD. The culvert (if it indeed exists on or near Tax Lot 2002) is likely to be undersized. While the Kampe report makes no recommendations regarding this culvert, the Otak report appears to indicate that this culvert should be sized to a 36" diameter. The need for this culvert could probably be eliminated if the property owner were allowed access to his parcel from the street stubs in Southridge Meadows.

The impacts of the proposed subdivision/PUD inregards to peak flows to the downstream drainageways will be little. The City of Oregon City's stormwater design requirements require that detention systems be design to reduce peak runoff from a 2 year event to 50% of the predevelopment runoff rate, and to match the runoff rates for 5 and 25 year events.

Therefore the for a 2 year event or smaller the peak flows to downstream channels should be slightly less than may occur in a 2 year event occurring today. The 5 and 25 year events should be no worse than a 5 or 25 year event occurring today.





Real-World Geotechnical Solutions Investigation • Design • Construction Support

July 14, 2003

Project No. 02-8100

Tom Sisul Sisul Engineering 375 Portland Avenue Gladstone, OR 97027

Via Facsimile: 503-657-5779

Subject: Addendum to Geotechnical Engineering Report Rose Road Development Oregon City, Oregon

Reference: GeoPacific Engineering Inc., Geotechnical Engineering Report, Rose Road Development, Project No. 02-8100, dated January 6, 2003.

This brief letter is an addendum to the above-referenced report. In the current draft of the Oregon City Staff report, it cites subdivision standards (Chapter 16.08.050 Item D) and arrives at the conclusion that the applicant had not addressed how the high groundwater affects the function of the detention ponds, such as special construction requirements, storage volume, and pond function. This brief letter addresses these items from the geotechnical engineer's perspective.

We met with Sisul Engineering and the Wetland Consultant, Mr. Rich Bublitz to discuss the above and other issues. From our discussions, we offer the following comments. The site has poorly draining soils that tend to trap surface water in the upper 3 feet over an impermeable layer of very hard residual soil. Groundwater is therefore trapped in the near surface in low lying areas such as the subject wetland. Since the proposed ponds are located within or near the wetland buffer zone, the elevation of the ponds would be very close to or below the water elevation in the wetland area. Our discussion focused on enhancing the quality of the wetlands while maintaining the performance and function of the ponds.

We concluded that rather than excavate for a pond and provide subsurface drainage around the pond to reduce minimal, but expected lateral groundwater inflow, that the pond should be created by constructing a fill berm and that the bottom of the storage basin assumed for design of the pond should be no lower than the elevation of the wetland delineation; however the bottom of the pond could continue one to two feet to hold additional water to aid recharging the wetland during dry spells.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

James D. Imbrie, P.E. Principal Engineer

7312 SW Durham Road Portland, Oregon 97224

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A Division of Sisul Enterprises, Inc.

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

May 19, 2003

FAX (503) 657-5779

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

ATTN: Planning Staff and Planning Commission Members

RE: Rose Vista Plan Unit Development; J.O. SGL00-107

Dear City Planning staff and Planning Commission members:

This letter is to express our frustration with the City's Development Code language in regards to Water Resources. The original intent of the development was to fill a small area of marginal wetland and improve the two primary wetland areas by raising the water level through the use of a weir or dike to create better wetland conditions.

In a meeting we had with City staff at the end of April. Staff informed us that they felt the City Development Code, specifically the Water Resources Section, would not allow the water elevation to be raised without pushing out the 50 foot buffers required around the wetlands. (We intended to create a fill in the upland areas to limit the expansion of the wetlands.) In rereviewing the Development Ordinance we have come to the conclusion that the City staff is largely correct, if not entirely correct, in their interpretation of the Development Code. While the Water Resources Code Section has much discussion about mitigation, staff indicated to us that the only area that we could actually fill a wetland would be in a case such as Rose Road where the widening of the road is required. The only other allowance they could think of is where a property may not have access to the developable portion of the property without crossing a wetland. That is not the case on this site.

Our belief is that both the applicant, as the developer, and the community will lose with the strict adherence of the Development Code in this case. The developer will lose one single family detached lot and will have some of the single family detached lots served by a private street rather than a public street as was originally proposed. The community, we believe, will lose in that the wetland areas which are all poor quality will all be left largely as they are with some small enhancement improvements, but not improving the main aspect, needed for good enhancement, that being increased water levels. In fact the way the Development Code is being interpreted, to increase the water levels in the wetland areas would take land away from the area of development, by pushing the 50 foot buffer out from the new edge of whatever a new water level would be.

In summary, the applicant had hoped that by allowing him to fill the poor quality lob of the wetland at the most northwesterly edge of the wetland area and improving the two

Exhibit 12

other wetland areas by raising their water levels, he would create a wetland area that looks truly wet to those who would observe it. Not have the wetlands appear as swampy areas or mud flats as they currently exist, being over run by blackberries. This desired enhancement though is thwarted by City Development Ordinances that penalizes him for trying to raise the water level because of its effect on pushing out the 50 foot buffer. We suggested we could just create a small fill around the perimeter of the existing wetland to prevent expansion of the wetland area but as staff pointed out the Development Ordinance appears to prohibit such fills in the buffer area.

The Planning Commission, as the decision maker for this application, does have some discretion in its interpretation of the Development Code. We would ask the Planning Commission to see if they could allow the developer to enhance the wetlands without negatively impacting his developable area and perhaps allow him to go back to the proposed 76 unit development that was previously submitted, a copy of which is enclosed with this letter.

Sincerely,

Thomas J. Sisul, P.E.

TJS/lae Enc.



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ANALYSIS AND FINDINGS

The applicant has proposed a Planned Unit Development on 16.02 acres consisting of 76 singlefamily residences, with 52 single-family detached residences and 24 single-family attached residences for the above referenced property. The proposed site layout contains 3.97 acres of the site to be preserved as open space. The property contains gentle slopes and 2 separate water resource areas (see WR03-01) and is located at the north corner of the intersection of South End Road and Rose Road in Oregon City.

The properties are located at 19093 (3S-1E-1A, TL 1700) and 18879 (3S-1E-1CD, TL 300) Rose Road. The properties are zoned R-10 and R6/MH respectively. R-10 and FU-10 zones surround the site. The FU-10 zone southwest of Rose Road is in Clackamas County and the City's Comp. Plan for this area is R6/MH.

The Applicant has providing preliminary engineering drawings for the proposed development of the site from Sisul Engineering, Inc. and dated Nov. 2002 and last revised August 1, 2003.

Engineering staff recommends approval of the proposed Planned Unit Development provided the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

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

The applicant's proposed waterline plan indicates constructing a 12-inch water main along the site's frontage with Rose Road and connecting to the existing City 12-inch water main in South End Road. A water main with a dead end line (in road between the two water resource areas) is proposed to serve lots 52-66. Another water main is proposed to loop around the properties on the northwest side of the site, with a dead end water main serving lots 17-21. The proposed water improvements provide two stubs to the northwest at Rose Road and the proposed interior street. The applicant has proposed blow off assembly at dead end lines, six new fire hydrants and water services to all of the proposed lots.

Applicant has proposed a water system that appears to meet City code with a few modifications.

Conditions:

- 1. As part of this development, a 12-inch ductile iron water line shall be constructed in Rose Road from the City water line in South End Road to the northwest property boundary and 8-inch ductile iron water lines looped through the site. The water line shall extend along Rose Road and the proposed interior street to the site's northwest property boundary and terminate with a City approved blow-off.
- 2. Water service laterals shall be provided to the existing lots southwest of Rose Road.
- 3. Water lines shall be extended to the end of all proposed stub streets and terminated with a blow-off.

SANITARY SEWER.

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

Applicant has proposed to extend the sanitary sewer to the northwest property boundary in Rose Road and the proposed street.

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

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

Conditions:

- 4. Applicant shall provide sanitary sewer facilities to this site.
- 5. Applicant shall provide an 8-inch sewer main to the end of all proposed stub streets for future extension. If sanitary sewer laterals are connected to the sewer lines in the stub streets, the lines shall be terminated with a manhole near the end of the stub streets, and the sewer line shall be stubbed-out for future extension.
- 6. Applicant shall extend the sanitary sewer main in Rose Road to the site's northwest property boundary.
- 7. Sanitary sewer laterals shall be provided to the existing lots southwest of Rose Road, but not connected.

PD03-01, Rose Vista, A -Lot Planned Unit development3S-1E-1CD; TL 300 & 3S-1E-1A; TL 1700ANALYSIS AND FINDINGS/ CONCLUSION AND RECOMMENDATIONSPage 3 of 10Dean R. Norlin, PE; Senior EngineerAugust 13, 2003

- 8. All sewer lines shall maintain the maximum depth based on the minimum slopes allowed by the City, and shall terminate in manholes with stub-outs for future extension. The sewer shall have a depth sufficient to provide sewer service to the Urban Growth Boundary to the northwest.
- 9. Any sanitary sewers with less than three feet of cover shall be constructed of ductile iron pipe.
- 10. Applicant must process and obtain sanitary sewer line design approval from DEQ prior to City plan approval.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

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

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

The Applicant has proposed to drain the site into two detention ponds and four areas with underground detention pipes. The detention systems are located adjacent to the wetland areas and do not encroach in the water resource buffer areas. The Applicant proposes to drain the northwestern side of the site into various detention pipes and a pond then into the northwestern drainage swale. The applicant does not clearly show how the storm system for southeast swale will function.

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

Most of the proposed detention pipes are undersized. The detention pipes minimum size is 42-inches.

Preliminary Hydrology/detention calculations have been provided to the City for review. The Applicant's engineer has provided an additional Downstream Drainage Analysis for the area between Rose Road and the drainage inlet at Southridge Meadows. The Analysis concludes that the City's storm water design requires a detention system to be designed to reduce peak runoffs for the 2, 5 and 25-year storm events. Therefore the peak runoffs for these posted developed storms should be less than the existing storm events.

The Applicant has preliminarily addressed how the storm system will function in a high ground water table and how the existing water resources/wetlands will be maintained/recharged.

Applicant has proposed a storm sewer system that appears to meet City code with modifications.

Conditions:

- 11. Developer shall provide detention and water quality systems that conform to current City standards.
- 12. The Stormwater Engineer shall incorporate design criteria from the Geotechnical Engineer (high ground water) and Water Resource Scientist (recharging and wetland management) to ensure the pond and wetlands harmonize each other. Revise the Storm Water Report to incorporate comments/design criteria from the Geotechnical Engineer and Water Resource Scientist
- 13. Applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.
- 14. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plans.

DEDICATIONS AND EASEMENTS.

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

Applicant has proposed an 11.5 feet dedication along the property fronting Rose Road. The Applicant is proposing ROW of 53-feet throughout the site for the interior streets.

South End Road is classified as a Minor Arterial by the TSP, which requires a minimum right-ofway (ROW) width of 64-114 feet. Currently, South End Road appears to have a 60-foot ROW.

Applicant has proposed a 10 feet dedication along the property fronting South End Road

Applicant proposed three access easements, access easement "A" to serve lots 17 through 22, access easement "B" to serve lots 54 through 57 and access easement "C" to serve lots 68 through 75. The Applicant proposes a 15-foot wide pedestrian easement along the northeast property boundary from the open space area to South End Road. Additional easement/tracts may also be required and will be determined with the review of construction plans.

Applicant has proposed ROW widths, easements, and tracts that appear to meet City code with a few modifications.

Conditions:

- 15. Applicant shall dedicate a minimum of 11.5 feet of right-of-way along all site frontage with Rose Road.
- 16. Applicant shall dedicate a minimum of 10 feet of right-of-way along all site frontage with South End Road.
- 17. Applicant shall dedicate 53 feet of right-of-way for the proposed interior local streets and 56-foot radii for Cul-de-sacs.
- 18. The Pedestrian walkway easement from the open space to Rose Road shall be a minimum of 20 feet wide.
- 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. Applicant shall show a reserve strip dedicated to the City at the end of the interior stub street. This reserve strip shall be noted on the plat to be automatically dedicated as public ROW upon the approval of ROW dedication and/or City land use action approval of the adjacent property.
- 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

STREETS.

Rose Road is classified a Local Street by the Oregon City Transportation System Plan, which requires a minimum pavement width of 20 to 32 feet. Currently, Rose Road has approximately 16 feet of pavement width.

South End Road is classified as a Minor Arterial by the Oregon City Transportation System Plan, which requires a minimum pavement width of 36 to 88 feet. Currently, South End Road has approximately 32 feet of pavement width.

Applicant has proposed a half street improvement plus 10 feet and a temporary curb for Rose Road along the property's frontage. The proposed interior streets are fully improved with 5-foot planter strips, 5-foot sidewalks and 32 feet of pavement with curb. The Applicant has proposed to widen South End Road to a pavement width of 29 feet from the centerline along the property fronting South End Road.

Parking will be allowed on both sides of streets with 32 feet or more of pavement width. Parking will be allowed on one side of streets with less than 32 feet and 26 feet or more pavement width. Parking will not be allowed on streets with less than 26 feet of pavement width. There are 12 parking spaces provided in access tract "C" to serve lots 70 through 75.

Emergency vehicle turn-around will have to be approved by Clackamas Fire District #1.

Applicant has proposed a street system that appears to meet City code with a few modifications.

Conditions:

- 22. Half-street improvements are required for the entire frontage along Rose Road. A halfstreet improvement is defined as to the centerline plus 10-foot. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. 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 to be limited to, base rock, paved half street width of 26-feet (8-foot travel lane, 8-foot parking, 10-foot past centerline), curb, gutter, 5-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 23. Half-street improvements are required for the entire frontage along South End Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved half street width of 32 feet (6-foot ¹/₂ of a turn lane, 12-foot travel lane, 6-foot bike lane, 8-foot parking), curb, gutter, 7-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights

PD03-01, Rose Vista, A -Lot Planned Unit development3S-1E-1CD; TL 300 & 3S-1E-1A; TL 1700ANALYSIS AND FINDINGS/ CONCLUSION AND RECOMMENDATIONSPage 7 of 10Dean R. Norlin, PE; Senior EngineerAugust 13, 2003

- 24. All proposed interior full street improvements are required. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved full street width of 32-feet (2@8-foot travel lanes, 2@8-foot parking areas), curb, gutter, 5-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights.
- 25. All streets with a paved width of less then 32-feet shall be signed "NO PARKING TOW AWAY ZONE" on one side.
- 26. All existing utility poles along street frontages shall be relocated to behind the sidewalk or the utilities can be placed underground. All new utilities shall be placed underground.
- 27. Applicant shall install sidewalks along the entire frontage of South End Road, to through and adjacent to all open spaces and water resource areas, and along the frontages of all tracts, and all handicap access ramps at the time of street construction.
- 28. Applicant shall provide a pavement-striping plan for South End Road.

GRADING AND EROSION CONTROL.

The Applicant has provided a preliminary Grading and Erosion control plans.

Applicant has proposed grading and erosion control that appear to meet City code with modifications.

Conditions:

29. 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.

GEOTECHNICAL CONSIDERATIONS.

This site is located in a hydrological, geological, or geotechnical hazard area according to the DOGAMI map in Bulletin 99-Geology and Geologic 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 Rose Vista Subdivision by James D. Imbrie, Scott L. Hardman, P.E. and Kirk L. Warner, P.G. all with GeoPacific Engineering, Inc.; dated January 2, 2003. On site subau face explorations were conducted on December 19, 2002.

It appears that the Geotechnical Report meets most of the City's requirements and has adequately addressed the geotechnical conditions for the proposed development, except for how the high ground waters affect the function of the detention ponds, such as special construction requirements, storage volume, and pond function.

Conditions:

- 30. The Geotechnical Engineer shall address the use and construction of detention ponds in a high ground water. Geotechnical Engineer shall coordinate design criteria to the Storm water Engineer and Water Resource Scientist.
- 31. Applicant shall follow and incorporate the recommendations in the Geotechnical Report for the design of the site.

TRAFFIC AND TRANSPORTATION.

The Applicant has submitted a Traffic Impact Study for Rose Vista Subdivision by Todd E. Molby; P.E., with Lancaster Engineering dated December 2002. The Traffic Impact Study has been reviewed by the City and David Evans and Associates and it has been determined that the applicant's traffic impact analysis 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 has demonstrated that a signal will be warranted at the Warner Parrott Road/South End Road intersection by 2004 with, or without the proposed development.

There are sight distance problems due to vegetation on the northwest side of South End Road.

Conditions:

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

WATER RESOURCE

A large portion of the southeast half of the site is located within the Water Quality Resource Area Overlay District. Under the requirements of Chapter 17.49, the applicant must delineate the wetland and stream boundaries and determine the required vegetated corridor width between the wetland and stream boundaries and the proposed development. The vegetated corridor area is to remain undisturbed.

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PD03-01, Rose Vista, A -Lot Planned Unit development3S-1E-1CD; TL 300 & 3S-1E-1A; TL 1700ANALYSIS AND FINDINGS/ CONCLUSION AND RECOMMENDATIONSPage 9 of 10Dean R. Norlin, PE; Senior EngineerAugust 13, 2003

The Applicant has generally kept out of the water resource and developed around them except for a portion of the detention ponds that are proposed to be built in the water resource buffer. This is allowed with mitigation. The Applicant has not clearly delineated the areas in the buffer used for detention and what area has been migrated for the buffer encroachments.

Applicant has included a copy of the proposed Division of State Lands (DSL) Compensatory Mitigation Form. The Applicant is reminded that they must meet also meet the City of Oregon City's Municipal Code chapter 17.49 Water Resource requirements in addition to DSL's requirements.

The applicant provided a copy of Environmental Technology Consultants Water Resource report dated December 17, 2002 for the Rose Vista project. An addendum to the original report dated February 19, 2003 that discussed the path that crosses the wetlands and vegetated corridors was also submitted to the City. An additional addendum to the City was submitted and dated May 29, 2003.

Applicant has proposed providing 50-foot wide vegetated buffer areas around most of the wetland areas except the narrow wetland behind lot 19, 20 and 21 where they show a 15-foot wide buffer. Even though this is a narrow wetland that also functions as a drainage swale it still needs to be protected by 50-foot buffers. The vegetated corridor areas are to be improved by removing non-native species, and replanting with non-nuisance plants from the Oregon City native plant list, and seeding to achieve one hundred percent ground cover.

With the widening of Rose Road it appears that the northwesterly wetland water supply may be jeopardized. The Water Resource Scientist and Stormwater Engineer need to address how this wetland and the other wetlands will be sustained with water.

Conditions:

- 33. Developer shall provide vegetated 50-foot vegetated corridor buffer width from Title 3 wetlands in conformance to City requirements.
- 34. The Water Resource Scientist, Stormwater Engineer and Geotechnical Engineer shall provide a design and analysis that will maintain and enhance the existing/proposed wetlands with the proposed development.
- 35. Applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.
- 36. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers. The applicant shall provide the City copies of the above permits for review and approval prior to the approval of the construction plane.

ENGINEERING REQUIREMENTS.

Conditions:

- 37. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
- 38. The Applicant is responsible for this project's compliance to Engineering Policy 00-01 (attached). The policies pertain to any land use decision requiring the applicant to provide any public improvements.

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

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TRANSMITTAL			
March 28, 2003			
IN-HOUSE DISTRIBUTIO		MAIL-OUT DISTRIBUTION	
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🖬 ENGINEERING MANA	GER	NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR ⁽²⁾ N.A. LAND USE CHAIR ⁽²⁾ Westling Farms	
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☑ CITY ENGINEER/PUBI	LIC WORKS DIRECTO	R CLACKAMAS COUNTY - Bill Spears	
D TECHNICAL SERVICE		🗹 ODOT - Sonya Kazen	
🖬 🖬 🐨 MANAGER		ODOT - Gary Hunt	
□ ADDRESSING		☞ SCHOOL DIST 62	
POLICE		☑ TRI-MET	
TRAFFIC ENGINEER		METRO - Brenda Bernards	
🗹 Mike Baker @ DEA		OREGON CITY POSTMASTER	
		DLCD	
RETURN COMMENTS TO:		COMMENTS DUE BY: April 25, 2003	
Tony Konkol		HEARING DATE: May 12, 2003 (Type III)	
Planning Division		HEARING BODY: Staff Review: PC: XX_CC:_	
IN REFERENCE TO	FILE # & TYPE:	PD 03-01: Planning Unit Development	
		WR 03-01: Water Resource Review	
		VR 03-11: Pedestrian Lighting Standard Reduction	
	PLANNER:	Tony Konkol, Associate Planner	
	APPLICANT:	Paul Reeder / Sisul Engineering	
	REQUEST:	A PUD with 52 detached single-family, 14 attached single-family, and	
		a site for an 18 unit multi-family development. A water resource review	
		and mitigation and a variance to the pedestrian lighting standard to	
	LOCATION	reduce the required foot-candles.	
	LOCATION:	Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.	

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

	The proposal does not	The proposal conflicts with our interests for the reasons stated below.
<u> </u>	The proposal would not conflict our	The following items are missing and are needed for review:
This	Park area does not meet city stan	dards, maintenance needs to be done by
Hanna. The n_	dreas should be hindered by 56 his	In lity, I's protect workand appare of the place
	Signed Title Park Opp	Torthen Stime + Facilities 15
	_	Exhibit 1-

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATEL

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

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		March 28, 2003
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☞ CITY ENGINEER/PUI	BLIC WORKS DIRECT	
□ TECHNICAL SERVIC	ES (GIS)	🗹 ODOT - Sonya Kazen
🖬 🖉 PARKS MANAGER		□ ODOT - Gary Hunt
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🖬 POLICE		TRI-MET
TRAFFIC ENGINEER		🗅 METRO - Brenda Bernards 🛛 🏹 🎽
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	LOCATION:	reduce the required foot-candles. Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.
	LOCATION.	$Map = 50^{-1} D^{-1} Max DO(1/00) and 50^{-1} D^{-1} DJ, 1ax DO(500).$

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

Signed Title



PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

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

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 IN-HOUSE DISTRIBUTION BUILDING OFFICIAL ENGINEERING MANAG FIRE CHIEF PUBLIC WORKS- OPER CITY ENGINEER/PUBL TECHNICAL SERVICES PARKS MANAGER ADDRESSING POLICE TRAFFIC ENGINEER Mike Baker @ DEA 	ger Ations IC Works director	MAIL-OUT DISTRIBUTION CICC NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR (z) A. LAND USE CHAIR (z) CLACKAMAS COUNTY - Joe Merek
RETURN COMMENTS TO:		DLCD COMMENTS DUE BY: April 25, 2003
Tony Konkol Planning Division		HEARING DATE: Type II HEARING BODY: Staff Review: <u>XX</u> PC: <u>CC:</u>
IN REFERENCE TO	FILE # & TYPE: PLANNER: APPLICANT: REQUEST: LOCATION:	SP 03-07 Tony Konkol, Associate Planner Paul Reeder / Sisul Engineering Site Plan and Design Review for the development of 14 single-family attached residences. Map # 3S-1E-1ATax Lot 1700 and 3S-1E-1CD, Tax Lot 300.

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

The proposal	does not
conflict with	our interests.



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

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

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

Signed " Title

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

South End Road & Hazel Grove/Westling Farm Neighborhood Associations Steering Committee Meeting For April 17, 2003

Kathy Hogan opened the meeting at 6:30 p.m.

Announcements

The general Meeting will be May 15, 2003. Tri-Met will have a speaker on Bus Route 79. It was discussed how to notify people on the route in the county and to notify Canemah N. A.

Barry Park retirement will talk about what they have to offer the neighborhood including temporary hourly service, about their facilities and cost.

Old Business

Discussed Bi-Law changes for Hazel Grove Westling Farm. National Night Out for the neighborhood. CICC announcements. An appeal from Joseph Spazini for the Great American Development on South End and next to Hazel GroveWestling Farm N. A. was extend to May 7, 2003.

Land Use

Paul Reeder, Sisul Engineering has an application in on Rose Road. There will be multifamily unit changes that may include row houses. It is an 84 unit Plan Unit Development (P. U. D.) that would include an apartment complex townhouses, homes and two wetlands.

The following is a discussion of concerns neighbors brought before the steering committee.

- Traffic should be a concern for its impact on access to South End.
- Drive ways and parking will be problems.
- Safety issues of parked cars blocking narrow road.
- All homes will feed onto Rose Road making a busy intersection.
- Zoning should be R -10. How did it change to R-6.
- Rose Road residents worried about Annexation if the roads become city roads.
- The proposed plan is not compatible with surrounding area.
- Most lots recorded in Oregon City are 8-10,000 sq. ft.
- New development will add about 800 new trips per day to connecting roads.
- South End will have excessive traffic.
- Want houses that are compatible.
- Growth has effect on Warner-Parrott and South End degraded quality of the intersection will cause a need for a stoplight.

- There will be an impact on the Partlow-Laffette intersection.
- The City does not have a plan to accommodate the increase.
- South End Road going down the hill toward the Museum has a slide problem that should be addressed before further building on the South End portion of the hill.
- Rose Road may have to be raised in order to have sewage drain down to South End Road, to keep from having a new pump station.
- Mc Laughlin School is over crowded with lack of school funding. The school is worried about a large development going in. It could increase class sizes to 40 students to a class.
- There is no park area except the school.
- Vandalism is increasing at the school.
- District Business Manager Ken Rezac stated in a report that development would make the district need a boundary change for schools.
- Inadequate transit for apartments and housing.
- Small park in development is private not public. May be for apartments and not houses.
- South End Road does not have sidewalks for school kids to walk on. It will require kids to walk on a dangerous road or bussing.
- Need a park in the area parks are too far away. People cannot use School Park while school is in session.
- Water is a large issue.
- The water table is high, ditches are through out the property, lawns are like sponges, and water runs freely on the property and surrounding properties.
- South End Basin Plan needs to be followed.
- One Rose Road Owner has water under his house; he has French drains and sump pumps. Water stays on the ground until the rainy season is over.
- Dry wells do not work, they bubble up.
- Detention ponds and wetlands are far away from some of the residents who will have larger water problems with a large PUD.
- Concrete a pavement will make drainage worse.
- PUD site is sitting on area that has a clay soil that permeates water very slowly. Topsoil is only 1 or 2 inches.
- Some residents cannot put in a basement because of the water problem. Especially houses at the far end of the road.

April 25 is the dead line for comments or questions to be added to the staff report.

Hearing is May 12 (a) 7:00 p.m. at City Hall. Can bring information up at meeting.

The following is a list of 4 specific points that the neighborhoods would like addressed by the City.

 Zoning - Concern about whether the land is appropriately zoned. It should be R-10. R-6 allows density that is incompatible with the environment and livability with surrounding area.
- 2. Traffic- There are concerns about high volume on a narrow road (narrow road variance requested) with one exit for over 105 families. Plus traffic concerns on South End Road. There will be a decrease in the quality of intersection at Warner Parrott and South End Road. Also there will be an increase in trips on the road from less than 100 a day to more than 800 a day on Rose Road. Mass transit is inadequate for density.
- 3. Schools-There is a concern on how this will adversely impact the schools. There is concern that boundary changes would be needed, which would require small children to be bussed. Based on school district figures it is estimated that class sizes will increase to 40 children per class. There is no plan to address this problem. There are also concerns about maintenance of facilities, vandalism, and park use. Additional dollars from other subdivisions are not currently solving these problems.
- 4. Water- given the amount of ground water in the area there is a concern that the increased density will adversely affect the surrounding residents and people in the subdivision with flooding.
 - Ground is saturated.
 - Loss of surface area will cause a loss of recharging of ground water.
 - And soil composition does not support quick recharge.

The meeting ended at 8:00pm.

Respectfully submitted by Kathy Robertson.

Tack Roberton

DATE.

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Oregon City Planning Division,

I am writing this letter in response to a recent building proposal notice that I received in the mail. The file numbers for the proposal are PD 03-01, WR 03-01, and VR 03-11. The notice indicates that the area of land directly adjacent to my back yard property line may soon become the home of a sprawling apartment complex, a series of row houses, and yet another crowded subdivision. I have several concerns with this proposal for land use and after the initial panic wore off I chose to list them out in writing as the notice suggests.

My first concern deals with the apartment complex. From what I understand it will be located along South End Rd. The distance from that location to my back yard is enough that it probably won't affect my family very much but it will affect many of my neighbors. With almost a decade of community policing experience, I have found that there are certain problems that crop up far more frequently in an apartment community as opposed to residential home owner neighborhoods. Noise, parties, fights, and domestic disputes happen more often in multi-family units. There is also the potential for car prowls, vandalism, and other issues that can overflow into the surrounding area. People who look at the comparison logically find that home owners generally have more respect for neighbors and the neighborhood than do renters. Renters are almost always temporary residents while home owners have a vested interest in the location they chose to call home.

The row house section, or attached single family homes, will be located much closer to my property and therefore will be that much more of a nuisance. I don't look forward to having a set of 2-story buildings overlooking my back yard and back windows. The proposal also doesn't specify if the row houses will be for rent or sold to home owners as condo's. I hope I don't offend anyone with the 15 foot monster fence I have planned.

I am also concerned with the inevitable increase in traffic and the overcrowding and burden placed on our schools. Over the past 3 years it seems that the City of Oregon City has been in some sort of race to build and populate every piece of available solid ground. South End, Central Point, and Partlow roads used to be easily traveled rural streets. The addition of multiple subdivisions coupled with the glaring lack of attention to the area roads have made travel capabilities dwindle into near gridlock at times. Even general road repair has been neglected, causing Partlow Rd, and Central Point to resemble "Craters of the Moon" in some places. It is more than obvious that by adding even more people to the area the situation will go from bad to worse.

John Mcloughlin grade school has also been pushed to the brink with the unchecked population boom. My daughter's 4th grade classroom has been increased to 32 students for 1 teacher. This type of overcrowding affects the quality of education that all of our children receive. Pair that with an abysmal education budget shortfall and it is easy to conclude that there will be a severe breakdown in the near future should the current trend continue. Being a lifetime resident of "upper" Oregon City, I would seriously encourage people to move elswhere.

There are also some questions with regards to our property values and possible difficulty in selling after constuction is completed. If the property values are expected to drop due to the apartments and town homes nearby, there just may be a mass exodus

Exhibit 1+

from the surrounding home owner contingent. This may further deteriorate the neighborhood. Although I'm not quite finished with our remodeling projects, I am now on the fast track to completion should the need to evacuate arise. We also have 2 small feeder creeks running through the proposed build site. Have provisions been made to protect these from environmental damage?

Overall, I am happy for Mr. Reeder in having the opportunity to sell this land away and make a great deal of money. It appears to have been a very good investment. Given the opportunity I would be inclined to do the same. Unfortunately I feel that any profit made by Mr. Reeder under the current proposal will be offset by the loss to the surrounding neighbors. A more reasonable solution would be to trade the apartment complex and row house section for additional single family homes.

However the decision turns out I am hoping that we will have ample notification. If it goes through as proposed I will need a little time to locate another home and transplant my family elsewhere.

Brett Livingston

May 1, 2003

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

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

Subject: Comments Regarding Limited Land Use Application, PD03-01, WR03-01, VR-03-11, SP03-07, submitted by Paul Reeder.

We would like to preface our comments by saying we and to the best of our knowledge none of our neighbors along South Rose Road object to development of the vacant undeveloped land located on the north side of South Rose Road. We would like to see any development be compatible with the size and pattern of the surrounding residential properties. Hopefully any development would compliment and enhance the liveability of the area rather than having an adverse affect on the surrounding properties.

Comments:

1.Zoning- I question the appropriateness and validity of the R/6 MH zoning applied toTax lot 300. I have attempted to research the records to find when and why this zoning classification was assigned to this property. I was told it was required by the City's Comprehensive Plan.I have reviewed the Clackamas County Comprehensive Plan Map IV-5,Oregon City Area Land Use Plan Map dtd 1992(Atchmnt 1) which designates this property as LR, Low Density Residential.I have also reviewed Oregon State Laws relevent to land use planning and subdivisions. ORS 197.314 (1) states......".within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003 (26)(a)(C). A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (5)". This statute has been in effect for over five years, therefore the comprehensive plan should have been amended many years before this property was annexed and in as much as this property was zoned for single family residential uses, siting of manufactured homes on the property was defined in west without any other zoning.

A. This property was zoned FU-10,Low Density Residential prior to annexation into Oregon City by a majority vote of the Oregon City voters at the Nov 2,1999 Special election.

(1).OC Comp Plan Pg G-1,G-2,G-3 states-"Transfer of county land use designations (as shown on their 1980 Comprehensive Plan Map) to city land use designations and zoning classifications. Proposed zone changes will remain consistent with the broad land use designations developed for the UGB area by Clackamas County".

(2) Annexation Proposal AN-99-03, Pg 2, para 6. states......." The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is Future Urbanizable on the Countys' Northwest Urban Land Map (map IV-1) and Low Density

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Exhibit 18

Residential (LR) on the County's Oregon City Area Land Use Plan (MapIV-5). Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available".

Page 16,para 16.states......"The City's Plan provides that the city will process a zone change from County FU-10 to a city zone designation that corresponds to the County's Comprehensive Plan designation of Low Density Residential . Oregon City has three zones that may be applied to the County's Low Density Residential plan designation: R-10,R-8 and R-6. The City's comprehensive plan provides that the zoning decision will be made through a quasi-judicial proceeding that addresses the City's comprehensive goals and policies and compatibility with the land use pattern in the area established by the comprehensive plan".

OCMC Chap 17.06.050 Zoning of annexed area.Table 17.06.050 City Land Use Classifications states: Property having a Low Density Plan Designation will receive a City Zone of R-10.

(3)When the adjacent property, Tax lot 1700 was being considered for annexation by the Planning Commission in approx 1988, the city did not have a specific policy as to how newly annexed property would be zoned. It was suggested by Commissioner Alayne Woolsey and approved by other commission members that the policy would thereafter be "Any newly annexed property would be zoned R-10 and when development was desired a different zoning would be considered as appropriate".

(4) I have been told this zoning designation may have been made as a result of the state requiring areas be zoned for Manufactured Home placement and may have been an arbitrary decision that this area be rezoned to comply with state directives. In reviewing city planning maps, it appears the city has rezoned our and several of our neighbors properties from FU-10 to R-6/MH and should any of these properties be annexed into the city they will be rezoned R-6/MH.

(5) I have been advised by city planning staff that the OC Comprehensive Plan was probably changed sometime during the mid to late "90's". The Comp plan requires that proposed changes to the Comp Plan require" Advertisement in local papers 30 days prior and notification to Property owners and renters within 300 feet of affected properties 30 days prior to changes proposed". We, nor any of our neighbors have ever received any notification of proposed changes to the comp plan <u>OR</u> that the rezoning on this property was proposed or that the city was rezoning our properties to the R-6 M/H. Our property is located approximately 30 feet (across S. Rose Rd) from this property.

(6)This property should never have been rezoned to R-6 for the following reasons:

a.High Water Table- This property sits in the South End Drainage Basin. Virtually all of the surrounding properties drain towards or across this property.I have lived across the road from this property for over 50 years and am well aware of the geotechnical characteristic's of the property.I have observed a Ford 8-N tractor stuck near the southeast corner of this property during the month of July and could not be pulled out until late August.

b.In 1996, Oregon City and Clackamas County contracted with Kampe Associates to perform a Hydrologic Study of the South End Basin.(Atchmnt 2)This study found that the soils in this area consist of hydrologic soil groups C and D.Group C-Soils having a slow infiltration rate when thoroughly wet....These soils have a slow rate of water transmission.Group D-Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These soils have a very slow rate of water transmission. Lot 300 consists primarily of Soils group C and the southwest corner being group D. This causes the topsoil above the clay substrata to become marshy and spongy during the winter rain months and takes a long time to dry out. Topsoil in this area varies from 1 inch or so down to perhaps 1 foot.

c.In 1999 the applicant applied for a zone change from R-10 to R-8 on the adjacent property, Tax lot 1700. One of the reasons the zone change was denied was due to the high water table. The applicant had a Hydrologic Report done on the property which said there was no high water table. I believe this report was done in August.I questioned these findings based on my experience walking across the property during the rainy season. I dug 6 holes approx midway between the creek and northern boundary of the property, the holes filled quickly to or near the surface. The hydrologic Report for the current application states the ground water table is two to three feet below the surface. The current Hydrologic report was done Dec 19,2002. On April 26,2003, I dug four holes approx eight inches deep in approx the area where the proposed street crosses the property near lots 22 and 23 and one hole each approx where lot 22 and 23 will be located. (Atchmnt 3) The attached photos show the results.(Atchmnt 4)Both Hydrologic Reports were done during the driest parts of the year before the winter rains.

Considerable research, investigations and studies have been done on this area. OTAK Engineering did a survey of the Oak Tree subdivision area (properties adjacent to east of Tax lots 300 and 1700) for Oregon City to determine drainage problems within the Oak Tree subdivision. Comments from that survey was that "Properties to the south/west of the Oak Tree subdivision was a Virtual Swamp".

d.Properties adjacent to the north boundary of tax lot 300,Tax Lot 302, 18851 S. Rose Road and Tax Lot 301,18835 S. Rose Road have had water in the crawl space and required installation of french drains around the house and installation of a sump pumps.

e.Possible "Constrained" Land. I have a map titled Vacant Land which shows Unconstrained Vacant Land (1996) and Constrained Vacant Land (1996).The map I have is a reduced copy of what I believe is a larger map. It is difficult to determine for sure on this copy, but it appears that the east edge of tax lot 300 is within the constrained area. I asked Christina for a larger map but she could not determine which map it was and had other customers needing assistance so could not take the time to look for it.Copy attached.(Atchmnt 5)

f. Is not compatible with the size and pattern of surrounding properties.All properties surrounding Tax lot 300 are zoned R-10 or FU-10.

g.Inappropriately limits the amount of land available in this area for construction of single family residences on minimum lot sizes of 10,000 square feet.

2. Planned Unit Development.

General Comments: We do not feel a PDU would be appropriate development for these two properties due to the technical constraints addressed above, the impact of the greatly increased residential density on the environment and the incompatibility with the surrounding developed properties. All of the properties surrounding the proposed development are zoned R-10 or FU-10. The applicant had the option to develop these properties under the more locally acceptable R-

10 and R-6/MH standards but decided to take the more speculative (and presumably more lucrative) option of a PUD. The applicant has developed numerous properties in Clackamas county and the surrounding area. He knew or should have known these properties had limited development potential when he purchased them. These proprties, in particular Tax lot 300 was on the market for over 10 years and was viewed by many developers who after evaluating the development potential and possible constraints decided the properties were not suitable for development. Some said they thought the properties were better suited for use as a Nature Park.Oregon City did express an interest in the properties for use as a park but could not negotiate an acceptable purchase price for the properties. A PUD is not intended to compensate an applicant for making a questionable business investment at the expense of the surrounding property owners. There is no requirement that this proprty be developed as a PUD. OCMC Chap 17.64.030 states......"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 fact that the civy has not applied a PUD overlay on these properties suggests these lots may be satisfactorily developed as a standard subdivision development.

Specific Comments: We believe this Application should not be approved as submitted for the following reasons:

(1) Recharging of Ground Water- State Goal 5 requires conservation and protection of natural resources. The higher density will reduce the amount of water that will be retained on site and allowed to soak through the sub soils and recharge the ground water. We and several neighbors have wells as our water source and depend on ground water recharging to replemish our water supply. The water level in our well has dropped approximately 20 feet since development has begun in the South End Basin. The increase in impervious land surfaces (rooftops and pavement) and increased storm runoff has been detrimental to the area wells.

(2)Compatability- The proposed development would not be compatable with the size and pattern of the surrounding residential properties and would change the character of the neighborhood. The development would adversely affect adjacent properties. Development as single family homes on 10,000 square foot lots would be more appropriate and would blend in with the rest of the surrounding properties. A primary goal of Metro 2040 is to provide more housing without changing the character of the surrounding area.

(3) Transition to UGB- The north boundary of this development is approximately 500 feet from the edge of the UGB and is a transitional area between higher density developed urban area and limited or undeveloped rural area.Development at the R-10 density would be more appropriate.

(4) Traffic- Development as proposed is likely to cause considerable problems. The current traffic load on South End Road due to the increased development in the South End Area already makes it difficult to safely enter South End Road during the morning and evening commute periods. Should the development being proposed across South End Road southeast of the intersection of Rose Road and South End Road be completed the additional traffic may require installation of a traffic control device. Development at a lower density would help mitigate the traffic problems.

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(5) Open Space- The applicant proposes 26.3 % of the proposed development for open space. This exceeds the minimum requirement of 20% but much of the space is not readily available to many of the lots. Most of the open space is located on the southern portion of the development. There should be more open space set aside towards the northerly boundary to serve families at that end of the development. Where are the residents going to walk and exercise their pets? With very small lots and little open space We anticipate property owners on the south side of Rose Road will experience problems with trespassers and pets deficating on our lawns and in our yards. This does not promote a liveable environment.

(6) Recreational areas-There is only one area specified as an activity area. The applicant states the closest play area is John McGloughlin school approx 800 feet from the site. The northern boundary of the development is approx 2900 feet from John McGloughlin school. To get to the school would require walking along South End Road as there are no sidewalks along this portion of South End Road. This would be very hazardous. It is unrealistic to expect children to walk over 1/2 mile to play at a playground. Where will smaller, younger children play? The small size of the proposed lots leave little open space on each property for recreational use.

(7) Lot size- Most of the single family lots are approx 50 feet X 100 feet. Lots this size leave little or no room to park a Recreational Vehicle or boat, both of which are quite common in this area. Also, narrow lots often require that the garages are placed in front of the houses on the lots. Will this be another "Snout House" development. This type of home would not contribute to the liveability and character or be comparable to development on the surrounding properties. This would have a serious degrading affect on the surrounding properties.

(8) Schools- This development will have an impact on the John Mcgloughlin Elementary school. The principal at John Mcgloughlin has stated that classes will be increased to 42 students per class next year and when the other developments currently being built in the south end area are completed the school will be further overloaded.

We believe subdivision and development of these properties as a PUD as proposed by the applicant would have a significant adverse affect on our property and all other developed surrounding properties and would contradict the purpose and intent of the Metro 2040 Plan, the Oregon City & Clackamas County Comprehensive Plans and Oregon's Statewide Planning Goals and Guidelines.

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5 ATACHMENTS



FINAL REPORT

HYDROLOGIC STUDY OF SOUTH END BASIN

Prepared for:

CLACKAMAS COUNTY COMMUNITY DEVELOPMENT DIVISION and CITY OF OREGON CITY

Prepared by:

Kampe Associates, Inc.

February 1996



PLANNING ENGINEERING SURVEYING

KAMPE ASSOCIATES 2

this 100-year flood event. Since localized flooding problems are known to exist, it is assumed that the 1977 FEMA study made no analysis of this (then largely rural) area.

Soils Characteristics

Classification of soils in the study area has been made by the Soil Conservation Service; (see **Exhibit 1** for a map of the soil types in the study area). Soils are categorized into *Hydrologic Soil Groups*, based on an estimate of the amount of runoff resulting from precipitation. These groupings assume that the soils are thoroughly wet and receive precipitation from long-duration storms. This rainfall to runoff relationship is complex and includes the *drainage* and *permeability* characteristics of the soil.

Drainage is the removal of excess surface and subsurface water from the soil. How easily and effectively the soil is drained depends on the depth to bedrock, to a cemented pan, or to other layers that affect the rate of water movement; permeability; depth to a high water table or depth of standing water if the soil is subject to ponding; slope; susceptibility to flooding; subsidence of organic layers; and potential frost action. Excavating and grading and the stability of ditchbanks are affected by depth to bedrock or to a cemented pan, large stones, slope, and the hazard of cutbanks caving.

Permeability refers to the ability of a soil to transmit water or air. The estimates indicate the rate of downward movement of water when the soil is saturated. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Permeability is considered in the design of soil drainage systems, septic tank absorption fields, and construction where the rate of water movement under saturated conditions affects behavior. Typical soil permeabilities vary from low values between 0.2-0.6 inches/hour to moderate values between 0.6-2.0 inches/hour to high values between 2.0-6.0 inches/hour.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained t excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Soils in the study area are predominately silt loams on level to moderate slopes. Drainage characteristics for these soils, with the exception of the area of Delena Silt Loam, are moderate. Table 1 summarizes the various soil types found and their hydrologic grouping.

TABLE 1 HYDROLOGIC GROUPINGS OF SOILS				
Soil Legend	Soil Name	Hydrologic Soil Group		
8B · · ·	Bornstedt Silt Loam, 0-8% slopes	С		
24B	Cotrell Silty Clay Loam, 2-8% slopes	С		
30C	Delena Silt Loam, 3-12% slopes	D		
46B	Jory Stony Silt Loam, 3-8% slopes	С		
46C	Jory Stony Silt Loam, 8-15% slopes	С		
64B	Nekia Silty Clay Loam, 2-8% slopes	C		
Source: Soil Survey of Clackamas County, Oregon (U.S SCS)				

Existing Drainage Facilities

The existing storm drainage facilities consist primarily of roadside ditches, culverts and open channels, with two exceptions: storm drains constructed with the Partlow Estates and Cook Street Addition Subdivisions; and "Minor" storm drainage systems, discharging into drainage swales in open space areas, constructed with the older rural subdivisions listed above. (Map of the existing facilities is included as **Exhibit 2**.)

Land Use

The transition of a drainage basin from rural to urban land uses can greatly alter its hydrological response to rainfall. Urban land development is usually characterized by a rapid conversion from farmland and natural vegetative cover to rooftops and pavement. This increase in impervious land surfaces can dramatically alter the quantity and quality of storm runoff. As urban development occurs, the amount of rainfall converted to surface runoff is increased and the amount of rainfall* contributed to groundwater recharge is decreased. If urban development is accompanied by an efficient drainage system, the time needed for surface runoff to reach a stream is substantially decreased. This results in a concentration of stormwater runoff that generally increases peak flow. Greater peak flows can create flooding problems, depending on the capacity of the drainage system and the downstream conditions.

This basin has developed primarily a low-density (approximately two lots per acre), single-family, residential homes, while under the jurisdiction of Clackamas County. More recently, "Cook Street Addition," "Westling Farm," Hazelgrove" and "Partlow Estates" subdivisions have developed with higher density (approximately five lots per acre). The following subdivisions are located within the basin:

Asquith Estates Cook Street Addition Finnegans Terrace 1,2, &3 Longstanding Acres Hazelgrove 1 & 2 Oaktree Oregon City Maywood Park Navajo Hills Estates Partlow Estates South End Terrace South Park Estates Sunview Acres Sunnyridge Acres 1,2, &3 Westling Farm Willaview

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Revised February 6, 1996







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FINAL REPORT

HYDROLOGIC STUDY OF SOUTH END BASIN

Prepared for:

CLACKAMAS COUNTY COMMUNITY DEVELOPMENT DIVISION and **CITY OF OREGON CITY**

Prepared by:

Kampe Associates, Inc.

February 1996



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The four hydrologic soil groups are:

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Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Spils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Soils in the study area are predominately silt loams on level to moderate slopes. Drainage characteristics for these soils, with the exception of the area of Delena Silt Loam, are moderate. Table 1 summarizes the various soil types found and their hydrologic grouping.

HYDROLOGIC GROUPINGS OF SOILS		
Soll Name	Hydrologic Soil Group	
Bornstedt Silt Loam, 0-8% slopes	С	
Cotrell Silty Clay Loam, 2-8% slopes	С	
Delena Silt Loam, 3-12% slopes	D	
Jory Stony Silt Loam, 3-8% slopes	С	
Jory Stony Silt Loam, 8-15% slopes	С	
Nekia Silty Clay Loam, 2-8% slopes	С	
	Soll NameBornstedt Silt Loam, 0-8% slopesCotrell Silty Clay Loam, 2-8% slopesDelena Silt Loam, 3-12% slopesJory Stony Silt Loam, 3-8% slopesJory Stony Silt Loam, 8-15% slopesNekia Silty Clay Loam, 2-8%	

Existing Drainage Facilities

The existing storm drainage facilities consist primarily of roadside ditches, culverts and open channels, with two exceptions: storm drains constructed with the Partlow Estates and Cook Street Addition Subdivisions; and "Minor" storm drainage systems, discharging into drainage swales in open space areas, constructed with the older rural subdivisions listed above. (Map of the existing facilities is included as Exhibit 2.)

Land Use

The transition of a drainage basin from rural to urban land uses can greatly alter its hydrological response to rainfall. Urban land development is usually characterized by a rapid conversion from farmland and natural vegetative cover to rooftops and pavement. This increase in impervious land surfaces can dramatically alter the quantity and quality of storm runoff. As urban development occurs, the amount of rainfall converted to surface runoff is increased and the amount of rainfall contributed to groundwater recharge is decreased. If urban development is accompanied by an efficient drainage system, the time needed for surface runoff to reach a stream is substantially decreased. This results in a concentration of stormwater runoff that generally increases peak flow. Greater peak flows can create flooding problems, depending on the capacity of the drainage system and the downstream conditions.

This basin has developed primarily a low-density (approximately two lots per acre), single-family residential homes, while under the jurisdiction of Clackamas County. More recently, "Cook Street Addition," "Westling Farm," Hazelgrove" and "Partlow Estates" subdivisions have developed with higher density (approximately five lots per acre). The following subdivisions are located within the basin:

Asquith Estates Cook Street Addition Finnegans Terrace 1,2, &3 Longstanding Acres Hazelgrove 1 & 2 Oaktree Oregon City Maywood Park Navajo Hills Estates Partlow Estates South End Terrace South Park Estates Sunview Acres Sunnyridge Acres 1,2, &3 Westling Farm Willaview





29 April 2003

Tony Konkol Associate Planner Oregon City Planning Division 320 Warner-Milne Road Oregon City, OR 97045

Re: Rose Road Land Use Application File Numbers PD-03-01; WR 03-01; VR 03-01

Dear Mr. Konkol,

Our residence at 18851 Rose Road shares a 350-foot property line with the above-referenced property on that same street. We believe the Applicant's property is fundamentally unsuited for the proposed development and therefore are opposed to this application. Our concerns center around these issues:

 Surface and Subsurface Water Residents surrounding this property as well as those throughout the neighborhood have both documented and anecdotal evidence of flooded basements and crawl spaces, spongy lawns and standing water during much of any wet season. We therefore question the validity of the Applicant's studies regarding these issues.

As a result of a 2002 home inspection finding evidence of recurring and pooling water under our home we have, at considerable expense, replaced roof-drain dry wells and installed French drains around the perimeter of our crawlspace which feed into another dry well. On at least two occasions so far this year a sump pump has needed to remove overflow from that drywell and typically ran a day or two following each significant rain event.

Geotechnical engineering tests by the Applicant were conducted on December 19, 2002. We noted with particular interest the report showing TP-10, the test pit nearest our property, had no water at 10 feet. While the entire month of December did have above average rainfall, the preceding 10 months were below average; National Weather Service precipitation records for the Portland-area dating back to 1871 reveal only 16 years have been drier. In fact, the two months preceding the testing were the 4th and 5th driest in recorded history! Relying on observations taken on one day in an unusually dry year cannot possibly represent typical conditions and are statistically invalid. These findings are totally inconsistent with our experiences of crawl space water, overflowing drywells, backed-up drains and standing ground water all less than 100 feet and just a few weeks distant from the Applicant's measurements. The findings also belie the common experiences of most, if not all, neighborhood residents.



The February, 1996 *Hydrologic Study of South End Basin* study by Kampe Associates reports "chronic flooding problems" as a result of the Oak Tree Subdivision's failure to construct adequate storm drainage piping (see Drainage Problems, p-2). The study also indicates the soils in both the Rose Rd. and Oak Tree areas are hydrologic groups C and D – having slow and very slow infiltration when thoroughly wet. In fact, the preponderance of property across Rose Rd. from this development is group D – having the slowest rate of water transmission. The report further states "Urban land development is usually characterized by a rapid conversion from farmland and natural vegetative cover to rooftops and pavement. This increase in impervious land surfaces can dramatically alter the quantity and quality of storm runoff." and "greater peak flows can create flooding problems, depending on the capacity of the drainage system and downstream conditions."

The same Kampe section also mentions some concrete pipes and catch basins have been added to portions of South End Road but also notes that elsewhere existing roadside ditches need improvement and that they are choked with vegetation. The December 1, 1999 City of Oregon City *Findings and Conclusions on Annexation Proposal AN-99-03* notes "typically, larger scale residential subdivisions require the installation of on-site detention facilities in addition to a piped overflow to a City system." (Section 11, p-13) Today, open and vegetation-choked ditches still line both sides of South End Road at the Rose Road intersection. Is this the City system that will handle all runoff from the Applicant's development?

The considerable density of this proposal would cover most of the development with streets, driveways, sidewalks and roofs and therefore afford little remaining area to absorb water in an area that is already unable to do so. In our opinion, storm water falling onto this diminished permeable area cannot help but adversely affect surrounding properties. Further, while some detail is provided how ground water will be addressed adjacent to the wetland areas, we find little to comfort us about possible safeguards for the back portions of the property nearest our residence. Applicant's geotechnical report recommends "surface water drainage should be directed away from structures, and, if possible, roof-drain water should be carried to the street or discharged to the storm drain system." We want assurances that water will not be directed toward our property and that the Applicant cannot construe the "if possible" portion of the recommendation to be an option. The City's 1999 Analysis and Findings / Conclusions and Recommendations (in response to the Applicant's previous proposal for this site) stated "properly addressing these issues upfront is critical to avoid unforeseen groundwater-related problems during and after construction." We contend the Applicant's proposals are inadequate, have failed to address the recognized problems within the neighborhood and are silent to the concerns of adjacent property owners. Can the City or Applicant state with reasonable certainty that surface and subsurface water problems on adjacent lands will not be exacerbated by this development?

 <u>Traffic</u> The residents on Rose Road and Deer Lane have but a single outlet which empties onto an arterial, South End Road. Mass transit on South End is almost non-existent and impractical for most commuting. The Applicant's proposal therefore will likely result in a substantial increase in vehicular traffic; one exit will be available for approximately 100 households. Applicant's traffic analysis indicates a minor increase in wait times to access South End Road. That seems counterintuitive given such an increase in traffic but it may not consider the additional time it will take residents merely to get to the Rose/South End intersection.

3 <u>Schools / Recreation</u> The Applicant states that "...the development may facilitate a boundary adjustment for the Elementary Schools" and "the School District has the responsibility for managing population increases, and can do so by adding classroom space, moving classrooms, etc." And, "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."

Applicant further promotes the use of John McLoughlin Elementary School as "...the closest open space with play structures" in an apparent attempt to deflect a requirement for sufficient open spaces on his property for residents of his development. He further states the school "...is approximately 800 feet from the site or no more than a 0.15 mile walk from most new lots." We know from private discussions with school officials that they do not encourage or endorse this or any use which would further burden overstressed and vandalized school facilities. And, the school district currently requires Rose Road students to be bussed the short distance to the elementary school because of unsafe walking conditions on South End Road; is it therefore advisable to recommend that children walk there for recreation? Finally, a map should be consulted to confirm the 800-foot distance to "most new lots".

While additional homes may promote some funding increases to the educational community, schools and their programs are typically strained whenever populations increase. At a time when school funding problems are the most desperate in memory, the Applicant's statements seem inappropriate and irresponsible.

4. <u>Boundaries / Fencing / Separation</u> We are very concerned about having logical, aesthetic and well-constructed boundaries between our property and the proposed development. With approximately 350 feet of property line bordering the Applicant's property and with extremely small lots and minimal setbacks proposed, we believe adequate visual and physical separation must be established and provision made for its ongoing maintenance. While this may be a part of the Applicant's planning, specific detail is lacking in any documentation we have seen.

The Applicant's proposal is not in keeping with the character, livability and well being of the surrounding neighborhood and community. He has made few if any attempts to recognize or satisfy the concerns of neighborhood. He has provided little information to mitigate ground water concerns, is dismissive toward the problems of schools, has proposed minimal open spaces & other improvements and has generally understated or ignored many potential problems.

Finally, we see no discussion of what recourse we may have in the very real event the Applicant's analyses are incorrect or that he in any way imperils neighboring properties. We understand the City will not accept liability and the Applicant will be long gone once the development is completed. Given that and, in our view, the Applicant's questionable ability to clearly and fully address these issues, we urge the City to aggressively investigate every claim and statement made in this proposal.

We realize growth and change are inevitable and that this neighboring parcel will certainly someday be developed. But growth should be promoted in a manner consistent with sustainable community values, character and quality of life. This proposal is neither the best use of this site nor in the interests of the neighborhood and we therefore request the application be denied.

Respectfully,

Michael A. Tondreau Virginia L. Tondreau

18851 S. Rose Rd. Oregon City, OR 97045 503-657-7997 mtondreau@ieee.org

CENTRAL POINT-LELAND ROAD-NEW ERA COMMUNITY PLANNING ORGANIZATION 11466 Finnegan's Way Oregon City, Oregon 97045

May 3, 2003

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

Attention: Planning Commission

Dear Planning Commission Members:

With reference to the Rose Vista proposal, File PD03-01, and related files, the CPO officers are opposed to Rose Vista as proposed.

There is concern that the existing natural drainage channels as identified in the "Hydrologic Study Of South End Basin" (Kampe Associates, February 1996) will not be adequately protected and preserved. In addition, structural changes to Rose Road, including elevation changes, curbing, sidewalks, etc., may cause environmental degradation to the surrounding properties.

This area is currently developed as single family units, both at rural and urban densities. The addition of apartments and townhouses, the first in this area, significantly alters the character of the area. At a minimum, Rose Vista, if it is approved, should include only single family units at densities not smaller then the contiguous area including Lafayette Avenue.

There is a lack of adequate public transportation along South End Road, and Tri-Met is considering a reduction of current service levels.

The 600+ vehicle trips per day would add further congestion to South End Road and South End hill. During South End hill closures (black ice days, snow, rock falls, flood damage during '96, etc.) there would be additional congestion on other Oregon City streets.

Also of concern would be the resultant school boundary changes for McLoughlin Elementary School, which would be disruptive to the families already residing in the area, some for many years.

Please deny the Rose Vista application.

Respectfully, ames & torel

James A. Kosel Chairperson April 13, 2003

Tony Konkol City of Oregon City PO Box 3040 320 Warner-Milne Road Oregon City, OR 97045

RE: FILE # & TYPE: PD 03-01: Planned Unit Development WR 03-01: Water Resource Review VR 03-11: Pedestrian Lighting Standard Review

Dear Mr. Konkol,

Per our conversation at City Hall the other day, I am writing to you with two concerns regarding the above- mentioned file. I would also like to request that a copy of the staff report be mailed to me, when it becomes available.

r first concern is that the density found in the PUD request is based on Tax Lot 300 being zoned Ro/MH. The entire surrounding area is either zoned R-10 or FU-10 and it is the collective memory of this neighborhood that the piece in question was also zoned R-10. No one that I have spoken to in this area has a memory of being notified of a zoning change of Tax Lot 300. Can you please outline for me the timing of such change and the steps that were taken to notice the affected neighbors?

Second, there is a serious concern in this area about the level of ground water we must all contend with. I see from the plans that there will be a detention pond at the southern corner of Tax Lot 300 and the water will then feed into the existing channel system. Currently, Tax Lot 300 acts as a very big sponge and much of the water in that area slowly seeps into the ground. The building of 54 homes, the necessary roads, etc., will obviously change this. Since all of the newly generated storm water will dump into the channel system, instead of being absorbed, subsequently ending up on my property, I am concerned that the water flow on my property could increase in volume and velocity. Any change in these parameters would also significantly affect the property located at 19024 S Rose Road, as the channel continues across the back of that piece.

Thank you for taking the time to consider my concerns. I look forward to your reply.

Sincerely,

Wain

F hleen Galligan ^J 10396 S Rose Road Oregon City, OR 97045 503-656-5832

Exhibit 21

I 1

To: Oregon City Planning Commission Tony Konkol, Associate Planner

Subject: Proposed building project on Rose Road

Date: May 1, 2003

We can not imagine anyone building 84 homes on the proposed sites on Rose Road. Mr. Reeder planned to build on the front section a few years ago and the Rose Road Neighborhood Assoc. presented legitimate concerns and the project didn't proceed. Now we are back to square one and the concerns are even greater.

First of all this area has a very high water table with underground springs and floods every year. Where will all this water go? --under their houses and across the road into the neighbor's yards. These neighbors have problems every year with water in their yards. There have been several years that water goes across the road and it is like a big pond. We live at the end of Rose Road on an acre and there is lots of space for the water to go. When we get too much rain the ground becomes like a sponge. We have had 18 inches of water under the house and the water even has gone into the heating ducts. Yes, we have to use a sump pump to extract the water. If Mr. Reeder does build that many houses on that site, every house should be required to have a built in sump pump because they will need them.

Traffic will be a nightmare. The report projected that 800 cars would use the road daily. It is difficult now especially turning on to Rose Road from South End. It is a safety issue. I have been nearly rear ended on several occasions. Now the problems driving in and out would be multiplied. What about fire trucks and emergency vehicles trying to get down the road? During peak hours there will be traffic jams.

What about city services increased to accommodate this area? City police would need to be increased and that doesn't look promising. We have a brand-new fire station which remains closed. McLoughlin School is already too full. We were told you are not concerned with the schools because that is their problem. Since the tax payers have to pay for all of these services we should consider the school problem as well as the others.

We are not against building in this area. Larger sized lots and a reasonable number of well constructed homes would be desirable. Cramming 84 homes on this projected site is unrealistic and will affect the livability of this whole area.

Thank you for your time,

Kathy & Jim Worden 18835 S. Rose Rd. Oregon City, OR 97045 503.655.9506

April 4th 2003 18845 Lafayette Avenue Oregon City, Oregon 97045

Oregon City Planning Division Oregon City Hall 320 Warner Milne Road Oregon City, OR 97045

To Whom It May Concern:

As a resident near Rose Road and South End Road, I am have concerns regarding the applied for building (PD 03-01, WR 03-01, VR 03-22, and SP 03-07) projects.

Assuming that wetlands drainage can be approved, I continue to question the proposal. Am I correct in assuming that these properties are the very edge of the Oregon City boundaries? I would think that city planners might have some consideration of greenspace at the very edge of the city.

These properties represent the quickly disappearing characteristics of historic Oregon. We need new development, but we also need to preserve some areas to remind us: "This is Oregon!"

The acres on Rose Road are a great example of a "grown over farm". Wild birds and deer feed on the old apples, native plants abound in the area, and a chorus of frogs fills the spring air. Why not preserve something of this natural beauty?

These properties should be preserved serving as parkland or wetland sites. I believe that residents of this area would be willing to pitch in to keep the place orderly and presentable until the city can make a better decision.

The owner has been a good neighbor and I would hope that he would get some satisfaction knowing that a remnant of old Oregon can be honored in his name.

I plan to take photos, petition neighbors, and further contact city hall. Thank you for taking the time to read my letter, please put a copy in the appropriate file.

Yours Truly, William F. Wigmore

503-722-2992 geetar19@aol.com

Exhibit 23

Finnegans Terrace Property Owners Association

P.O. Box 839 Oregon City, Oregon 97045

May 9, 2003

To:

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

Attention:

Planning Commission

Dear Planning Commission Members:

Representing the Home Owners Association Officers and the residents of the Finnegans Terrace I am writing in opposition to the Rose Vista proposal, File PD03-01.

We are extremely concerned that changing the zoning for the proposed development will be a severe and degrading deviation from the current single family unit, rural and urban neighborhood planning. In the 25 years we have existed as a neighborhood under the current planning code we have witnessed much development in our area, including the most recent addition of the Parish Grove development. Development has been held to low density neighborhoods, similar to ours, and therefore has been of low impact and has served to add value to the adjacent lands. The current Rose Vista proposal is not compliant with any of the neighboring developments, will degrade home owner values with high density housing, and will change the rural and urban texture of our community.

Adding high-density homes with a lower income housing base will increase crime in an out-of-the-way portion of Oregon City. Last summer we witnessed the reduction of South End Store hours due not to a lack of business, but because of the increase in crime during the late hours. Further degrading and even crowding our neighborhoods will only aggravate this problem.

Other infrastructure problems abound. South End road itself is highly susceptible to freezing in the winter because of it's proximity to the Willamette river. South End is accessed through two under scaled and dangerous intersections both interfacing Highway 99. Tri-Met is reducing service levels to the South End area. Without public transportation, six hundred additional vehicle trips will nearly double the traffic in the 3 square mile area, (this is a generously low estimate as most families have *more* than one car) around Rose Vista. This will increase traffic activity at McLaughlin School and endanger our children leaving the school as well. Pedestrian access to adjacent neighborhoods and the school is only through exposed bicycle paths along South End that are right at the level of the street. Adding additional traffic that tends to illegally pass on the right, crossing into these lanes, will no doubt result in serious injury for children and parents walking to and from the school.

Drainage for the Rose Vista development will either have to be onto adjacent (currently pristine) rural lands or onto South End Road itself, where no storm drain system exists.

Exhibit 24

The tiny plot of land would be straining with the run-off of the apartment buildings and parking lot with no green space for absorption of the rain water. This is not only degrading to the adjacent water table, but will cause standing water issues on the narrow Rose Vista Avenue and on the well-traveled South End road itself.

Rezoning Rose Vista is a very bad idea. The officers of my association wish to be on the record in opposition.

Respectfully,

Thin Anticiplanal

Russ Woodward President; Finnegans Terrace Property Owners Association





This map is for planning purposes only. Mapped wetland and riparian bound very one flagged in survey of timbes note 48 a dedication study. Down of for on-site verified wetlands are accurate to within 25°. There may be exceptor unmapped wetlands subject to regulation. In all cases, actual field conditionation work is proposed, you advised to contact the Oregon Division of State Lands or the U.S. Army Correspondences with regulatory questions. This study was funded by an Or Department of Land Conservation and Development periodic review plan grant.



320 Warner Milne Roa Oregon City, Oregon 9704





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 03-11	Complete: March 26, 2003 120-Day: July 24, 2003	
APPLICATION TYPE:	Type III	Extended to: August 7, 2003 Extended to: August 21, 2003	
HEARING DATE:	August 25, 2003Extended to: October 2, 20037:00 p.m., City Hall320 Warner Milne RoadOregon City, OR 97045		
APPLICANT/OWNER:	Paul Reeder 10893 Forest Ridge Lane Oregon City, Oregon 97045		
APPLICANT'S REPRESENTATVIES:	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:	OCATION: Map 3-1E1CD Tax Lot 300 and 3-1E-1A, Tax Lot 1700. The subject site is located west of South End Road and north of Rose Road.		
REVIEWER:	EWER: 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 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 applicant applied for a Zone Change from R-10 Single-Family to R-8 Single-Family and a 41 – lot Planned Unit Develop for tax lot 1700 on September 3, 1998. The request has unanimously denied by the Planning Commission following a public hearing on April 26, 1999.

Tax lot 300 was annexed into the City of Oregon City (Planning File AN 99-03) following a public hearing on May 19, 1999. The property has annexed in as LR/MH: Low Density Residential/Manufactured Housing. The only zoning designation available under the LR/MH Land Use designation is "R-6/MH" Single-Family/Manufactured Housing Dwelling District. The Comprehensive Plan designation for this property was amended from Low Density Residential to Low Density Residential/Manufactured Housing per City Ordinance 92-1029 (See File PD 03-01).

The original application proposed a PUD consisting of 52 detached single-family dwellings, 14 attached single-family dwellings, and an 18 unit multi-family development. The application was revised on April 21, 2003 to request a PUD consisting of 52 detached single-family dwellings and 24 attached single-family dwellings. The applicant was revised on April 30, 2003 to request a PUD consisting of 51 single-family detached units, 24 single-family attached units, and a realigned road system. The final revision, dated August 3, 2003, consists of 52 single-family detached units, 24 attached units, open space, and a 10-foot wide pedestrian pathway (Exhibits 2).

The applicant has proposed an approximately 1,190-foot pedestrian walkway connecting South End Road to the internal street systems of the proposed PUD. The walkway will cross two Water Quality Resource Areas and the open space associated with the PUD. 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 3).

BASIC FACTS:

- 1. **Location.** The development is located northwest of South End Road and northeast of Rose Road and identified on the Clackamas County Tax Assessor Map as 3S-1E-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700 (Exhibit 1).
- 2. **Existing Conditions.** The 16.02-acre site comprises two heavily vegetated fairly flat tax lots above the Willamette River. Tax lot 1700 contains an old vacated home and tax lot 300 is vacant. The site slopes mildly at 1 to 3% toward two broad swales in the central portion of tax lot 1700. The jurisdictional wetlands on the site currently form the headwaters of an unnamed stream that is a tributary of Beaver Creek.

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

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

- **West:** The property to the west of the site is developed with a single-family dwelling and is located outside the Oregon City city limits. The Comprehensive Plan designation for the parcel is Low-Density Residential/Manufactured Housing.
- **East:** South End Road is directly east of the site. East of South End Road are two parcels zoned R-10 Single-Family and developed with single-family dwellings.
- 4. **Project Description.** The Preliminary Planned Unit Development (PUD) includes the development of an approximately 1,190-foot long pedestrian accessway connecting South End Road to the internal roadway system of the PUD. The accessway will cross two Water Quality Resource Areas, three residential areas, and an open space/recreation area. 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 3).
- 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 March 28, 2003. The subject site was posted on April 7, 2003 and the Planning Commission Hearing was advertised in the Clackamas Review on April 9, 2003. The public notice indicated that any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. No comments were received concerning he variance request.

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements Title 12, Streets, Sidewalks, Public Places Title 17, Zoning:

Chapter 12.24, Pedestrian/Bicycle Accessways 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 two drainage channels that must be protected. The site is a long, narrow parcel that is between an existing development to the north and Rose Road to the south. 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 within and to surrounding developments and streets. There was no pedestrian or street connection provided from the subdivision to the north of the site and the two water features on the site prevent the connection of the interior street system to all areas of the subject site and South End Road, thus requiring the applicant to provide a pedestrian connection and adequate pedestrian circulation throughout the proposed development and to South End Road. The pedestrian walkway, an alternative to the sidewalk on Rose Road to provide connectivity to the three distinct housing areas and South End Road, will traverse through two water resource areas. 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 existing adjacent development.

Due to a lack of pedestrian and automobile connectivity to the subdivision to the north of the site, 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. Additional connections to surrounding properties or crossing the natural resource areas with roadways would alleviate the need for the pedestrian walkway, and the 3 foot-candle minimum lighting standard associated with the walkway, since a roadway connection would provide pedestrian connectivity and the associated sidewalk is not required to meet the pedestrian lighting standard.

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 pedestrianscale 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 03-11, 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 03-11 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 west of South End Road and north of Rose Road and identified as Clackamas County Map 3-1E1CD Tax Lot 300 and 3-1E-1A, Tax Lot 1700.

EXHIBITS:

- 1. Vicinity Map
- 2. Site Map
- 3. Supplemental Information: Application for Land Division and Planned Unit Development: Additional Discussion Regarding Design Review; dated August 3, 2003

Planning Files: PD 03-01, WR 03-01, VR 03-11, and SP 03-07





















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Supplemental Information: <u>Application for Land Division and Planned Unit Development</u> <u>Additional Discussion Regarding Design Review</u> Revised August 3, 2003

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Applicant	Paul Reeder 10893 S. Forest Ridge Lane Oregon City, OR 97045 (503) 655-6494
Representative	Sisul Engineering 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	Northwest of South End Road, northeast of Rose Road
Legal Description	Tax Lots 300 (3-1E-1CD) & 1700 (3-1E-1A)
Zoning	Tax Lot 300: R-6 MH Tax Lot 1700: R-10
Site Size	16.02 Acres Tax Lot 300: 6.5 Acres Tax Lot 1700: 9.52 Acres
Proposal	Planned Unit Development and subdivision to create lots for 52 detached single-family residences, and 24 attached single-family residences and site plan and design review for 14 of the attached single-family residences.



Supplemental Information

The applicant requests a Planned Unit Development ("PUD"), to include 52 lots for single-family detached dwellings, 24 lots for single-family attached residences. Site plan and design review ("SPDR") is requested for 14 of the lot single-family attached dwellings (Lots 53 thru 66). Site plan and design review is not requested for the 10 attached units near South End Road (Lots 67-76). The applicant did not have time to develop rear entry garages for inclusion with this submittal and will submit later for the design review on Lots 67 through 76.

The purpose of this supplemental submission is to consider whether the application for subdivision and PUD can be approved without design review. In our view, the answer clearly is affirmative.

The purpose of this submission is also to provide a review of the standards and criteria for site plan and design review insofar as applicable to the portion of the development proposed for 14 of the lots for single-family attached residences.

Applicable Criteria and Standards

Applicable criteria and standards of the Oregon City Development Code include the following, reproduced here for convenience:

Title 17 Zoning

Chapter 17.62 Site Plan and Design Review

17.62.010 Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-6/MH, RC-4, and RD-4 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. Chapter 17.64 Planned Unit Development

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.

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.

17.64.090 Preliminary PUD plan--Required plans.

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 multiphase 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.

17.64.140 Design review.

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

Site plan and design review is required for a planned development (17.62.030). However, as single-family detached residences are exempt from SPDR (17.64.140), SPDR applies only to the single family attached dwellings portion of the proposed development.

When is SPDR required? Section 17.64.140 states that an applicant "may" seek concurrent review of the PUD and SPDR. The timing of the review is at the applicant's discretion, however the process must be accomplished before development permits are issued (17.62.030).

The requirements for a PUD and SPDR overlap in the consideration of natural features in the arrangement of a development (see Sections 17.62.010 and 17.64.010, especially subsection "B").

SPDR approval is not necessary for approval of a plat. Creation of a lot (platting) does not necessarily require SPDR. Land division follows a parallel course, with a separate set of requirements for creation of lots, connectivity, and preparation of a plat.

The applicant has provided information that is sufficiently detailed to demonstrate that the proposed development creates new lots and preserves natural features, and thereby satisfies the criteria for the PUD. The natural features are, in fact, integrated into the arrangement of the various aspects of the development and serve as natural separations between the different housing types and areas. The criteria for SPDR would not add additional requirements for the protection and enhancement of the open space and natural resource areas, but is directed more towards the aim of enhancing compatibility with surrounding, existing properties and developments. This can be accomplished at present for the northwesterly 14 attached single family residences (Lots 53-66) and at a later point, when plans are designed, for the southeasterly 10 single family attached unit lots (Lots 67-76).

The applicant recognizes that SPDR is required for attached housing and provides additional information in this narrative to demonstrate that standards and criteria can be satisfied. At this time, the applicant does not have building plans, landscaping plan, or site plan for the proposed 10 unit single family attached units (Lots 67-76) site and suggests that the City include this as a condition of approval (although the requirement in the Code that SPDR shall be accomplished prior to development permits should be sufficient to guarantee that SPDR will occur). The applicant is committed to working through future processes to provide the city with the type and design of development that is complementary to the site and adjacent uses.

Site Plan and Design Review

In the center portion of the development the applicant proposes to construct single-family attached dwellings as seven buildings on fourteen lots (Lots 53-66). Site plan review is required for this portion of the development.

17.62.010 Purpose. The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

Response: The project has been designed with consideration for two natural drainage channels that cross the site. The multi-family lot is separated from the attached single-family portion of the development by one of the drainage channels, and the attached single-family dwellings are separated from the detached residences by the second channel.

The drainage channels are protected within open space tracts that will be landscaped as shown on the Proposed Landscape Plan, included with this submission. Additional landscaping may be required within the channels with the Water Resources Permit.

The purpose of SPDR is satisfied by compliance with these requirements and those pertaining to the PUD.

17.62.020 Preapplication review.

Response: A preapplication conference was held with the staff to consider the project in its entirety on July 31, 2002.

17.62.030 When required. Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-6/MH, RC-4, and RD-4 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to ... planned developments....

Response: SPDR is required for the fourteen lots proposed for single-family attached dwellings (seven buildings).

17.62.040 Plans required.

Response: Plans have been submitted with this supplemental information and with the original application that satisfy these requirements. A landscaping plan has not been provided for each lot, as this has been left as the choice of the future homeowners.

Particular plans or information may be waived if not considered essential to the review of a particular application (see 17.62.040.I). The applicant believes that this supplemental submission, with the original application materials, is sufficient for the review, but is willing to work with the staff and Planning Commission to assure that necessary information is available.

17.62.050 Standards.

A. All development shall comply with the following standards: 1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping shall include a mix of vertical (trees) and horizontal elements (grass, groundcover, etc.). The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the central business district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

Response: Please refer to the landscaping plan for the attached residential portion of the development. Plantings are proposed for the open space areas excluding the protected portions of the water resource areas. A rose theme is employed, in keeping with the name of the fronting street.

Building, patio, sidewalk, and driveway will occupy approximately 1,550 square feet for each lot area, leaving approximately 1,950 square feet available for landscaping by the future property owner. A minimum of 50% of lot areas will be "green" with at least one street tree on each lot. Lots 55-60, abutting the neighboring subdivision, will have one tree in each rear yard. These lots (Lots 55-60) are ten feet deeper than the lots that abut open space areas. At least six shrubs will be planted per lot, with at least two of the shrubs located in the front yard.

Open space areas, including the natural resource areas along the designated drainage channels, cover more than 24% of the site. Landscaping is proposed for the portion of the open space that is not included within the natural resource or required buffer, which are subject to different requirements.

The combination of landscaped area on lots and within the open space areas more than satisfies this requirement.

2. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. Consideration may be given to common driveways, shared parking, increased setbacks, building heights, and the like.

Response: Please refer to the site plan and elevations. Proposed attached residences will be similar in scale and design to the single family detached residences in adjacent developments. Exterior siding material will be "hardie plank" which looks wood shingle siding, in colors of off-white, light browns, and light grays. Trim will be cedar batten boards. Roofing will be "Architectural 80" composite. Windows will be vinyl trimmed. These materials are similar in appearance to those commonly used for dwellings in adjacent subdivisions, so the proposed buildings will be compatible in scale and appearance.

3. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

Response: Please refer to the plans submitted with the original application, the Grading and Erosion Control Plan (Sheet 4).

4. Development subject to the requirements of the unstable slopes overlay district shall comply with the requirements of that district. The review authority may impose such conditions as are necessary to minimize the risk of erosion and slumping and assure that landslides and property damage will not occur.

Response: No unstable slopes or other physical conditions that could present a hazard for development of the site have been identified. A geotechnical report is included with the application.

5. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

Response: Drainage is provided in accordance with City requirements. Please refer to the Proposed Utility Plan (Sheet 3).

6. Parking, including carpool, vanpool and bicycle parking, shall comply with city parking standards....

Response: A double car garage is provided for each dwelling, in compliance with City standards.

7. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards....

8. Circulation boundaries within the boundary of the site shall facilitate direct and convenient pedestrian and bicycle access....

Response: Sidewalks are planned for both sides of the internal street and both the Rose Road and South End Road frontages. In addition, an internal pathway system links the three sections of the development, with the pathway from the cul de sac for the single family attached dwellings connecting to South End Road along the site's west boundary. Requirements for pedestrian and bicycle accessways, found in Chapter 12.24 Pedestrian/Bicycle Accessways, are discussed in a following section.

9. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas....

Response: A homeowners' association will be created to provide for maintenance of commonly owned facilities.

10. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties....

Response: Outdoor lighting will include a street light and lights on the dwellings at doorways as typical for a single-family residence. Additional lighting is required for the accessways, as discussed in the following section of this narrative that covers Chapter 12.24.

11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved outside buildable area.

Response: Trees are preserved within the water resource area and associated buffer. Very few trees are located on the site and most will be lost to construction related impacts. Street trees and future plantings associated with the residences will mitigate this impact.

12. Development shall be planned, designed, constructed and maintained to protect water resources in accordance with the requirements of the city's water resources overlay district, Chapter 17.49, as applicable.

Response: Two identified drainage channels are protected within open space areas.

13. Development shall comply with applicable city regulations protecting natural resources....

Response: No inventoried resources other than the drainage channels have been identified on this site.

14. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference....

Response: Proposed uses are residential so no unusual emissions or odorous gases are anticipated.

15. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development....

Response: Public utilities are provided in compliance with City requirements. Please refer to the Proposed Utility Plan (Sheet 3). No service provider has indicated that there is a lack of capacity to accommodate this development.

16. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided, consistent with the city's transportation master plan and design standards and this title....

Response: Rights of way are proposed to be dedicated and improved in compliance with City requirements.

17. Major industrial, institutional, retail and office developments shall provide direct, safe and convenient bicycle and pedestrian travel....

Response: A residential development is proposed; this requirement does not apply.

18. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development....

Response: A residential development is proposed; this requirement does not apply.

19. All utility lines shall be placed underground.

Response: All utilities will be installed underground as required

20. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Response: Applicable requirements will be satisfied.

21. Pedestrian/bicycle accessways shall be provided as appropriate in accordance with the requirements and standards in Chapter 12.24 and such other design standards as the city may adopt.

Response: Please refer to the response to specific requirements of Chapter 12.24, in a following section. Sidewalks are proposed adjacent to all streets and a network of pathways provides connections between the three sections of the development and South End Road. The pathways also provide access to the open space and recreation areas, so are not, strictly speaking, limited to the functions of an accessway simply connecting streets where vehicle access is not feasible.

22. In office parks and commercial centers....

Response: A residential development is proposed; this requirement does not apply.

B. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria....

Response: The applicant anticipates that there will be reasonable conditions of approval to ensure that the development satisfies all standards and criteria in the City Code. For example, a condition requiring SPDR for the multi-family lot is acceptable and reasonable, as the applicant does not have plans for this lot at the present time. The City may wish to attach other conditions that reasonably guarantee that the project is completed in accordance with applicable requirements.

Chapter 12.24 Pedestrian/Bicycle Accessways

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

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

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

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

12.24.040 Development standards.

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

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

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

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

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

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

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

The accessway between the single family detached and single family attached area is approximately 450 feet in length. The pathway from the single family attached street termination, past the recreation area and across the drainageway to South End Road, is approximately 600 feet in length. Except for the initial 100 feet of the first accessway, which lies between a lot and a detention pond and the final 180 feet of the second pathway which lies adjacent to a proposed parking area and attached lot, both pathways are within the large open space tracts.

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

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

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

Response: The applicant believes that lighting is appropriate, but that the "three foot candle" requirement for lighting level is far too intrusive for the open space and natural resource area that is also located along the rear property lines of adjacent residences. The 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: Vegetative screenings will be provided adjacent to existing and proposed lots. See landscape architects plans for details.

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

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

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

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

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

Landscape requirements of the Paragraph H will be met as shown on the Landscape Architects plan, this includes trees and evergreens. See landscape plan for details.

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 and natural resources areas that the accessways will traverse.

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 two drainage channels that must be protected. The site is a long, narrow parcel that is between existing development (north) and Rose Road (south). 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 a street light at each end of the west pathway and at the west end of the eastern pathway. Additional lighting will be provided as required to the meet the City's pathway standards or the variance to that standard as proposed herein.

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 (natural resource areas) and adjacent development (existing subdivision). 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.

Conclusion

The applicant believes that this supplemental submission addresses applicable requirements of SPDR for the 14 attached single-family dwellings in the central portion of the proposed subdivision (Lots 53-66) and PUD and demonstrates the project's compliance. The applicant has also explained why SPDR cannot be accomplished at this time for the other 10 attached single family units, but can be completed following platting for the subdivision and prior to any development of the site without circumventing the purpose or intent of code requirements.

The applicant believes that the information in this supplemental submission justify the following conclusions:

1. Approval of the subdivision and PUD, with SPDR for the 14 attached single-family dwellings proposed on Lots 53-66 is justified as applicable criteria and standards are satisfied, or can be satisfied with conditions of approval.

2. Approval criteria for the PUD overlap criteria for SPDR, particularly with respect to integration of a development with natural features. Therefore, approval of the other 10 single family attached units (Lots 67-76) as part of the subdivision/PUD without SPDR does not circumvent application of City requirements.

3. The applicant does not have specific plans suitable for SPDR for the 10 single family attached units proposed on Lots 67-76 at this time and acknowledges that SPDR will be required prior to approval of any development permit.

4. SPDR is a discretionary review, so postponing this requirement for the southeasterly 10 single family attached units does not improperly shift the process to a strictly administrative process.

5. A variance to the code standard for lighting level for accessways is appropriate and will cause less intrusion and impacts for adjacent properties and for the open space and natural resources that the accessways will serve.