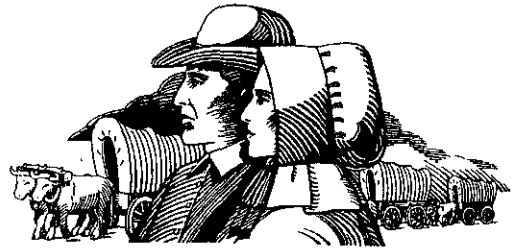


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

City Commission Chambers - City Hall

April 14, 2003 at 7:00 P.M.

The 2003 Planning Commission Agendas/Minutes, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.oregocity.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. **APPROVAL OF MINUTES:** *None available*
- 7:05 p.m. 4. **HEARINGS:**

PZ 03-01 (*Quasi-Judicial Amendment to the Comprehensive Plan Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for an amendment to the Comprehensive Plan for 9.23 acres from Low Density Residential/Manufactured Housing to Low Density Residential for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

ZC 02-04 (*Quasi-Judicial Zone Change Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for a Zone Change of 9.23 acres zoned R-6 Single-Family/Manufactured Housing District to R-6 Single-Family Dwelling District for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

WR 02-18 (*Quasi-Judicial Water Resource Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.1 of the Oregon City Municipal Code for the property identified as Map 2S-2E-28AD, Tax Lot 4300.

- 8:45 p.m. 5. **NEW BUSINESS:**
- 8:50 p.m. 6. **ADJOURN**

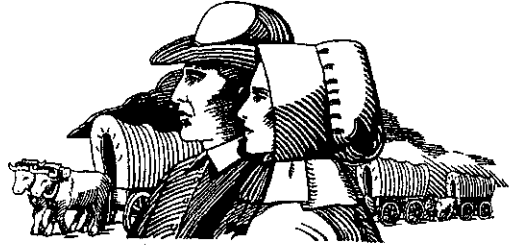
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: PZ 03-01

Complete: February 12, 2003
120-Day: Not Applicable

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034

REQUEST: Comprehensive Plan Amendment from LR/MH: Low Density Residential /Manufactured Home to LR: Low Density Residential.

LOCATION: 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900) and a second parcel with no site address and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval

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

I. BACKGROUND:

The applicant is requesting a Comprehensive Plan Map amendment from LR/MH Low Density Residential/Manufactured Housing to LR Low Density Residential for two parcels of approximately 9.23-acres identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lots 4200 and 4300 (Exhibit 1).

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, a Water Resource Determination (File WR 02-18), a Type III Land Use Decision, and a Zone Change (File ZC 02-04), a Type IV Land Use Decision. The subject site is located on the south side of Holcomb Boulevard, west of the Wasko Acres subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on two parcels designated LR/MH Low Density Residential/Manufactured Housing. One parcel is located at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which does not have a site address, is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Amendment to the Comprehensive Plan was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 2a) and the Oregon City Director of Public Safety (Exhibit 2b), both of which indicated that the proposed Comprehensive

Plan Amendment does not conflict with their interests. Comments were received from the Oregon City Public Works Department (Exhibit 2c), Oregon City Engineering Department (Exhibit 2d), and David Evans and Associates (Exhibit 2e), which reviewed the Traffic Impact Study provided by the applicant. The comments have been incorporated into the staff report.

III. DECISION-MAKING CRITERIA:

A. Oregon City Comprehensive Plan, Chapter O, Plan Maintenance and Update

The Plan change application shall include the following, to be provided by the applicant:

(A) A description of the specific change proposed, including the legal property description;

Finding: **Submitted.** The applicant provided a narrative describing the proposed change and a legal description of the property.

(B) A statement of reasons for the proposed change;

Finding: **Submitted.** The applicant has indicated that the primary reason for the Comprehensive Plan amendment is “to eliminate the Manufacture Home designation for the property.” The applicant has offered a reason for the proposed change and therefore has met this requirement.

(C) A factual statement of how the proposed change meets a community need or Comprehensive Plan policy;

Finding: **Submitted.** The applicant states that the proposed change meets a community need by providing “single-family detached housing.” The proposed change in land use meets the Housing Element of the Oregon City Comprehensive Plan that states:

The city's intention is to provide for a variety of housing types at a range prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

(D) A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties;

Finding: **Submitted.** The applicant indicates that the proposed change will not adversely affect community facilities, natural resources, transportation system, or adjacent properties. The applicant is requesting a change from LR/MH, which allows a density of 6.4 dwelling units per acre, to LR, which allows a range of densities from 4.4 to 7.3 dwelling units per acre. Sufficiency of facilities is determined by looking at the potential impacts to those services from the change in land use designation. The worst-case scenario for the land use would increase the dwelling units per acre by 0.9 housing units per acres. The Park Place Neighborhood is predominantly designated for such low-density residential development.

Community Facilities

Complies. Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage will be directed to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

Natural Resources

Complies. The applicant indicates that the proposed land use change will not adversely affect any natural resources within the site and that the applicant is proposing to protect the water resource area located within the site by including a Tract "A" on the final plat that will encompass the water resource area.

Adjacent Properties

Complies. The property to the west, recently developed as Wasko Acres, is designated as LR/MH. The properties to the north, south, and west are designated LR. The proposed Comprehensive Plan Amendment from LR/MH to LR will not adversely impact the adjacent properties as both LR and LR/MH permit low-density residential development.

(E) *A statement of how the proposed change complies with LCDC Goals;*

Finding: **Submitted.** The applicant states that the proposed change complies with the goals of the Land Conservation and Development Commission by complying with the City Comprehensive Plan, which was adopted by LCDC on April 16, 1982. Compliance with the Comprehensive Plan is addressed in Section III.C of this report.

Requests for Change:

The method of plan maintenance should be evaluated according to the following criteria:

(1) *Does the proposed change conform with State Planning Goals and local goals and policies?*

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals at the local level. Once acknowledgement occurs, the statewide planning goals themselves are no longer applicable, unless a change in the Plan text is proposed or a Goal Exception is required. The applicant does not propose a change to the text of the goals or policies of the Comprehensive Plan.

The applicable Comprehensive Plan goals and policies are addressed in Section III.C, on page 10 of this staff report. The proposal is consistent with the City Comprehensive Plan goals and policies.

(2) *Is there a public need to be fulfilled by the change?*

Finding: **Complies.** The applicant states that the proposed change meets a community need by providing "a variety of single-family detached housing." The proposed change in land use meets the Housing Element of the Oregon City Comprehensive Plan that states:

The city's intention is to provide for a variety of housing types at a range prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

The applicant states that the dimensional requirements of the R-6/MH zoning designation, the only zone allowed under the LR/MH land use, does not lend itself to creating lots that are suitable for stick built single-family detached housing since the maximum building heights are limited to 20 feet (Exhibit 3).

The LR/MH Comprehensive Plan designation was created by Ordinance in response to a study, identified as the City of Oregon City Manufactured Housing Needs Analysis and Buildable Lands Inventory, dated August 21, 1991 (Exhibit 4). The study was prepared to address the following goals:

- (1) *Oregon City is uncomfortable with Clackamas County's provisions for manufactured dwellings, and would like to examine alternative ways to comply with Goal 10 – Housing; and*
- (2) *State law (ORS 197.303) has changed such that manufactured homes on individual lots (infill) and manufactured dwelling parks (mobile home parks) are now on the list of "needed housing types," and must be allowed in sufficient numbers to meet need projections, through local zoning.*

The report continues on to state:

The easiest way for Oregon City, or any community, to meet the State requirement is to allow manufactured homes on par with conventional single-family homes. Alternatively, the City could maintain its existing policy of allowing manufactured home subdivisions as of right in Low Density Residential areas with three or more acres, and allocate a relatively small amount of land somewhere in the urban planning area for "manufactured home infill." Based on discussions with Oregon City Planning staff, however, these approaches appear to be unacceptable policy choices in Oregon City.

The LR/MH land use was created to provide adequate property for the placement of manufactured homes to meet Goal 10 - Housing when the placement of manufactured homes was restricted.

In 1994, the City adopted Ordinance No. 94-1014 (Exhibit 5), which states in part:

The Planning Commission has been working on changes to the zoning code to bring it into conformance with the changes enacted by the 1991 and 1993 Legislative Assemblies regarding the placement of manufactured homes.

The provisions of proposed ordinance 94-1014 allow for the placement of manufactured homes in all single-family zones, except historic districts (Canemah and McLoughlin) which would be excluded.

The City of Oregon City allows the placement of manufactured homes throughout the City, with the exception of Canemah and the McLoughlin Conservation Districts. The original intent of the LR/MH land use designation to provide adequate manufactured housing subdivisions and infill locations to increase the limited affordable housing type has been alleviated by the updated zoning code that allows the placement of manufactured homes throughout a majority of the City.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

The LR/MH land use designation is not exclusively for manufactured housing, and does not preclude the development of stick built homes. The only zoning designation associated with the LR/MH land use restricts constructed homes to less than 20 feet in height, limiting the variety of housing types that may be constructed and, is thus, in conflict with the Housing Goal of the Comprehensive Plan to provide a variety of housing types at a range of prices.

(3) *Is the public need best satisfied by the particular change being proposed?*

Finding: **Complies.** The Oregon City Comprehensive Plan recognizes the important role that manufactured homes plays in providing a portion of the City's affordable housing stock, however, as stated above, manufactured housing is allowed throughout a majority of the City's residentially zoned properties and the LR/MH land use is not exclusively for manufactured homes. This property has been designated as Low Density/Manufactured Home on the Comprehensive Land Use map, and removing the Manufactured Home land use will increase the housing type options that could be constructed on the property, thereby satisfying the public need for a variety of housing options.

(4) *Will the change adversely affect the public health, safety, and welfare?*

Finding: The applicant indicates that the proposed change complies with State and City planning goals. The proposed change will not adversely affect community facilities, natural resources, transportation systems, or adjacent properties.

The Comprehensive Plan indicates a goal of providing for the planning, development, and preservation of a variety of housing types at a range of price and rents. The LR/MH designation allows for low-density single-family residential development, and as stated above, was designed to protect and provide for affordable housing locations that would be filled by the development of manufactured housing on parcels in excess of three acres or through the infill of existing lots. This need to provide for manufactured home development sites has been alleviated by subsequent zoning changes that permit the placement of manufactured home in nearly all low-density zones.

As depicted on Exhibit 6, the surrounding area, with the exception of Wasco Acres to the east and the Clackamas County Housing Authority property to the west, is dominated by the Comprehensive Plan Designation of Low-Density Residential. Changing the Comprehensive Plan Designation from LR/MH to LR will not adversely affect the public health, as the proposed LR designation would be identical to the existing Comprehensive Plan designation of the surrounding areas, and both the LR and LR/MH allow single-family residential development.

The safety and welfare of the surrounding areas would not be adversely impacted as the existing LR/MH Comprehensive Plan Designation allows 6.4 units per acre and the proposed LR Comprehensive Plan Designation allows from 4.4 to 7.3 units per acre. Transmittals were sent to the Oregon City Police Department and the Park Place Neighborhood Association, both of which returned comments indicating that the proposal does not conflict with their interests (Exhibits 2a and 2b). It appears that under the worst case situation, complete build out at the highest density, the proposed change would increase the density by 0.9 dwelling units per acre and would have minimal, if any greater impacts than if the site were developed under the existing Comprehensive Plan Designation.

(5) *Does the factual information base in the Comprehensive Plan support the change?*

Finding: Addressed below. Consistency with comprehensive plan policies and goals is addressed in Section III.C on page 10 of this staff report.

B. Oregon City Municipal Code, Section 17.68 Zoning Changes and Amendments

The relevant criteria for a zone change review and decision are in Chapter 17.68 of the Oregon City Municipal Code (OCMC).

Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991: prior code §11-12-1)

Finding: **Initiated.** The applicant, Pacific Western Homes, Inc., has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 3 and 7. The application was deemed complete on February 12, 2003.

(b) 17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

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

Finding: **Complies.** Consistency with comprehensive plan policies and goals is addressed in Section III.C on page 10 of this staff report.

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

Water

Finding: **Complies.** There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision. Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

Sewer

Finding: **Complies.** There are existing 8-inch sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres to the east for the applicant to connect extensions throughout the subdivision, if appropriate based on topography. Existing sanitary sewer facilities appear adequate for future development of this site.

Storm Drainage

Finding: **Complies.** This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernathy Creek, an anadromous salmon-bearing stream. The site is also located within a

Water Quality Resource Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Schools

Finding: **Complies.** Transmittals were sent to the Oregon City School District concerning this application. No comments were received.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Fire department concerning this application. No comments were received. The Oregon City Police department indicated that this proposed land use designation change does not conflict with the interests of the department (Exhibit 2b).

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

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing

and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section III.C of this staff report.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area . . .

B. Applications for these rezonings

Finding: The subject site is within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)

B. Legislative reviews shall be subject to the requirements in Section 17.50.260. (Note: the section number cited in the Code is incorrect; it should be 17.50.170.) (Ord. 91-1007 §1(part), 1991: prior code §11-12-3)

Finding: **Complies.** According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference with City staff on November 13, 2002. The Pre-Application Conference Summary is attached as Exhibit 9. Transmittals regarding the proposed development plan were mailed on February 18, 2003 to the Park Place Neighborhood Association and CICC Chairperson.

The applicant submitted the application on December 17, 2002. The application was deemed complete on February 12, 2003. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for April 14, 2003. The final hearing, should the Planning Commission recommend approval, is scheduled for May 7, 2003 before the Oregon City City Commission. Notice of the hearing was issued on February 18, 2003 and the property was posted on February 21, 2003, more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That public hearing has been scheduled for May 7, 2003.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50- .330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found to be necessary. This section is not applicable.

17.68.060 Filing of an application

Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50. (Ord. 91-1007 §1(part), 1991: prior code §11-12-6)

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

C. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CICC. Public notice was mailed on February 18, 2003, advertised in the Clackamas Review on February 26, 2003 and the subject property was posted on February 21, 2003.

On February 18, 2003 transmittals were sent to the Citizen Involvement Committee Council (CICC) and the Park Place Neighborhood Association apprising them of the application.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the Park Place Neighborhood Associations and the CICC were notified. This staff report and the file containing project information were available for public review seven days prior to the first evidentiary hearing.

(C) **Housing**

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

Finding: **Complies.** Though the applicant has indicated no desire to develop manufactured homes on the site, the LR land use designation does not preclude the placement of manufactured homes on the property, which the LR/MH land use designation was designed to promote when zoning restrictions limited the placement of manufactured homes. The proposed amendment would allow for the development of a variety of housing types, which are not limited by the 20-foot maximum height allowed in the only zoning designation, R-6/MH, of the LR/MH land use designation.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

Policy #3

The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions, supported by the elimination of unnecessary government regulations.

Finding: **Complies.** The applicant has indicated a desire to construct stick built single-family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional standards of the zoning designation associated with the LR/MH land use does not lend itself to creating lots nor contain dimensional standards that are suitable for stick built homes.

(F) **Natural Resources, Natural Hazards**

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

Finding: **Complies.** The subject site is currently designated LR/MH and is developed with one home. The proposal to re-designate the site from LR/MH to LR would not significantly alter the amount of coverage of development allowed on the site.

The subject sites do not appear on any of the following maps: Mineral and Aggregate Resources, Fish and Wildlife Habitat, Flood Plain, or Seismic Conditions.

The area is located in an area indicating slopes greater than 25% and Wet Soils – High Water Table. Future development analysis will include a Geotechnical Investigation to identify soil types and appropriate development techniques and development on slopes in excess of 25% are required to meet the standards of OCMC 17.44 – Unstable Soils and Hillside Constraints, both of which implement the goals and policies of the Comprehensive Plan.

The Oregon City Comprehensive Plan identifies Abernathy Creek and tributaries as follows:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along I 7th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the

edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

The site is located within the Oregon City Water Quality Overlay District. The applicant has submitted a Water Resource Review for the site identifying the resource on the property. Future development of the site will be required to comply with Oregon City Municipal Code Section 17.49 concerning Water Resource Areas, which provides for the preservation and management of the city's scarce natural resources

Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: **Complies.** Future development applications will need to meet agency requirements that protect water and air quality. No increases in air or water pollution are anticipated due to the change in land use from Low-Density/Manufactured Housing to Low-Density Residential.

Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: **Complies.** The subject site is not located within an identified fish and wildlife habitat area, as identified in the Comprehensive Plan. The subject site is heavily wooded and contains a ravine and headwater of a tributary to Abernathy Creek. The LR and LR/MH land use designations both allow the development of single-family housing, thus the proposed change will not increase the likelihood of having a detrimental effect on fish and wildlife, and when developed in conjunction with existing Water Resource Overlay District requirements, should not have a detrimental effect on fish and wildlife.

Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. This policy is not applicable.

Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: The applicant has submitted a Subdivision and Water Resource Review application with the City for this site to run concurrently with the proposed Comprehensive Plan Map amendment. Through the Water Resource and Subdivision review, the policies of this section will be implemented.

Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: **Complies.** The proposed LR designation allows the development of low density residential which usually does not represent a threat to air quality; however, future development of the site shall comply with all applicable DEQ air quality standards and regulations.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: The proposal will be processed under the appropriate procedures for new development in order to comply with this policy.

(G) Growth and Urbanization

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

Finding: **Complies.** The proposal will affect approximately 9.23 acres of LR/MH designated property that is located within the Park Place Neighborhood, which is predominately low density residential. The proposed change will maintain the residential character of the area.

The land use policies under this element generally apply to new UGB properties and sufficient urban services. The property is within the current city limits and sufficiency of urban service is addressed in the findings on page 7 of this staff report.

(H) Energy Conservation

Goal: Plan urban land development that encourages public and private efforts toward conservation of energy.

Finding: **Complies.** The subject site is located within walking distance of Holcomb Elementary, reducing the need for students to be driven to school, thus reducing vehicles miles traveled. There are no public transportation services provided to the subject site, however Tri-Met bus 34 does provide a route up Holcomb Boulevard to the Clackamas County Housing Authority site to the east of the site.

(I) Community Facilities

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

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage would be directed to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site, which contains one house, has the necessary urban services for low-density residential development stubbed to the site or can be extended to the site and it appears these services are adequate for the subject site

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site and the proposed change from LR/MH to LR will not impact the ability to provide the necessary services to the site.

(J) Parks and Recreation

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

Finding: **Complies.** 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.

(L) Transportation

Goal: 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.

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Sidewalks will be included in future site redevelopment and will be constructed to City standards.

(M) Comprehensive Plan Map

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

Finding: **Complies.** The city has reviewed the Comprehensive Plan in conjunction with the applicant's proposed Comprehensive Plan Map Amendment and determined, based on the findings in this report, that the proposal is consistent and supportive of the appropriate goals and policies, and is compatible with the surrounding patterns, is in the public interest.

RECOMMENDED CONCLUSION AND DECISION

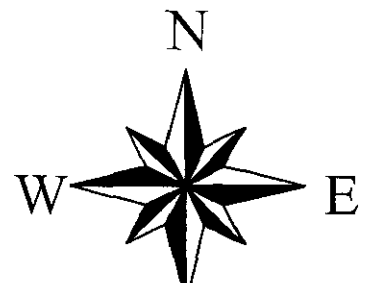
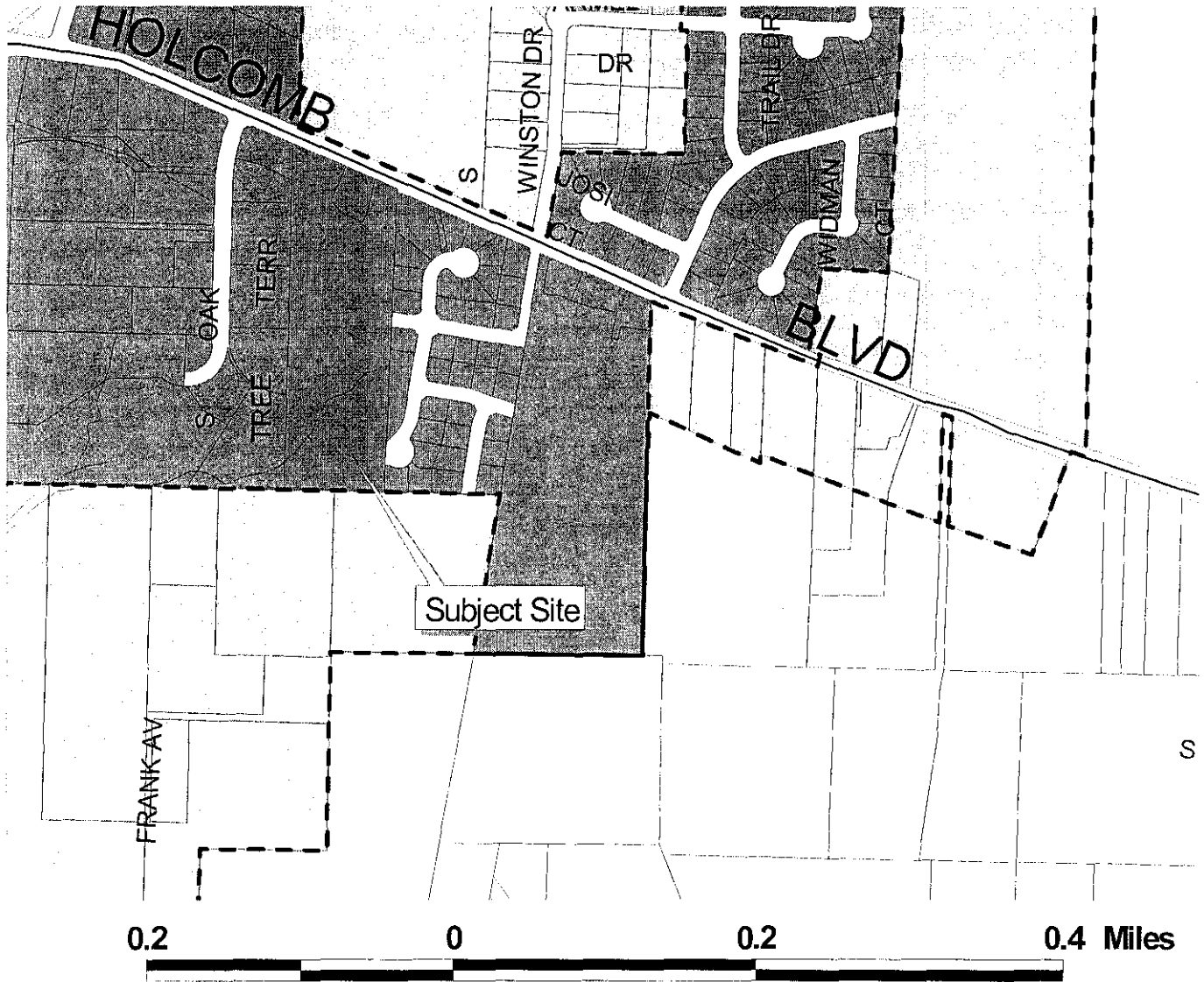
Staff would recommend that the Planning Commission forward the proposed Comprehensive Plan Map amendment, Planning File PZ 03-01, with a recommendation of approval to the City Commission for a public hearing on May 7, 2003.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2.
 - a. Park Place Neighborhood Association
 - b. Oregon City Police Department
 - c. Oregon City Public Works
 - d. Oregon City Engineering Department
 - e. David Evans and Associates
3. Application Narrative
4. Manufactured Housing Needs Analysis and Buildable Lands Inventory; August 21, 1991 (On File)
5. Ordinance No. 94-1014 (On File)
6. Oregon City Comprehensive Plan Map
7. Application (On File)
8. Transportation Impact Study prepared by Group Mackenzie; September 6, 2003 (On File)
9. Pre-Application notes (On File)

PZ 03-01 and ZC 02-04



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

February 18, 2003

IN-HOUSE DISTRIBUTION

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- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

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- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Merek
- ☒ CLACKAMAS COUNTY - Bill Spears
- ☒ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☒ DLCD (Including form 1)

RETURN COMMENTS TO:

COMMENTS DUE BY: **March 19, 2003**

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PZ 03-01: PC Hearing 4/14/03; CC Hearing 5/7/03
ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:

Tony Konkol, Associate Planner

APPLICANT:

Tom Skaar / Jim Stormo

REQUEST:

Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)

LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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.

03 MAR 18 PM 4:28

RECEIVED
CITY OF OREGON CITY

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

Ralph W. Kiefer

3-18-03

CHAIR, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

Exhibits 2a

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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February 18, 2003

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- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☒ Mike Baker @ DEA

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- ☒ DLCD (Including forms)

RETURN COMMENTS TO:

COMMENTS DUE BY: March 19, 2003

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

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ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:
APPLICANT:
REQUEST:

Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)
Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

LOCATION:

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☐

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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

London Shivers
D. Director of Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 26

CITY OF OREGON CITY- PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
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planning

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February 18, 2003

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TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

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RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: **March 19, 2003**

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

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PLANNER:

Tony Konkol, Associate Planner

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WR 02-18, TP 02-07 and VR 02-15)

LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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are included.

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

SEE ATTACHED

Signed
Title

Fuller
PIW OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2c

MEMORANDUM
City of Oregon City

DATE: February 19, 2003

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PZ 03-01 & ZC 02-03 REPEAT REVIEW - See 3/18 & 11/4 of 2002 reviews

Name/Address: Tax Lots 4200 & 4300 - "Tracey Heights" 14812 Holcomb Blvd

Holcomb, Cattle & Smithfield Drive - 29 lot sub-division

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the public alley shown on sheet 2 of 4)

To: Thru project to adjacent roads

New line size = minimum 8" ductile iron

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 2/19/2003

Consult Water Master Plan. This is a repeat review. See 3/18 & 11/4 of 2002 reviews. Avoid dead-end water mains; please connect to the 16" H2O main on Holcomb Blvd. This will greatly improve water circulation, quality and fire flow to proposed project and future projects connecting to it. H2O pressures may vary due to elevation changes and individual pressure reducing valves installed by contractor after the water meter could be required.

MEMORANDUM
City of Oregon City

DATE: March 18, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-11

Name/Address: No site address - Holcomb Blvd West of Wasco Acres sub-division

PUD for 29 lot sub-division

Water:

Existing Water Main Size = 16"

Existing Location = Holcomb Blvd & 8" DI in Wasco Acres sub-division

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd.

To: Wasco Acres sub-division

New line size = 8" DI

Backflow Preventor required? Yes No X

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 3/18/2002

Consult Water Master Plan.

Owner shall connect to the existing 16" DI water main on Holcomb Blvd., extend a new 8" ductile iron water main thru new project to form a loop and connect to the existing 8" DI on Smithfield Drive in the Wasco Acres sub-division. The owner shall also extend the existing 8" water main on Cattle Drive in Wasco Acres to the end of this project to serve the southern most proposed four new lots.

MEMORANDUM
City of Oregon City

DATE: November 4, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-61

Name/Address: Holcomb Blvd. & Smithfield Drive - west of Wasko Acres
28 lot subdivision

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle Drive & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the 20' wide emergency access)

To: Thru project to adjacent roads

New line size = min 8" DI

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 11/4/2002

Consult Water Master Plan. In either option, connect to 16" water main on Holcomb Blvd. via the 20' wide emergency access easement, extend water main into and thru proposed subdivision and connect to adjacent water mains next to project. Avoid dead-end water mains whenever possible. Water pressures may vary due to elevation changes. Some lots may or may not require individual pressure reducing valves to be installed by contractor depending upon psi.

MEMORANDUM
City of Oregon City

DATE: Feb. 20, 2003
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PZ 03-01 ZC 02-03 Map# 2S-2E-28AD, Lots 4200 and 4300
NAME: TRACEY HEIGHTS

Streets:

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	_____X

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City X _____ County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

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

1. See note page one concerning public alley, would prefer as a private drive, serves same purpose as a flag lot driveway.

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02-11
NAME: Holcomb Blvd. west of Wasco acres 29 lot PUD sub div

Sanitary Sewer:

Existing Sewer Main Size= 8"

Existing Location= Wasco Acres and Holcomb Blvd.

Existing Lateral being reused? Yes No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No Yes X

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes ? No

Recommended Easement Width ? feet

Sanitary Sewer additional comments? No Yes X Initial CC

not able to determine if easments are necessary at this time

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02 11
NAME: Holcomb Blvd. west of Wasco Acres 29 lot PUD sub-div

Storm Sewer: Yes

Existing Line Size= 12 inch None Existing

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes X No

From: Holcomb Blvd. and / or Wasco acres

To: Site

Detention and treatment required? yes

On site water resources: None known Yes X

Storm Department additional comments?: No Yes X Initial CC

It appears that a portion of this property lies within a water quality resource area overlay district

ANALYSIS AND FINDINGS

The applicant is proposing to develop a subdivision and has proposed a zone change for the property located just west of the recently completed Wasko Acres subdivision on Holcomb Boulevard in the Park Place area from R-6/MH to R-6. Applicant is also proposing to change the Comprehensive Plan Map designation from LR/MH to LR.

This minor zone change from R-6/MH to R-6 results in a worst case 8 additional lots that will not create significant changes in any utility or street requirements. Same holds true for the Comprehensive Plan Map Amendment from LR/MH to LR.

Therefore, Staff recommends approval of the proposed zone change and Comprehensive Plan map change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision.

Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

SANITARY SEWER.

There are existing 8-inch sanitary sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres for the applicant to connect extensions throughout the subdivision, if appropriate based on topography.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernethy Creek, an anadromous salmon -bearing stream. The site is also located within a Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

DEDICATIONS AND EASEMENTS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 64 to 114 feet. Currently, Holcomb Boulevard appears to have a 60-foot wide ROW along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 42 to 54 feet. Currently, these two local streets have ROW widths of 50 feet.

Future development of this property will require dedication of ROW along Holcomb Boulevard. Future dedication of ROW within the subdivision is standard.

STREETS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, Holcomb Boulevard appears to have a 36-foot wide pavement width along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, these two local streets have pavement widths of 32 feet.

Future development of this property will require half street improvements along the site frontage with Holcomb Boulevard to meet City requirements and continuation of the two local streets throughout the subdivision to include possible stubs to adjacent properties.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by Group Mackenzie and dated September 6, 2002, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself. The study based traffic generation on the proposed use, a 30-unit subdivision. The eight additional homes associated with the proposed Comprehensive Plan Map amendment and Zone Change does not represent a significant amount of increased traffic.

Conditions:

None



DAVID EVANS
AND ASSOCIATES INC.

April 1, 2003

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

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
TRACEY HEIGHTS SUBDIVISION – ZC 02-03 PZ 03-01**

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 Group Mackenzie for the proposed Tracey Heights Subdivision Development located in Oregon City approximately 700 feet west of the Holcomb Road and Winston Drive intersection. The material is dated September 6, 2002.

The TIS describes the current development proposal to build a 30-unit (29 proposed, 1 existing) subdivision of single-family detached homes. Access from the proposed site would be provided to Holcomb Boulevard via Winston Drive and existing local streets within the Wasco Acres subdivision. The project would involve extension of Smithfield Drive and the addition of one north-south street stub.

Overall Findings

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.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernethy Road/Holcomb Boulevard at Redland Road. Both intersections are expected to fail to meet City and ODOT operational standards by year 2008.

Additionally, increased growth is expected to magnify the need for a center-two-way-left-turn lane along Holcomb Boulevard. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

Exhibits 2e

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 dated August 2002 and accurately reflected prevailing intersection lane configurations and traffic control. The applicant reviewed existing study area crash history as is customary and relevant to TIAs.
2. **Background conditions** – In developing year 2003 and 2008 background traffic levels without the project, the applicant calculated a five percent per year compound growth rate based on 1994 and 2020 model output from Metro. However they then applied the five- percent compound growth rate as a linear growth rate. This process underestimated the background traffic volumes. This type of error is not expected to alter the findings for this study but should be corrected by the applicant for future TIAs.

The applicant appropriately reviewed relevant planning documents and accounted for planned improvements within the 2003 and 2008 analysis period. The applicant accounted for in-process traffic associated with Oaktree Terrace, Barlow Crest, Barlow Crest 2, Wasco Acres and Trailview Estates using ITE's trip generation rates.

3. **Trip Generation/Distribution/Assignment** – The applicant appropriately used ITE's trip generation equations 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** – The proposed project gains access to Holcomb Boulevard via Winston Drive. The applicant has appropriately established adequate sight distance at the intersection of Winston Drive and Holcomb Boulevard. Where the proposed project establishes new local road intersections, such intersections need to provide adequate sight distance per AASHTO guidelines. The applicant needs to discuss the standards and ensure they are met.
5. **Signal and turn Lane Warrants** – The applicant adequately analyzed 2003 and 2008 signal warrants for the intersection of Holcomb Boulevard and Winston Drive. A signal at this intersection is not warranted by 2008.

In establishing minor street (Winston Drive) traffic volumes for use in evaluating warrants, the applicant applied a 50-percent reduction in minor street right-turn volumes. However, no justification was given for the reduction. Winston Drive is a shared lane approach. In reviewing the applicant's traffic counts, the proportion of right turns on Winston Drive is generally 10 percent. Thus, the large share of left turns that experience greater delay in making their movement will affect right turns. Thus, no right-turn reduction is warranted.

The applicant adequately analyzed the right-turn lane and left-turn lane warrants at the intersection of Holcomb Boulevard and Winston Drive. A left-turn lane is not warranted. A right-turn lane is warranted during PM peak hour operations under all analyzed scenarios. The applicant is not recommending a right-turn lane based on the assumption that the warrant will only be met during a few hours of the day, the fact that adequate capacity is available on Holcomb Boulevard, and that the proposed project adds a low volume of site generated traffic to the movement. Because the right turn operates effectively under all scenarios and no safety history exists to indicate that a right-turn lane is needed at this time, DEA concurs that a right-turn lane is not required at this time. The applicant clearly adds traffic to the right turn movement, and may be asked to participate in the future to fund a right-turn lane when deemed necessary.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, increased traffic will lead to increased accidents and in all likelihood eventually to the need for a center-two-way-left-turn lane. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

6. ***Traffic Operations*** – The applicant indicates that the two stop-controlled intersections on Holcomb Boulevard at Oaktree Terrace and Winston Drive meet City standards with operations of LOS C or better during all analysis scenarios.

The signalized intersection at Redland Road and Cascade Highway and the signalized intersections at Abernethy Road/Holcomb Boulevard and Redland Road meet Oregon City and ODOT operational standards in year 2003. By 2008 both intersections fail to meet operational standards during part of the day with and without site development. This development, in conjunction with significant growth in the area, is degrading operations at these two key intersections. This development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and ODOT should consider the timing and extent of improvements to relieve congestion along this corridor.

7. ***Queuing*** – The applicant did not report any queuing results for area intersections. A brief overview of their operations results suggests that area queuing will not be a significant issue.
8. ***Mitigation*** – The applicant has not identified the need for any off-site mitigation. DEA does not recommend any off-site mitigation
9. ***Site Plan Review*** – The applicant's site plan indicates that sidewalks will be provided within the development and along the Holcomb Boulevard frontage. In addition a bicycle/pedestrian and emergency vehicle accessway linking the development to Holcomb Boulevard will be provided. The applicant should assure that removable posts or some other impedance is used to prevent unauthorized vehicles

Mr. Tony Konkol
PZ03-01
Page 4

from using the accessway. Accessways should also be hard surfaced, properly lit, fenced, and ADA compliant.

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:swb

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**TRACEY HEIGHTS
PLAN MAP AMENDMENT CHANGE
SUPPLEMENTAL INFORMATION**

OREGON CITY, OREGON

Prepared for:

Pacific Western Homes, Inc.
5530 NE 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

Prepared by:

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, Oregon
Phone (503) 636-4005
fax (503) 636-4015

February 7, 2003

Exhibits 3

TRACEY HEIGHTS 29 LOT SUBDIVISION

APPLICANT

Pacific Western Homes, Inc.
Mr. Chet Antonsen
Mr. Tom Skaar
5530 N.E. 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

APPLICANTS REPRESENTATIVE

Pinnacle Engineering
Mr. James Stormo P.E.
17757 Kelok Road
Lake Oswego, Oregon 97034
Phone (503) 636-4005
Fax (503) 636-4015

LOCATION & LEGAL DESCRIPTION

Tax Lots 1900 and 1902
Partition Plat PP 1994-61
Section 28 T2S R2E

SITE AREA

Approximately 9.23 acres

ZONING

R6/MH

APPROVAL CRITERIA

City of Oregon City Zoning Code

APPLICANT'S REQUESTED APPLICATION

Preliminary Plat for 29 lot Subdivision
Zone Change
Geotechnical Review
Traffic Impact Study Review
6 Minor Variances
Water Resource Review
Comprehensive Plan Map Amendment

This supplemental report will provide background information concerning the proposed Comprehensive Plan Map Amendment.

COMPREHENSIVE PLAN MAINTENANCE AND UPDATE

Request for change: Citizens may request a plan change twice each year, to be considered in March and September. This method of plan maintenance should be evaluated according to the following criteria:

1. *Does the proposed change conform with State Planning Goals and local goals and policies?*
2. *Is there a public need to be fulfilled by the change?*
3. *Is the public need best satisfied by the particular change being proposed?*
4. *Will the change adversely affect the public health, safety and welfare?*
5. *Does the factual information base in the Comprehensive Plan support the change?*

APPLICANT'S RESPONSE:

The applicant is requesting to eliminate the MH designation on the property. This will allow the applicant to construct "stick built" homes rather than manufactured homes within the site. Oregon City's Comprehensive Plan has been acknowledged by the State of Oregon and designates the site as suitable for single family residential development.

The proposed change conforms with the State Planning goals and does not conflict with either the State Planning Goals or the City's local goals and policies. The need for single family detached housing will be fulfilled by allowing the proposed Plan Map Designation. The public's need is satisfied by the change. In fact, the neighborhood association strongly supports eliminating the MH plan designation for this property. The neighborhood association believes that allowing manufacturing housing on this site would devalue the surrounding properties. The change will not adversely affect the public health, safety or welfare. The proposed change does not adversely affect any natural resources within the site. In fact, the applicant is proposing to protect the water resource area located within the site by including a Tract "A" on the final plat that will encompass the water resource area. The Applicant believes that the information base in the Comprehensive Plan does indeed support the change.

The site is designated R-6, for single family residential development. Minimum lot sizes are permitted to be 6,000 square feet, with minimum average lot widths of 60 feet and minimum average lot depths of 100 feet. All lots within the proposed development generally conform to these requirements.

The proposal conforms with ORS 92.010 to 92.160. This is State law concerning land subdivision, which has been incorporated into the Oregon City Code. This proposed change will be in accordance with state and local requirements.

The proposed subdivision complies with the goals and policies of the Comprehensive Plan. The following specific policies are applicable.

If conditions of approval are required by the City, the Applicant will provide construction drawings or other documents to demonstrate compliance with the requirements of Section 16.12.020.D of the City Code.

Housing Element - The city's intention is to provide for a variety of housing types at a range of prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

Comment: The single family subdivision is proposed, in an area designated for such use. The lots in the subdivision provide an option for single family residences at relatively low density. Therefore, the proposal supports the City's Housing Goal.

Community Facilities Element - The City's goal is to encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided and to encourage densities at maximum levels permitted.

Comment: Urban services are available or can be extended and made available to the site for the development proposed. Sanitary sewer and public water are available within Holcomb Blvd. Storm drainage will be directed to a detention/water quality facility to be constructed within the site and discharge to an approved location. Police and fire services can be provided; school capacity is available.

The proposed change complies with the goals of the Land Conservation and Development Commission (LCDC). In particular the project meets the goal of Oregon Administrative Rule 660-007-0000 - Metropolitan Housing. The purpose of this rule is to provide opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

Conclusion: The proposed change complies with State and City planning goals. The proposed change will not adversely affect community facilities, natural resources, transportation systems, or adjacent properties.



February 7, 2003

Tony Konkol
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

RE: Tracey Heights Subdivision - Oregon City, Oregon
Plan Map Amendment

Tony:

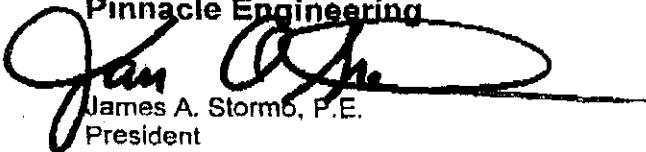
I have attached to this letter a narrative describing our request for a Plan Map Amendment for this site.

I also spoke with Mike Baker of David Evans & Associates regarding the traffic analysis for this project and in particular with regards to the Plan Map Amendment. Mike informed me that he did not believe that any additional information with regards to the traffic study was necessary for this application since all we were requesting was the removal of the MH designation.

If you have any questions regarding any of the attached information, please feel free to give me a call at (503) 636-4005. Thank you.

Sincerely,

Pinnacle Engineering

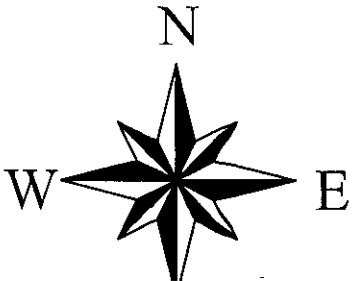
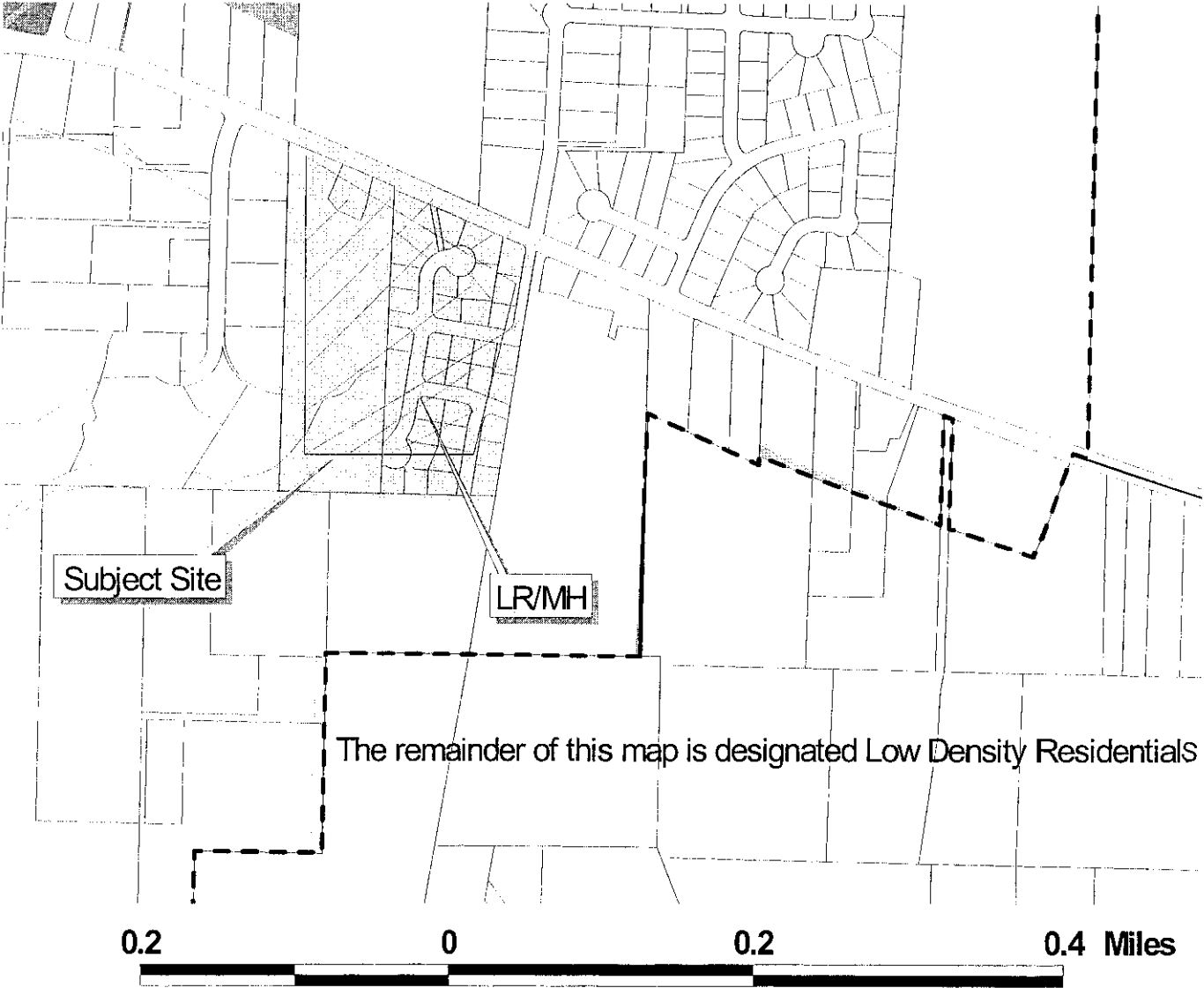


James A. Stormo, P.E.
President

cc Chet Antonsen, Pacific Western Homes, Inc.
Tom Skaar, Pacific Western Homes, Inc.

17757 KELOK ROAD, LAKE OSWEGO, OR 97034 (503) 636-4005 FAX (503) 636-4015
EMAIL: jamesstormo@attbi.com

Comprehensive Plan Map



I. EXECUTIVE SUMMARY

This transportation impact analysis (TIA) has been prepared for the proposed Holcomb Boulevard subdivision, to be located on the south side of Holcomb Boulevard between Oaktree Terrace and Winston Drive. The site will be developed by Pacific Western Homes and will include 30 single-family units, 29 proposed units and one existing unit. Trip generation calculations were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition. The subdivision will generate 21 AM peak hour trips and 30 PM peak hour trips, based on ITE rates for Land Use Code 210, Single-Family Detached Housing.

The site will access Holcomb Boulevard using an extension of Winston Drive which is being constructed with development of the Wasco Acres subdivision. Holcomb Boulevard is classified as a minor arterial and is located inside of the UGB. Sight distances of 500 feet to the west and east of Winston Drive along Holcomb Boulevard are available. Both distances exceed County sight distance standards of 350 feet.

Future years of analysis for the study area intersections include year 2003, when full buildout of the site is proposed, and year 2008, as required by the City of Oregon City. The future year volumes for the development are an overestimate because of the use of the EMME/2 model to project background growth. The Holcomb Boulevard Subdivision site is included as residential in the EMME/2 model and a portion of the new trips would be included in the background growth. In 2003, Cascade Highway at Redland Road is expected to operate at a two-hour v/c of 0.91 during the PM peak hour. In 2008, the intersections of Cascade Highway at Redland Road and Abernethy Road/Holcomb Boulevard at Redland Road will operate at levels of service "E" during the PM Peak hour, with v/c of 1.00 or greater without or with the development of this subdivision. Development of the Holcomb Boulevard subdivision will not worsen this future year v/c; thus mitigation is not required.

The City of Oregon City included the Cascade Highway at Redland Road intersection in their "Highway 213 Corridor Study" and identified that this analysis should include evaluation of this intersection, but mitigation will not be required or requested.

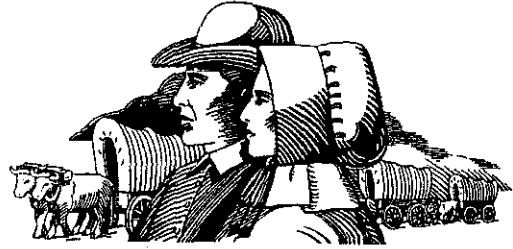
Exhibit 8

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: ZC 02-04

Complete: February 12, 2003
120-Day: Not Applicable

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034

REQUEST: Zone Change from "R-6/MH" Single-Family Dwelling/Manufactured Home to "R-6" Single-Family.

LOCATION: 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900) and a second parcel with no site address and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval

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

I. BACKGROUND:

The applicant is requesting a zone change from R-6/MH Single-Family Dwelling/Manufactured Housing to R-6 Single-Family Dwelling for two parcels of approximately 9.23-acres identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lots 4200 and 4300 (Exhibit 1).

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, a Water Resource Determination (File WR 02-18), a Type III Land Use Decision, and a Comprehensive Plan Map Amendment (File PZ 03-01), a Type IV Land Use Decision. The subject site is located on the south side of Holcomb Boulevard, west of the Wasko Acres subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels currently is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing. The applicant has requested a Comprehensive Plan Map Amendment to Low-Density Residential which allows the R-6 Single-Family Zoning Designation.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on two parcels designated LR/MH Low Density Residential/Manufactured Housing. One parcel is located at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which does not have a site address, is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Zone Change was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 2a) and the Oregon City Director of Public Safety (Exhibit 2b), both of which indicated that the proposed Comprehensive Plan Amendment does not conflict with their interests. Comments were received from the Oregon City Public Works Department (Exhibit 2c), Oregon City Engineering Department (Exhibit 2d), and David Evans and Associates (Exhibit 2e), which reviewed the Traffic Impact Study provided by the applicant. The comments have been incorporated into the staff report.

III. DECISION-MAKING CRITERIA:
Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991; prior code §11-12-1)

Finding: **Initiated.** The applicant, Pacific Western Homes, Inc., has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 3 and 4. The application was deemed complete on February 12, 2003.

(b) 17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

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

Finding: **Complies.** Consistency with comprehensive plan policies and goals is addressed in Section III.B on page 6 of this staff report.

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

Water

Finding: **Complies.** There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision. Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

Sewer

Finding: **Complies.** There are existing 8-inch sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres to the east for the applicant to connect extensions throughout the subdivision, if appropriate based on topography. Existing sanitary sewer facilities appear adequate for future development of this site.

Storm Drainage

Finding: **Complies.** This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernathy Creek, an anadromous salmon-bearing stream. The site is also located within a Water Quality Resource Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Schools

Finding: **Complies.** Transmittals were sent to the Oregon City School District concerning this application. No comments were received.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Fire department concerning this application. No comments were received. The Oregon City Police department indicated that this proposed land use designation change does not conflict with the interests of the department (Exhibit 2b).

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

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade

Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section III.B on page 6 of this staff report.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area . . .

B. Applications for these rezonings

Finding: The subject site is within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)

B. Legislative reviews shall be subject to the requirements in Section 17.50.260. (Note: the section number cited in the Code is incorrect; it should be 17.50.170.) (Ord. 91-1007 §1(part), 1991: prior code §11-12-3)

Finding: **Complies.** According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference with City staff on November 13, 2002. The Pre-Application Conference Summary is attached as Exhibit 6. Transmittals regarding the proposed development plan were mailed on February 18, 2003 to the Park Place Neighborhood Association and CICC Chairperson.

The applicant submitted the application on December 17, 2002. The application was deemed complete on February 12, 2003. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for April 14, 2003. The final hearing, should the Planning Commission recommend approval, is scheduled for May 7, 2003 before the Oregon City City Commission. Notice of the hearing was issued on February 18, 2003 and the property was posted on February 21, 2003, more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That City Commission public hearing has been scheduled for May 7, 2003.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50- .330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found necessary. This section is not applicable.

17.68.060 Filing of an application

Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50. (Ord. 91-1007 §1(part), 1991: prior code §11-12-6)

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

B. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CICC. Public notice was mailed on February 18, 2003, advertised in the Clackamas Review on February 26, 2003 and the subject property was posted on February 21, 2003.

On February 18, 2003 transmittals were sent to the Citizen Involvement Committee Council (CICC) and the Park Place Neighborhood Association apprising them of the application.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the Park Place Neighborhood Associations and the CICC were notified. This staff report and the file containing project information were available for public review seven days prior to the first evidentiary hearing.

(C) Housing

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

Finding: **Complies.** Though the applicant has indicated no desire to develop manufactured homes on the site, the R-6 Single-Family zoning designation does not preclude the placement of manufactured homes on the property, which the R-6/MH zoning designation was designed to promote when zoning restrictions limited the placement of manufactured homes. The proposed zone change would allow for the development of a variety of housing types, which are not limited by the 20-foot maximum height which exists in the R-6/MH zoning designation.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

The surrounding properties are zoned R-10 Single-Family, which requires a minimum of 10,000 square foot lots. The property directly east of the subject site was developed as the Wasko Acres subdivision and is zoned R-6/MH, which allows 6,800 square foot lots. The proposed R-6 zoning designation, which would allow the development of 6,000 square foot lots, would provide additional housing types and price ranges in the Park Place Neighborhood and would be designed with similar lot and home sizes as the Wasko Acres subdivision to the east.

Policy #3

The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions, supported by the elimination of unnecessary government regulations.

Finding: **Complies.** The applicant has indicated a desire to construct stick built single-family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional standards of the zoning designation associated with the R-6/MH zoning designation does not lend itself to creating lots nor contain dimensional standards (a 20-foot maximum building height) that are suitable for stick built homes.

(F) Natural Resources, Natural Hazards

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

Finding: **Complies.** The subject site is currently zoned R-6/MH and is developed with one home. The proposal to re-zone the site from R-6/MH to R-6 would not significantly alter the amount of coverage of development allowed on the site.

The subject sites do not appear on any of the following maps: Mineral and Aggregate Resources, Fish and Wildlife Habitat, Flood Plain, or Seismic Conditions.

The area is located in an area indicating slopes greater than 25% and Wet Soils – High Water Table. Future development analysis will include a Geotechnical Investigation to identify soil types and

appropriate development techniques and development on slopes in excess of 25% are required to meet the standards of OCMC 17.44 – Unstable Soils and Hillside Constraints, both of which implement the goals and policies of the Comprehensive Plan.

The Oregon City Comprehensive Plan identifies Abernathy Creek and tributaries as follows:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along 17th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

The site is located within the Oregon City Water Quality Overlay District. The applicant has submitted a Water Resource Review for the site identifying the resource on the property. Future development of the site will be required to comply with Oregon City Municipal Code Section 17.49 concerning Water Resource Areas, which provides for the preservation and management of the city's scarce natural resources

Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: **Complies.** Future development applications will need to meet agency requirements that protect water and air quality. No increases in air or water pollution are anticipated due to the change in zoning from R-6/MH Single-Family to R-6 Single-Family.

Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: **Complies.** The subject site is not located within an identified fish and wildlife habitat area, as identified in the Comprehensive Plan. The subject site is heavily wooded and contains a ravine and headwater of a tributary to Abernathy Creek. The R-6 and R-6/MH zoning designations both allow the development of single-family housing, thus the proposed change will not increase the likelihood of having a detrimental effect on fish and wildlife, and when developed in conjunction with existing Water Resource Overlay District requirements, should not have a detrimental effect on fish and wildlife.

Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. This policy is not applicable.

Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: The applicant has submitted a Subdivision and Water Resource Review application with the City for this site to run concurrently with the proposed Zone Change. Through the Water Resource and Subdivision review, the policies of this section will be implemented.

Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: **Complies.** The proposed R-6 Single-Family allows the development of homes on 6,000 square foot lots, which usually does not represent a threat to air quality. However, future development of the site shall comply with all applicable DEQ air quality standards and regulations.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: The proposal will be processed under the appropriate procedures for new development in order to comply with this policy.

(G) Growth and Urbanization

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

Finding: **Complies.** The proposal will affect approximately 9.23 acres of R-6/MH zoned property, which allows 6,800 square foot lots. The subject site is located in the Park Place Neighborhood, which is predominately zoned R-10 Single-Family. Adequate public facilities have been provided to the property and additional housing types and sizes will contribute to the developed character of Oregon City by providing a neighborhood with multiple housing opportunities at multiple price ranges.

(H) Energy Conservation

Goal: Plan urban land development that encourages public and private efforts toward conservation of energy.

Finding: **Complies.** The subject site is located within walking distance of Holcomb Elementary, reducing the need for students to be driven to school, thus reducing vehicles miles traveled. There are no public transportation services provided to the subject site, however Tri-Met bus 34 does provide a route up Holcomb Boulevard to the Clackamas County Housing Authority site to the east of the site.

(I) Community Facilities

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

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage would be directed

to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site, which contains one house, has the necessary urban services for low-density residential development stubbed to the site or can be extended to the site and it appears these services are adequate for the subject site

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site and the proposed change from R-6/MH to R-6 will not impact the ability to provide the necessary services to the site. There is a street stubbed to the site from the east, which will continue through the site and will eventually connect to Oak Tree Terrace to the west. The applicant is requesting the maximum density permitted in the Low Density residential land use designation and would allow development that will maximize the existing urban facilities.

(J) Parks and Recreation

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

Finding: **Complies.** 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.

(L) Transportation

Goal: 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.

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify

the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Sidewalks will be included in future site redevelopment and will be constructed to City standards.

RECOMMENDED CONCLUSION AND DECISION

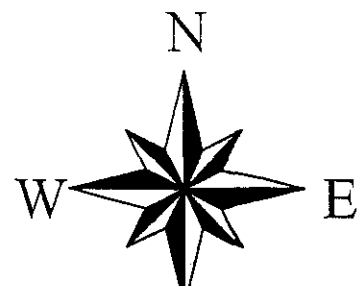
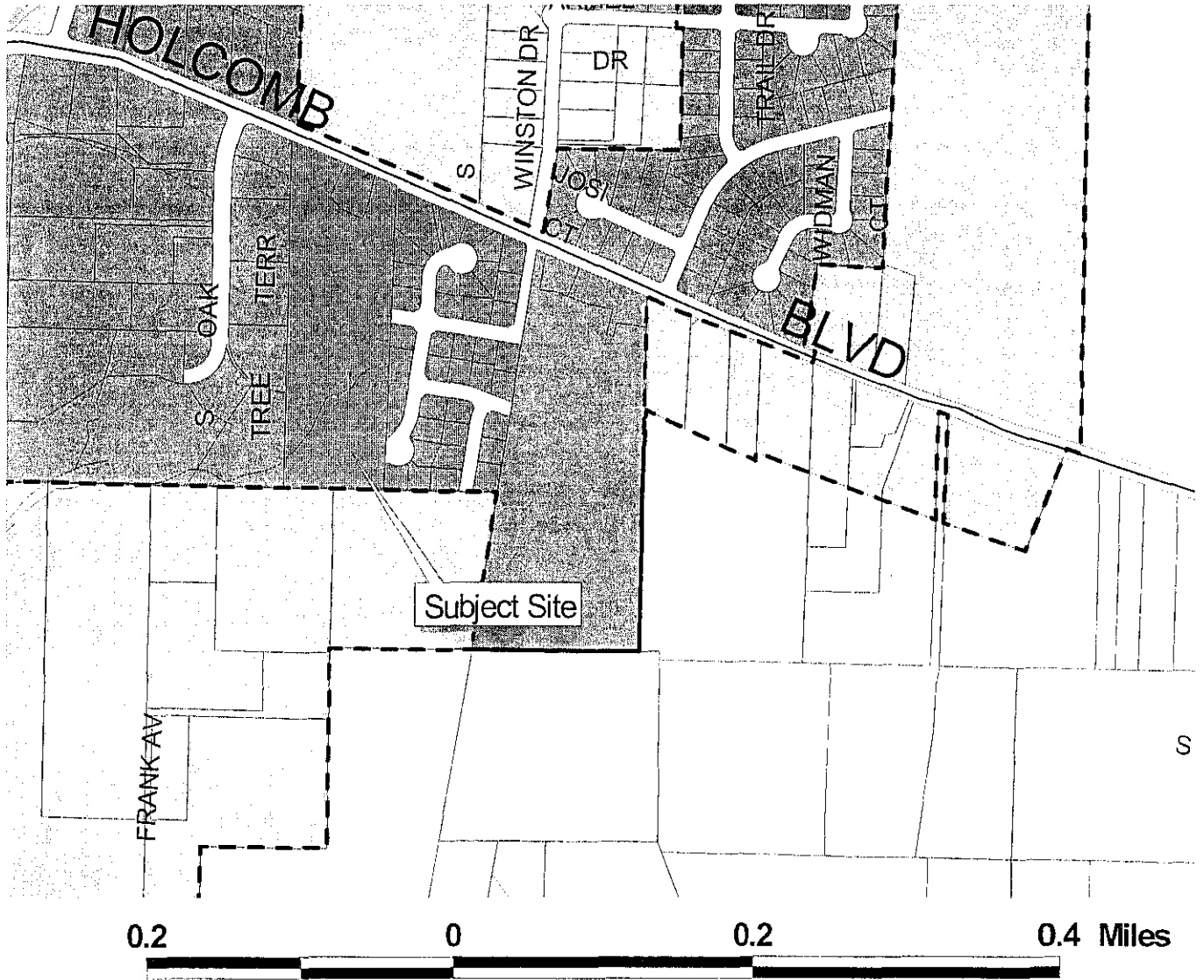
Staff would recommend that the Planning Commission forward the proposed Zone Change, Planning File ZC 02-04, with a recommendation of approval to the City Commission for a public hearing on May 7, 2003.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2.
 - a. Park Place Neighborhood Association
 - b. Oregon City Police Department
 - c. Oregon City Public Works
 - d. Oregon City Engineering Department
 - e. David Evans and Associates
3. Application Narrative
4. Application (On File)
5. Transportation Impact Study prepared by Group Mackenzie; September 6, 2003 (On File)
6. Pre-Application notes (On File)

PZ 03-01 and ZC 02-04



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

February 18, 2003

IN-HOUSE DISTRIBUTION

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- ☒ PUBLIC WORKS- OPERATIONS
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- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☒ Mike Baker @ DEA

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- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Merek
- ☒ CLACKAMAS COUNTY - Bill Spears
- ☒ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☒ DLCD (Including form)

RETURN COMMENTS TO:

COMMENTS DUE BY: March 19, 2003

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PZ 03-01: PC Hearing 4/14/03; CC Hearing 5/7/03

ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:

Tony Konkol, Associate Planner

APPLICANT:

Tom Skaar / Jim Stormo

REQUEST:

Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)

LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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:

03 MAR 18 PM 4:28
RECEIVED
CITY OF OREGON CITY

Signed
Title

Ralph W. Kiefer 3-18-03
CHAIR, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

Exhibits 2a

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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TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

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- ☐ OREGON CITY POSTMASTER
- ☒ DLCD (Including Form 1)

RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: March 19, 2003

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PLANNER:
APPLICANT:
REQUEST:

LOCATION:

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Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Amendment to the Comprehensive Plan from LR/MH to LR
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WR 02-18, TP 02-07 and VR 02-15)
Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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- | | |
|---|--|
| <input checked="" type="checkbox"/> The proposal does not conflict with our interests. | <input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below. |
| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review: |

Signed
Title

London Shivers
D. Director of Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2b

CITY OF OREGON CITY - PLANNING DIVISION
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Phone: (503) 657-0891 Fax: (503) 722-3880

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February 18, 2003

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TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

MAIL-OUT DISTRIBUTION

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- ☒ DLCD (Including Form 1)

RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: **March 19, 2003**

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

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LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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_____ 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:

SEE ATTACHED

Signed
Title

Heather King
PW OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2c

MEMORANDUM
City of Oregon City

DATE: February 19, 2003

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number **PZ 03-01 & ZC 02-03 REPEAT REVIEW – See 3/18 & 11/4 of 2002 reviews**

Name/Address: **Tax Lots 4200 & 4300 - "Tracey Heights" 14812 Holcomb Blvd**

Holcomb, Cattle & Smithfield Drive – 29 lot sub-division

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle & Smithfield Drive (Wasko Acres)

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

Extension required? Yes **X** No

Looping required? Yes X No _____ Per Fire Marshal _____

From: Holcomb Blvd. (use the public alley shown on sheet 2 of 4)

To: Thru project to adjacent roads

New line size = minimum 8" ductile iron

Backflow Preventor required? Yes _____ No **X** _____

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes _____ No **X**

Easements Required? Yes → No

See Engineer's comments

Recommended casement width → ft.

Water Divisions additional comments No Yes **X** Initial **eli** Date **2/19/2003**

Consult Water Master Plan. This is a repeat review. See 3/18 & 11/4 of 2002 reviews. Avoid dead-end water mains; please connect to the 16" H2O main on Holcomb Blvd. This will greatly improve water circulation, quality and fire flow to proposed project and future projects connecting to it. H2O pressures may vary due to elevation changes and individual pressure reducing valves installed by contractor after the water meter could be required.

MEMORANDUM
City of Oregon City

DATE: March 18, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-11

Name/Address: No site address - Holcomb Blvd West of Wasco Acres sub-division

PUD for 29 lot sub-division

Water:

Existing Water Main Size = 16"

Existing Location = Holcomb Blvd & 8" DI in Wasco Acres sub-division

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd.

To: Wasco Acres sub-division

New line size = 8" DI

Backflow Preventor required? Yes No X

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 3/18/2002

Consult Water Master Plan.

Owner shall connect to the existing 16" DI water main on Holcomb Blvd., extend a new 8" ductile iron water main thru new project to form a loop and connect to the existing 8" DI on Smithfield Drive in the Wasco Acres sub-division. The owner shall also extend the existing 8" water main on Cattle Drive in Wasco Acres to the end of this project to serve the southern most proposed four new lots.

MEMORANDUM
City of Oregon City

DATE: November 4, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-61

Name/Address: Holcomb Blvd. & Smithfield Drive - west of Wasko Acres

28 lot subdivision

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle Drive & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the 20' wide emergency access)

To: Thru project to adjacent roads

New line size = min 8" DI

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 11/4/2002

Consult Water Master Plan. In either option, connect to 16" water main on Holcomb Blvd. via the 20' wide emergency access easement, extend water main into and thru proposed subdivision and connect to adjacent water mains next to project. Avoid dead-end water mains whenever possible. Water pressures may vary due to elevation changes. Some lots may or may not require individual pressure reducing valves to be installed by contractor depending upon psi.

MEMORANDUM
City of Oregon City

DATE: Feb. 20, 2003
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PZ 03-01 ZC 02-03 Map# 2S-2E-28AD, Lots 4200 and 4300
NAME: TRACEY HEIGHTS

Streets:

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	<u>X</u>

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City X County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

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

1. See note page one concerning public alley, would prefer as a private drive, serves same purpose as a flag lot driveway.

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02-11
NAME: Holcomb Blvd. west of Wasco acres 29 lot PUD sub div

Sanitary Sewer:

Existing Sewer Main Size= 8"

Existing Location= Wasco Acres and Holcomb Blvd.

Existing Lateral being reused? Yes No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No Yes X

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes ? No

Recommended Easement Width ? feet

Sanitary Sewer additional comments? No Yes X Initial CC

not able to determine if easments are necessary at this time

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02 11
NAME: Holcomb Blvd. west of Wasco Acres 29 lot PUD sub-div

Storm Sewer: Yes

Existing Line Size= 12 inch None Existing

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes X No

From: Holcomb Blvd. and / or Wasco acres

To: Site

Detention and treatment required? yes

On site water resources: None known Yes X

Storm Department additional comments?: No Yes X Initial CC

It appears that a portion of this property lies within a water quality resource area overlay district

ANALYSIS AND FINDINGS

The applicant is proposing to develop a subdivision and has proposed a zone change for the property located just west of the recently completed Wasko Acres subdivision on Holcomb Boulevard in the Park Place area from R-6/MH to R-6. Applicant is also proposing to change the Comprehensive Plan Map designation from LR/MH to LR.

This minor zone change from R-6/MH to R-6 results in a worst case 8 additional lots that will not create significant changes in any utility or street requirements. Same holds true for the Comprehensive Plan Map Amendment from LR/MH to LR.

Therefore, Staff recommends approval of the proposed zone change and Comprehensive Plan map change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision.

Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

SANITARY SEWER.

There are existing 8-inch sanitary sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres for the applicant to connect extensions throughout the subdivision, if appropriate based on topography.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernethy Creek, an anadromous salmon -bearing stream. The site is also located within a Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

DEDICATIONS AND EASEMENTS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 64 to 114 feet. Currently, Holcomb Boulevard appears to have a 60-foot wide ROW along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 42 to 54 feet. Currently, these two local streets have ROW widths of 50 feet.

Future development of this property will require dedication of ROW along Holcomb Boulevard. Future dedication of ROW within the subdivision is standard.

STREETS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, Holcomb Boulevard appears to have a 36-foot wide pavement width along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, these two local streets have pavement widths of 32 feet.

Future development of this property will require half street improvements along the site frontage with Holcomb Boulevard to meet City requirements and continuation of the two local streets throughout the subdivision to include possible stubs to adjacent properties.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by Group Mackenzie and dated September 6, 2002, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself. The study based traffic generation on the proposed use, a 30-unit subdivision. The eight additional homes associated with the proposed Comprehensive Plan Map amendment and Zone Change does not represent a significant amount of increased traffic.

Conditions:

None



DAVID EVANS
AND ASSOCIATES INC.

April 1, 2003

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

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
TRACEY HEIGHTS SUBDIVISION – ZC 02-03 PZ 03-01**

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 Group Mackenzie for the proposed Tracey Heights Subdivision Development located in Oregon City approximately 700 feet west of the Holcomb Road and Winston Drive intersection. The material is dated September 6, 2002.

The TIS describes the current development proposal to build a 30-unit (29 proposed, 1 existing) subdivision of single-family detached homes. Access from the proposed site would be provided to Holcomb Boulevard via Winston Drive and existing local streets within the Wasco Acres subdivision. The project would involve extension of Smithfield Drive and the addition of one north-south street stub.

Overall Findings

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.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernethy Road/Holcomb Boulevard at Redland Road. Both intersections are expected to fail to meet City and ODOT operational standards by year 2008.

Additionally, increased growth is expected to magnify the need for a center-two-way-left-turn lane along Holcomb Boulevard. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

Exhibits 2e

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 dated August 2002 and accurately reflected prevailing intersection lane configurations and traffic control. The applicant reviewed existing study area crash history as is customary and relevant to TIAs.
2. ***Background conditions*** – In developing year 2003 and 2008 background traffic levels without the project, the applicant calculated a five percent per year compound growth rate based on 1994 and 2020 model output from Metro. However they then applied the five- percent compound growth rate as a linear growth rate. This process underestimated the background traffic volumes. This type of error is not expected to alter the findings for this study but should be corrected by the applicant for future TIAs.

The applicant appropriately reviewed relevant planning documents and accounted for planned improvements within the 2003 and 2008 analysis period. The applicant accounted for in-process traffic associated with Oaktree Terrace, Barlow Crest, Barlow Crest 2, Wasco Acres and Trailview Estates using ITE's trip generation rates.

3. ***Trip Generation/Distribution/Assignment*** – The applicant appropriately used ITE's trip generation equations 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*** – The proposed project gains access to Holcomb Boulevard via Winston Drive. The applicant has appropriately established adequate site distance at the intersection of Winston Drive and Holcomb Boulevard. Where the proposed project establishes new local road intersections, such intersections need to provide adequate sight distance per AASHTO guidelines. The applicant needs to discuss the standards and ensure they are met.
5. ***Signal and turn Lane Warrants*** – The applicant adequately analyzed 2003 and 2008 signal warrants for the intersection of Holcomb Boulevard and Winston Drive. A signal at this intersection is not warranted by 2008.

In establishing minor street (Winston Drive) traffic volumes for use in evaluating warrants, the applicant applied a 50-percent reduction in minor street right-turn volumes. However, no justification was given for the reduction. Winston Drive is a shared lane approach. In reviewing the applicant's traffic counts, the proportion of right turns on Winston Drive is generally 10 percent. Thus, the large share of left turns that experience greater delay in making their movement will affect right turns. Thus, no right-turn reduction is warranted.

The applicant adequately analyzed the right-turn lane and left-turn lane warrants at the intersection of Holcomb Boulevard and Winston Drive. A left-turn lane is not warranted. A right-turn lane is warranted during PM peak hour operations under all analyzed scenarios. The applicant is not recommending a right-turn lane based on the assumption that the warrant will only be met during a few hours of the day, the fact that adequate capacity is available on Holcomb Boulevard, and that the proposed project adds a low volume of site generated traffic to the movement. Because the right turn operates effectively under all scenarios and no safety history exists to indicate that a right-turn lane is needed at this time, DEA concurs that a right-turn lane is not required at this time. The applicant clearly adds traffic to the right turn movement, and may be asked to participate in the future to fund a right-turn lane when deemed necessary.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, increased traffic will lead to increased accidents and in all likelihood eventually to the need for a center-two-way-left-turn lane. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

6. ***Traffic Operations*** – The applicant indicates that the two stop-controlled intersections on Holcomb Boulevard at Oaktree Terrace and Winston Drive meet City standards with operations of LOS C or better during all analysis scenarios.

The signalized intersection at Redland Road and Cascade Highway and the signalized intersections at Abernethy Road/Holcomb Boulevard and Redland Road meet Oregon City and ODOT operational standards in year 2003. By 2008 both intersections fail to meet operational standards during part of the day with and without site development. This development, in conjunction with significant growth in the area, is degrading operations at these two key intersections. This development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and ODOT should consider the timing and extent of improvements to relieve congestion along this corridor.

7. ***Queuing*** – The applicant did not report any queuing results for area intersections. A brief overview of their operations results suggests that area queuing will not be a significant issue.
8. ***Mitigation*** – The applicant has not identified the need for any off-site mitigation. DEA does not recommend any off-site mitigation
9. ***Site Plan Review*** – The applicant's site plan indicates that sidewalks will be provided within the development and along the Holcomb Boulevard frontage. In addition a bicycle/pedestrian and emergency vehicle accessway linking the development to Holcomb Boulevard will be provided. The applicant should assure that removable posts or some other impedance is used to prevent unauthorized vehicles

Mr. Tony Konkol
PZ03-01
Page 4

from using the accessway. Accessways should also be hard surfaced, properly lit, fenced, and ADA compliant.

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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**TRACEY HEIGHTS
29 LOT SUBDIVISION
APPLICATION**

OREGON CITY, OREGON

Prepared for:

Pacific Western Homes, Inc.
5530 NE 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

Prepared by:

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, Oregon
Phone (503) 636-4005
fax (503) 636-4015

Revised
January 29, 2003

Exhibit

3

TRACEY HEIGHTS 29 LOT SUBDIVISION

APPLICANT

Pacific Western Homes, Inc.
Mr. Chet Antonsen
Mr. Tom Skaar
5530 N.E. 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

APPLICANTS REPRESENTATIVE

Pinnacle Engineering
Mr. James Stormo P.E.
17757 Kelok Road
Lake Oswego, Oregon 97034
Phone (503) 636-4005
Fax (503) 636-4015

LOCATION & LEGAL DESCRIPTION

Tax Lots 1900 and 1902
Partition Plat PP 1994-61
Section 28 T2S R2E

SITE AREA

Approximately 9.23 acres

ZONING

R6/MH

APPROVAL CRITERIA

City of Oregon City Zoning Code

APPLICANT'S REQUESTED APPLICATION

Preliminary Plat for 29 lot Subdivision
Zone Change
Geotechnical Review
Traffic Impact Study Review
6 Minor Variances
Water Resource Review

This report will provide background information about the site and the proposed development. It will also address the provisions of the City of Oregon City's Zoning Code applicable to a 29 lot subdivision.

PROJECT SUMMARY

This application requests approval for a twenty nine (29)-lot subdivision of the subject site. The proposed lot and street layout as depicted on the attached preliminary plat submitted with this application. All twenty nine (29) lots proposed by this application will have frontage and take access onto a dedicated public right-of-way. The applicant is proposing two public alleys within the site that will provide driveway access to lots that have frontage along Holcomb Blvd. The applicant is also requesting a zone change to eliminate the MH designation from the property. The lots being created satisfy the requested designation R-6 zone requirement for a minimum lot size of 6,000 square feet. One (1) request for minor variances to lot width is also being requested.

PHYSICAL FEATURES

The parcel of land involved in this application is located on the south side of Holcomb Blvd., west of the Wasko Acres Subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage that are to remain. There are no known natural hazards or wetlands on the subject site.

SURROUNDING LAND USE

The parcels to the east of the site are single-family residential lots zoned R-6M11. The site is bordered on the west by larger undeveloped parcels zoned R10. The site is bordered on the north by Holcomb Blvd. The parcels bordering the south of the site are zoned FU10.

FINDINGS

This application involves re-configuring the subject site into a total of twenty nine (29) separate lots of record. The subject site consists of Tax Lots 1900 and 1902 of Clackamas County Assessor's Map 2S-2E-28, is zoned R-6 and totals approximately 9.23 acres in size.

The following chapters and sections of the City of Oregon City Zoning Code are applicable to this preliminary subdivision plat application based upon: (i) existing conditions present upon and surrounding the subject site, (ii) requirements conveyed by Oregon City staff during the pre-application meeting held for this project on November 13, 2002, and (iii) a review of Title 16 & Title 17 of the City of Oregon City's Zoning Code.

TITLE 17 -ZONING

CHAPTER 17.12 R-6 SINGLE FAMILY DWELLING DISTRICT

17.12.020 Permitted Uses

17.12.040 Dimensional Standards

APPLICANT'S RESPONSE:

As per the applicable provisions of these sections, this application involves the subject site proposed under the R-6 zoning designation. This application proposes to create single-family detached dwelling lots, a permitted use in the R-6 district. There are no conditional uses proposed through this application. As depicted on Exhibit A, the preliminary plat, all twenty nine (29) lots being created through this application satisfy the minimum square footage area requirements and the average lot width and lot depth requirements for the R-6 district with the exception of lot 9. A minor variance for lot width is being requested for this lot. Detached single family residences can be sited on each of the twenty nine (29) lots being created satisfying the height and setback requirements of the R-6 zone. At the maximum density levels permitted through Section 17.06.070, the total maximum dwelling units for the subject site is calculated as follows:

$$(9.23 \text{ Acres})(7.3 \text{ Units/Acre}) = \underline{67.4 \text{ Units}}$$

This application proposes a total of twenty nine (29) lots. Due to the steep slopes present upon the subject site and the existence of the water resource overlay on the property, further division of the subject site is not likely to occur. The creation of twenty nine (29) lots is within the maximum density allowed for the subject site. All of the lots (with the exception of the lot widths for lot 9) meet the dimensional requirements of this section.

CHAPTER 17.44 UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT

APPLICANT'S RESPONSE:

The subject site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site, and has an average overall slope of 10 percent. A geotechnical investigation of the subject site has been conducted to address the issues related to unstable soils and hillside constraint, please see the enclosed report provided by Geotech Solutions.

CHAPTER 17.47 EROSION CONTROL

APPLICANT'S RESPONSE:

An Erosion Control Plan for the subject site, satisfying the provisions of this section, will be submitted at the time final engineering plans are prepared for the public street and utility design and prior to final plat approval.

CHAPTER 17.49 WR WATER RESOURCES OVERLAY DISTRICT

17.49.010 Purpose

APPLICANT'S RESPONSE:

The purpose of the overlay district is to conserve and protect inventoried wetlands, water courses, and associated natural resource and water resource values. By complying with the requirements of this chapter, the proposed zone change and subdivision application support the purpose of this section. The applicant has submitted with this application a water resource report delineating the limits of the vegetative corridor.

17.4.050 *Water Quality Resource Area Standards*

APPLICANT'S RESPONSE:

The applicant retained the services of Environmental Technology Consultants to prepare a Water Resource Report to determine the extent of the resource area and the width of the vegetated corridor. The report was prepared to address the information set forth in this section. A copy of the report has been attached with this application. The vegetative corridor has been depicted on the site dimension plan shown on Exhibit "A" - sheet 1 of 4.

17.49.060 *Subdivisions and Partitions*

APPLICANT'S RESPONSE:

The applicant has prepared a report in order to determine the location of the vegetative corridor. The delineated vegetative corridor has been shown on the preliminary site plan. A majority of the vegetative corridor has been contained within Tract "A", a common open space tract. However, a small portion of the vegetative corridor is being shown on private lots (along the rear lot line of lots 1 through 4). The small area of vegetative corridor located within private lots is proposed to be located within a protective easement which is intended to prohibit any building activity within the corridor. The applicant feels that excluding the vegetative corridor area from these lots will create a hardship in that it will limit the land available for a suitable building envelope. Creating a protective easement satisfies the purpose of the code to protect the slope and resource area.

17.49.070 *Density Transfers*

APPLICANT'S RESPONSE:

The applicant is not requesting a density transfer nor does the applicant wish to apply for a planned unit development. Therefore, this section is not applicable.

CHAPTER 17.50 *ADMINISTRATION AND PROCEDURES*

17.50.030 *Summary of the City's decision making processes*

APPLICANT'S RESPONSE:

As per the applicable provisions of this section, this application for a twenty nine (29) lot subdivision is a Type II decision and therefore subject to the review and approval process outlined within the provisions of this section.

Chapter 17.50.050 *Pre-application conference and neighborhood meeting*

APPLICANT'S RESPONSE:

Per the applicable provisions of this section, a pre-application meeting was held with city staff on November 13, 2002. The subject site is located within the Park Place Neighborhood Association. The applicants representative met with Mr. Ralph Kiefer and Mrs. Lois Kiefer of the Park Place Neighborhood Association on Friday December 13th, 2002 (see attached letter from Mr. Kiefer dated December 13, 2002). A full sized set of plans were reviewed and a project overview was given to Mr. and Mrs. Kiefer. Both Mr. and Mrs. Kiefer indicated they would support the application as well as the requested zone change.

17.60.020

*Variances - Grounds*APPLICANT'S RESPONSE:

The width of the parcel does not allow for 6 lots to be developed at the standard width of 60 feet. Requiring the applicant to adhere to the 60 feet requirement would eliminate a lot from the site plan.

The variance would not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.

The circumstances for requesting this variance are not self imposed. The applicant is required by the City to extend an existing street (Smithfield Drive) along its current alignment and extend to the western property line of the site. Orientating lots along the south side of Smithfield Drive as shown on the preliminary plat utilizes the property to the fullest. Unfortunately, the width of the parcel is not wide enough to accommodate 6 lots. The existence of the Water Resource area also places a constraint on the property that would otherwise not exist.

Due to the existing street configuration and width of the parcel, no practical alternatives exist that would accomplish the same purpose and not require a variance.

The variance is the minimum necessary to alleviate the hardship. Also, the variance conforms to the comprehensive plan and the intent of the ordinance being varied. Approving the variance also maximizes density within the site, which is also encouraged by the City.

17.60.030

*Variances - Procedures*APPLICANT'S RESPONSE:

The applicant is requesting a minor variance to the required lot width of 60 feet as required by the zoning code. A minor variance to the required lot width is defined as a variance of less than or equal to 10% of the required dimension. The applicant is requesting this minor variance for the lot widths of lot 9. A summary of the required lot width, requested lot width, and percent of the variance.

<i>Lot</i>	<i>Required Width (Feet)</i>	<i>Requested Width (Feet)</i>	<i>% of variance from the standard</i>
9	60.0	55.00	8.33%

As shown above, the percent of variance is less than 10% as required by a minor variance.

In lieu of placing a burden of the variance on numerous lots, the applicant has chosen to reduce the total number of variances to one lot.

TITLE 16 -SUBDIVISIONS

CH 16.08 SUBDIVISIONS -PROCESS AND STANDARDS

16.08.020 *Pre-application conference required*

APPLICANT'S RESPONSE:

On satisfaction of the above provisions of this chapter, this twenty nine (29) lot preliminary subdivision application was discussed at two pre-application meetings with Oregon City staff. The first meeting was held on April 2, 2002 and the second meeting was held on November 13, 2002.

16.08.040 *Preliminary subdivision plat --required plans.*

APPLICANT'S RESPONSE:

The applicant has submitted with this application a preliminary plat plan package shown as Exhibit A,. The plan package consist of a preliminary site dimension plan, a preliminary sanitary sewer and water plan, a preliminary grading and storm drainage plan, and a preliminary tree removal plan. The plans show existing topography, existing utilities, existing trees, and other information depicting the applicable information found within this section.

The applicant has also submitted a detailed traffic study prepared by a professional transportation engineer licensed in the State of Oregon.

16.08.050 *Preliminary subdivision plat --narrative statement*

APPLICANT'S RESPONSE:

The applicant has submitted a detailed narrative to address the criteria shown within this section. Included is a discussion on how the project meets various code criteria as well as a summary on how existing services will be extended to service the needs of the project.

As to the provision of public services, they will be provided as follows:

Water

There is an existing 8" public water line located within Smithfield Drive that terminates at the eastern edge of the property. There is also an existing 8" water line at the southern terminus of Cattle Drive. An existing 8-inch water line also exist within Holcomb Blvd. The existing water system surrounding the property contain adequate capacity to serve the subject site. New public water lines, valves, fire hydrants, and services will be constructed to serve each of the twenty nine (29) lots being created, as shown on the preliminary water plan (Exhibit A - sheet 2 of 4),

Sanitary Sewer

An existing sanitary sewer line exist within Smithfield Drive at the eastern boundary of the project site. An existing sanitary sewer line also exist at the southern terminus of Cattle Drive. However, neither of these sewer lines have adequate depth to serve the needs of the proposed development. An existing sanitary sewer line located within Holcomb Blvd. does have adequate capacity and depth to serve the needs of the project. Therefore, a new public sanitary sewer line will be extended from Holcomb Blvd. through the site to serve the proposed lots. The new sanitary sewer system will be located in both public sewer easements and dedicated public right-of-way. Each proposed lot will be serviced with a sewer lateral and individual service connections in the approximate locations depicted on preliminary sewer plan (Exhibit A - sheet 2 of 4).

Storm Sewer and Storm Water Drainage

As depicted on Exhibit A, the topography of the subject site slopes from a lot point in the southwest corner of the site to high point in the northeast corner of the site. After discussions with Oregon City Engineering staff, the storm water will be collected within a new storm drain system and routed to a storm water quality/detention pond located within Tract "A". The applicant has attached to this application a preliminary storm water drainage report and calculations (see Exhibit B). The extension of Cattle Drive is proposed to drain to the storm system located within the Wasko Acres project. The storm water from lots 1 through 4 are proposed to drain directly to Tract "A". The storm water from lots 18 through 21 will be directed to a proposed storm system within Holcomb Blvd. The proposed detention pond has been over-sized to account for the drainage from the lots that are not discharging their storm water to the pond.

Traffic and Transportation

The frontage created by the dedicated public right-of-ways, as well as the creation of the two public alleys, will provide adequate access for the twenty nine (29) lots created through this proposed subdivision.

Schools, Fire and Police

Fire and police services are provided by the City of Oregon City within the incorporated city limits. The subject site is within the city limits. No school capacity issues have been raised to date with regard to this application. In addition to the existing residence, each of the twenty eight (28) new parcels being created will pay property taxes contributing towards the budgets of each of these public services.

CHAPTER 16.12 MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.020 *Street Design -Generally*

APPLICANT'S RESPONSE:

As depicted on Exhibit A (sheet 1 of 4), the preliminary plat, two dedicated public streets and two public alleys are proposed to serve the subject site. These new public right-of-way's will provide access to each of the twenty eight (28) lots being created as well as the existing house and garage that will remain on lot 19 within the subject site. The proposed streets take into consideration the varying topography of the subject site, existing street patterns, and protection of the water resource area. The street system as shown provides adequate access for the proposed lots depicted on the preliminary plat.

16.12.030 *Street Design -Minimum Right-of- Way*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the local street proposed by this application is design to City standards. The street system consist of both public streets and public alleys. The public streets will maintain a right of way width of 53 feet. The street section consist of a 32 foot wide pavement area with 5 foot planters and 5 foot sidewalks along both sides of the street. The public alleys will maintain a right of way width of 20 feet and pavement width of 16 feet. The proposed street is located within the R-6 zoning designation, which is an LDR designation, and meets the requirements of the provisions of Section 16.20.060 addressed herein below. The applicant also proposes to dedicate 10 feet along Holcomb Blvd. and construct frontage improvements along the property that abuts Holcomb Blvd. The improvements will include widening the pavement to width of 32.0 feet from center line. This pavement width will accommodate half of a center turn lane (6 feet), a through lane (12 feet), a bike lane (6 feet), parking lane (8 feet), and 7 foot sidewalk with tree wells. These street sections were given to the applicant at the pre-application meeting held on November 13th, 2002.

16.12.040 *Street Design -Reserve Strips*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are two reserve strips proposed by this subdivision application. The first reserve strip is located at the western terminus of the new Smithfield Drive at the western edge of the site. The second reserve strip is located at the southern terminus of the new Cattle Drive extension at the southeastern corner of the site.

16.12.050 *Street Design -Alignment*

APPLICANT'S RESPONSE:

The provisions of this section do not apply to local streets or public alleys. This application proposes construction of both local public streets and public alleys. Therefore, the provisions of this section are not applicable. Prior to final plat approval, engineered drawings will be provided to the City of Oregon City for engineering approval of the public streets and public alleys.

16.12.060 *Street Design -Constrained Local Streets and/or Rights-of- Way*

APPLICANT'S RESPONSE:

No constrained streets are proposed within this project. Therefore, the provisions of this section are not applicable.

16.12.070 *Street Design -Intersection Angles*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, connection of the proposed local east-west street (Smithfield Drive) with the proposed local north-south street (Tracey Court) will be at an angle of approximately 90 degrees. This connection will be designed providing a minimum of 25 foot return radius along the proposed curb line.

16.12.080 *Street Design -Additional Right-of- Way*

APPLICANT'S RESPONSE:

This application for division of the subject site proposes a 10 foot dedication of additional right-of-way along the frontage of the property with Holcomb Blvd. The amount of required dedication was given to the applicant by City staff at the time of pre-application meeting.

16.12.090 *Street Design -Half Street*

APPLICANT'S RESPONSE:

This application does not propose any half-street improvements. Therefore, the provisions of this section are not applicable.

16.12.100 *Street Design - Cul-de-Sac*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there is one cul-de-sac proposed by this application. The use of a cul-de-sac is avoidable because the City does not want a connection made to Holcomb Blvd from this site. The length of the cul-de-sac is less than 350 feet as shown on Exhibit A. The proposed cul-de-sac will have a right-of-way radius of 55.5 feet. This radius provides

adequate right of way to accommodate pavement, curb, planter strip and sidewalk.

16.12.110 *Street Design -Private Street*

APPLICANT'S RESPONSE:

No private streets are proposed within this project. Therefore, the provisions of this section are not applicable.

16.12.120 *Street Design -Street Names*

APPLICANT'S RESPONSE:

This application proposes the construction of three public right-of-way's to serve the subject site. Two streets are an extension of existing public right of ways (Smithfield Drive and Cattle Drive). The third new street is a cul-de-sac that has been tentatively named Tracey Court. Prior to final plat, a the name will be finalized with the City.

16.12.130 *Street Design -Grades and Curves*

APPLICANT'S RESPONSE:

As shown on Exhibit A, the proposed streets meet the City's requirement for curves and grades. Engineered drawings of the proposed public streets and public alleys will be submitted to the City for approval prior to final plat. The review process will ensure that the streets are designed in satisfaction of the City's Street Design Standards and Specifications. The applicant is proposing a small angle point of approximately 8 degrees at the point Smithfield Drive will connect to the end of the existing street located within Wasko Acres at the eastern edge of the site.

16.12.140 *Street Design -Access Control*

APPLICANT'S RESPONSE:

The provisions of this section outline requirements that may be required for sites abutting an arterial street. Holcomb Blvd. is classified as a minor arterial by the City's Street Classification System. The pre-application notes and conference summary specify that half street improvements will be required along Holcomb Blvd. The half street improvements will include pavement widening to 32 feet from centerline and a 7 foot sidewalk width tree wells.

16.12.150 *Street Design -Pedestrian & Bicycle Safety*

APPLICANT'S RESPONSE:

The provisions of this section discuss the authority of the decision-maker to require that the design of proposed streets be done in such a way to discourage non-local traffic. There have been no discussions with staff to date requiring special consideration be given to the local street design in an effort to discourage non-local automobile traffic.

16.12.160 *Street Design -Alleys*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are two public alleys proposed for this application. Each alley will have a right of way width of 20 feet and a paved width of 16 feet.

16.12.170 *Street Design -Transit*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the proposed public streets being proposed through this subdivision application will not have the capacity to serve as a transit street. The nearest transit service is provided by Tri-Met along South Holcomb Boulevard that abuts the project site.

16.12.180 *Street Design -Planter Strips*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, this application proposes construction of streets with a 53 foot side right-of-way. This right of way width will allow for the construction of a 5 foot planter adjacent to the curb along both sides of the street. No planter strips or sidewalks are proposed for the public alleys. A planter strip is not proposed along the frontage of Holcomb Blvd. The proposed sidewalk located along Holcomb Blvd. will contain tree wells to accommodate the installation of street trees.

16.12.190 *Blocks- Generally 16.12.200 Blocks- Length 16.12.210 Blocks- Width*

16.12.220 *Blocks- Pedestrian and Bicycle Access*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are no blocks proposed by this twenty nine (29)-lot subdivision application. Therefore, the provisions of this section are not applicable.

16.12.230 *Building sites*

APPLICANT'S RESPONSE:

This application proposes a twenty nine (29)-lot subdivision of the subject site resulting in the creation of twenty eight (28) new single-family residential lots and a reconfiguration of an existing residence (Lot 19 contains the existing single-family dwelling and garage that will remain). All twenty nine (29) lots comply with the lot area requirements of the R-6 zoning designation.

16.12.240 *Building site -frontage width requirement*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, all of the proposed twenty nine (29) lots will have at least 20 feet of frontage onto the proposed public right-of-way other than an alley.

Lots 18 through 21 have frontage along Holcomb Blvd. However, Holcomb Blvd, will not serve as the access point to these lots. Public Alleys are proposed to provide adequate driveway access to these lots as well as lots 17, and 22. Lots 24 and 25 are proposed flag lots. Both lot 24 and lot 25 have 20 feet of frontage along a public right of way (Tracey Court).

16.12.250 *Building site -through lots*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are four lots that have frontage along Holcomb Blvd. These lots could be considered a through lot. Since Holcomb Blvd. is classified as a minor arterial, the applicant is proposing to access these lots via a public alley. The use of an alley in this situation is encouraged within the code as stated in section 16.12.250.

16.12.260 *Building site -lot and parcel side lines*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the side lot lines being proposed run at right angles to the street upon which they face as far as is practicable in satisfaction of the provisions of this section.

16.12.270 *Building site -solar access*

APPLICANT'S RESPONSE:

As depicted on the preliminary plat, each of the twenty nine (29) lots proposed by this subdivision application contain sufficient lot area to provide solar access to each potential structure.

16.12.280 *Building site -grading*

APPLICANT'S RESPONSE:

In satisfaction of the provisions of this section, all future grading completed for building sites, not shown on the preliminary grading plan, shall conform to the various applicable requirements listed in this section. Review of building site-grading and erosion control plans will be fulfilled through the building plan review process.

16.12.290 *Building site -setbacks and building location*

APPLICANT'S RESPONSE:

The provisions of this section apply to lots fronting on collector or minor arterial streets. Holcomb Blvd. is classified as a minor arterial street. As depicted on the preliminary plat submitted with this application, Lots 18 through 21 have frontage along Holcomb Blvd. The garages for these lots will access from a public alley and will be located a minimum distance of 5.0 feet from the right of way of the public alley.

As stated previously, these lots will have vehicular access from two public alleys located adjacent to the lots.

16.12.300 *Building site -division of lots*

APPLICANT'S RESPONSE:

The total square footage of the subject site is approximately 9.23 acres in size. Under the R-6 zoning designation, the subject site would have the potential for division into approximately sixty seven (67) separate lots. However, due to the slopes present upon the subject site and the existence of a Water Resource Overlay on the site, division further than the proposed twenty nine (29) lots will not be possible.

16.12.310 *Building site -protection of trees*

APPLICANT'S RESPONSE:

In satisfaction of the provisions of this section, all trees greater than six (6) inches will be preserved where practicable outside the building envelopes, streets/utilities areas, utility easements, detention pond, and driveways of the twenty nine (29) lots being created through this application. The applicant has submitted a tree removal plan with this application, see Exhibit A - sheet 4 of 4.

16.12.320 *Easements*

APPLICANT'S RESPONSE:

As per the applicable provisions of this section, utility easements will be provided as necessary based upon final engineering plans. The applicant is proposed a 15 foot public sanitary sewer easement along the rear of lots 17 and 18 and along the side lot line of lots 16 and 17. Another 15 foot wide sanitary sewer easement is proposed along the eastern edge of Tract "A" and along the eastern lot line of lot 4. A 15 foot wide public storm sewer easement is proposed between lots 7 and 8. The applicant is also proposing a private ten (10) foot sanitary sewer easement across lot 21 in order to install a private sewer lateral to serve lot 20.

16.12.330 *Water Resources*

APPLICANT'S RESPONSE:

There is a water resource area located upon the subject site. Therefore, the provisions of section 17.49 have been addressed within this application narrative.

16.12.340 *Minimum Improvements -Procedures*

APPLICANT'S RESPONSE:

The provisions of this section apply to improvements proposed for construction. The improvements proposed for construction upon the subject site in relation to the proposed twenty nine (29)-lot subdivision will be approved through the final plat approval process and will be inspected by the City at the time of construction. Therefore, the provisions of this section are not applicable at this time.

16.12.350 *Minimum Improvements -Public Facilities*

APPLICANT'S RESPONSE:

This application request approval to subdivide the subject site into a total of twenty nine (29) separate lots of record. Under Title 16, public facilities improvements shall comply with these provisions as follows:

A. Transportation System

As depicted on the preliminary plat, this application proposes the dedication of three public right-of-ways and two public alleys. These proposed local streets will provide access to all of the lots within the proposed subdivision as well as serving as future access to the properties adjacent to the subject site to the south and west.

B. Storm Water Drainage System

As depicted on Exhibit A, the storm water drainage from the site will be collected and routed to a storm water detention/water quality pond located within Tract "A".

C. Sanitary Sewer System

There is an existing sanitary sewer line located within Holcomb Blvd. that will be extended into the site to provide sanitary sewer service to the project. This new sewer line will serve the development of the subject site via individual service laterals and individual service connections in the approximate locations depicted on Exhibit A, the preliminary plat submitted with this application.

D. Water System

There are two water lines that are stubbed to the property; One is located at the western end of Smithfield Drive and another at the southern end of Cattle Drive. New 8-inch water lines will be extended into the site to serve the needs of the development. Individual water lines, meters and services will be constructed to serve each of the twenty nine (29) lots being created.

E. Sidewalks

As depicted on the preliminary plat submitted with this application, the construction of sidewalks are included in the typical street section.

F. Bicycle Routes

A bike lane is being proposed along Holcomb Blvd. The applicant is not proposing construction of a bicycle lanes or bicycle route for the proposed on-site public streets or public alleys.

G. Street Name Signs and Traffic Control Devices

Per the provisions of this section, any street name signs required by the City, to be paid for by the applicant as well as any traffic control devices to be designed as directed by the City Engineer. These provisions will be satisfied by the applicant through the final plat approval process.

H. Street Lights

The provisions of this section require placement of street lights in conformance with all City regulations. The placement of street lights upon the subject site will be determined during final plat review.

I. Street Trees

The provisions of Chapter 12.08 -Street Trees determines the planting requirements for street trees along all street frontages. The location of street trees will be done at the time of building permit for the individual lots.

J. Bench Marks

The placement of a bench mark within the boundaries of the proposed subdivision will be determined during the final plat approval process.

K. Other

The under-grounding of electrical lines will be accomplished as a result of the approval of this subdivision application.

L. Over-sizing of Facilities

The design of the facilities and improvements that will be provided in conjunction with the approval of this application will be determined at the time of the final plat approval process. Therefore, the provisions of this section are not applicable at this time.

M. Erosion Control Plan -Mitigation

Erosion and sediment control plans will be submitted for approval as part of the final plat review process. Therefore, the provisions of this section are not applicable at this time.

APPLICANT'S RESPONSE:

The provisions of this section address the establishment of streets, private or public, within proposed developments. As depicted on the preliminary plat submitted with this application, all streets proposed are to be public right of ways or public alleys. No private streets are proposed.

APPLICANT'S RESPONSE:

Construction of public improvements proposed upon the preliminary plat submitted with this application will be completed after approval of the final plat. The applicant will guarantee completion of the construction of the proposed improvements. This guarantee will be in compliance with the provisions of subsection 'C' of this section.

Supplemental Information for Zone Change

SUMMARY:

The applicant is proposing to change the zoning within the project to eliminate the MH overlay. The applicant proposes to keep the zoning as R6. The following information discusses the applicability and compliance with the Chapter 17.68 of the Zoning Ordinance

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.020 Criteria

APPLICANT'S RESPONSE:

The applicant proposes to construct "stick built" single family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional requirements of the MH overlay does not lend itself in creating lots that are suitable for "stick built" single family detached dwelling units. The requested zone change is simply requesting to eliminate the MH overlay. The applicant wishes to retain the R6 designation. Therefore, maximum density, will not be changed. The application proposes to construct smaller lots within a low density residential area, which is encouraged by the City. The project is also providing land use opportunities within the City and the Urban Growth Boundary to accommodate the anticipated population increase, as encouraged by the City. The Oregon City Comprehensive Plan also encourages development on vacant buildable land within the City where urban facilities and services are available or can be provided. This application satisfies this goal. Therefore, the proposed zone change is consistent with the goals and policies of the comprehensive plan.

Adequate public facilities and services exist, or can be extended, to serve the use of the proposed zone change. As described throughout this narrative, existing services (storm, sanitary, water, streets, power, etc.) can be extended throughout the site to adequately serve the needs of the proposed development.

Streets can be extended into the site that can adequately serve the needs of the development. The applicant also proposes to provide for future extension of Smithfield Drive to the west for a future connection to Oak Tree Terrace. Therefore, the land use is consistent with the level of service of the transportation system serving the property.

Overall, the proposal meets the applicable requirements required for a zone change.

Conclusion

This application seeks approval for a subdivision of the subject site into twenty nine (29) individual lots of record. As proposed, this twenty nine (29)-lot subdivision application satisfies the City of Oregon City's Zoning Code standards and criteria applicable to an R-6 designated property. Lot 19 will retain the existing single-family detached dwelling as well as the garage that is located within Lot 19. Lots 1 through 18, and 20 through 29 are of a size and shape that will allow development of single-family detached dwellings while satisfying the R-6 designation's setback requirements. Based upon compliance with all applicable review criteria, as addressed herein above, the applicant requests the City of Oregon City approve this application for a twenty nine (29) lot subdivision, request for six (6) minor variances, and a request for a zone change, as depicted on the preliminary plat provided with this submittal.



February 7, 2003

Tony Konkol
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

RE: Tracey Heights Subdivision - Oregon City, Oregon
Plan Map Amendment

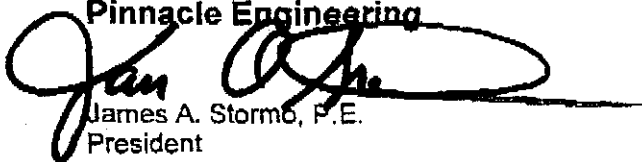
Tony:

I have attached to this letter a narrative describing our request for a Plan Map Amendment for this site.

I also spoke with Mike Baker of David Evans & Associates regarding the traffic analysis for this project and in particular with regards to the Plan Map Amendment. Mike informed me that he did not believe that any additional information with regards to the traffic study was necessary for this application since all we were requesting was the removal of the MH designation.

If you have any questions regarding any of the attached information, please feel free to give me a call at (503) 636-4005. Thank you.

Sincerely,
Pinnacle Engineering



James A. Stormo, P.E.
President

cc Chet Antonsen, Pacific Western Homes, Inc.
Tom Skaar, Pacific Western Homes, Inc.

I. EXECUTIVE SUMMARY

This transportation impact analysis (TIA) has been prepared for the proposed Holcomb Boulevard subdivision, to be located on the south side of Holcomb Boulevard between Oaktree Terrace and Winston Drive. The site will be developed by Pacific Western Homes and will include 30 single-family units, 29 proposed units and one existing unit. Trip generation calculations were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition. The subdivision will generate 21 AM peak hour trips and 30 PM peak hour trips, based on ITE rates for Land Use Code 210, Single-Family Detached Housing.

The site will access Holcomb Boulevard using an extension of Winston Drive which is being constructed with development of the Wasco Acres subdivision. Holcomb Boulevard is classified as a minor arterial and is located inside of the UGB. Sight distances of 500 feet to the west and east of Winston Drive along Holcomb Boulevard are available. Both distances exceed County sight distance standards of 350 feet.

Future years of analysis for the study area intersections include year 2003, when full buildout of the site is proposed, and year 2008, as required by the City of Oregon City. The future year volumes for the development are an overestimate because of the use of the EMME/2 model to project background growth. The Holcomb Boulevard Subdivision site is included as residential in the EMME/2 model and a portion of the new trips would be included in the background growth. In 2003, Cascade Highway at Redland Road is expected to operate at a two-hour v/c of 0.91 during the PM peak hour. In 2008, the intersections of Cascade Highway at Redland Road and Abernethy Road/Holcomb Boulevard at Redland Road will operate at levels of service "E" during the PM Peak hour, with v/c of 1.00 or greater without or with the development of this subdivision. Development of the Holcomb Boulevard subdivision will not worsen this future year v/c; thus mitigation is not required.

The City of Oregon City included the Cascade Highway at Redland Road intersection in their "Highway 213 Corridor Study" and identified that this analysis should include evaluation of this intersection, but mitigation will not be required or requested.

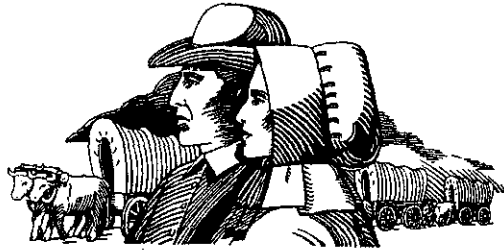
Exhibit 5

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: WR 02-18

Complete: February 12, 2003
120-Day: June 5, 2003

APPLICATION TYPE: Type III

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034
Environmental Technology Consultants
1924 Broadway, Suite A
Vancouver, WA 98663

REQUEST: The applicant is requesting a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.I.1.

LOCATION: South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval with conditions

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

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

I. BACKGROUND

The applicant is requesting a water resource determination (Exhibit 2) for a parcel of approximately 8.81 acres and vegetated corridor width reduction due to slopes in excess of 25% slope (Exhibits 3 and 4). The site is located on the south side of Holcomb Boulevard approximately 200 feet east of Oak Tree Terrace. The property is currently vacant and it appears that timber was harvested from the property in the recent past. The parcel is identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lot 4300.

This site is located in the Clackamas Heights area at an elevation of approximately 410 feet on the west flank of a low butte with a maximum elevation of 570 feet. The site slopes are generally east to west at approximately 5%. The Clackamas River to the north and Abernethy Creek to the south are deeply dissected into the surrounding landscape. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25% to 30%.

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, as well as a Zone Change (File ZC 02-04) from R-6 Single-Family/Manufactured Housing to R-6 Single-Family and a Comprehensive Plan Map Amendment (PZ 03-01) from Low Density Residential/Manufactured Housing to Low Density Residential, both of which are a Type IV Land Use Decision. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing. The applicant is requesting an amendment of the comprehensive plan to Low Density Residential and rezoning the property to R-6 Single-Family.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on a parcel zoned R-6/MH Single-Family Residential. One parcel associated with the proposed development, which is not located in the Water Resource Overlay District, is at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which is the subject of the Water Resource Review, does not have a site address and is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use designation and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use designation and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Water Resource determination was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 5a), the Oregon City Director of Public Safety (Exhibit 5b), and the Oregon City Engineering Department (Exhibit 5c). The comments have been incorporated into the staff report.

D. Overlay District Zoning. The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District covering a majority of the site.

III. DECISION-MAKING CRITERIA

****The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over the southern half of Tax Lot 4300.****

CONSISTENCY CRITERIA

Oregon City Comprehensive Plan

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

Municipal Code

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT
Chapter 17.50 ADMINISTRATION AND PROCEDURES

Oregon City Comprehensive Plan

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

Natural Resources and Hazards Goals and Policies

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

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

Description of Water Resources, Rivers and Creeks

1. Abernathy Creek and tributaries:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the Park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along 17th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

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 applicant has proposed to develop a 29-lot subdivision, stormwater detention, and a stormwater outfall on a tax lot within the Water Resource Overlay District. The stormwater outfall will be located within the vegetated corridor. The proposed development can meet the intent of the comprehensive plan for the protection of this water resource by complying with the attached conditions of approvals.

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT

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 site has been identified as having a water quality feature (stream) on the site. The applicant submitted a Water Resource Report, which was prepared by Richard Bublitz of Environmental Technology Consultants and dated October 16, 2002 (Exhibit 2). The report indicates that the waterway on site is jurisdictional water regulated by local, state, and federal regulations. The applicant has also requested a vegetated corridor reduction of 25 feet, representing approximately 5,605 square feet, along the east side of

the vegetated corridor due to slopes in excess of 25% as permitted under section 17.49.050.I.1 of the Oregon City Municipal Code (Exhibit 4).

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 and Water Management Map identifies the Water Quality Resource Area Overlay District over the southern portion of Tax Lot 4300. A stream feature, which is a first-order stream that ultimately flows into Abernathy Creek, has been identified on the tax lot.

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; however, the stream is not indicated on the Local Wetland Inventory.

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: Environmental Technology Consultants was contracted to perform the water resource investigation by Pinnacle Engineering, the agent for the applicant. The field investigation was performed on October 11, 2002. An initial reconnaissance for the purpose of submitting a proposal was performed on April 3, 2002. The submitted report provides the information required under OCMC 17.49.050.G(1-6), which is the assessment phase of the water resource investigation. As of the date of this report, it was uncertain whether impacts would be necessary within the Water Quality Resource Area, so no additional information was provided under OCMC 17.49.050.G(7-12).

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 tax lot 4300 is within the Water Quality Resource Area. The applicant has indicated that the resource is jurisdictional water. The applicant has proposed to develop a 29-lot subdivision, stormwater detention, and a stormwater outfall on a tax lot within the Water Resource Overlay District. The stormwater outfall will be located within the Water Quality Resource Area, thus 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.

Findings: The applicant has not requested a determination that development of the site will not occur within the delineated Water Quality Resource Area.

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.

Findings: The applicant has not indicated that approval from any other governmental jurisdiction has been applied for nor received. The applicant shall receive the necessary approvals prior to development of the site.

The applicant can meet this requirement by complying with Condition of Approval 1.

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)
<i>Anadromous fish-bearing streams</i>	<i>Any slope</i>	• Edge of bankfull flow	200 feet
<i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i>	<i>< 25 percent</i>	• Edge of bankfull flow	15 feet
<i>All other protected water features</i>	<i>< 25 percent</i>	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		200 feet
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		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, Exhibit 2, which identifies the water resource crossing the site as an intermittent stream. The Water Resource Report indicates that based on the topographic information, it was determined that the majority of the adjacent slopes surrounding the stream are greater than 25%, and therefore the stream does not meet the classification of "Intermittent streams with slopes less than 25% and which drain less than 100 acres". Therefore the stream falls into the default category of "All other Protected Water Features".

<i>All other protected water features</i>	<i>< 25 percent</i>	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		200 feet
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		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.

The applicant has proposed a 50-foot to 200-foot wide vegetated buffer (Exhibit 2, Figure 3 of 5) area along the intermittent stream depending on the steepness of the adjacent slopes. Staff concurs with the applicants findings concerning width of the vegetated buffer (Water Quality Resource Area).

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 proposed a new stormwater pre-treatment facility within the Water Quality Resource Area, which does not fit under the permitted use categories.

D. Uses Under Prescribed Conditions.

- 1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.*
- 2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.*
- 3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.*

Findings: The applicant has proposed a new stormwater pre-treatment facility within the Water Quality Resource Area, which does not fit under the prescribed conditions category.

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:

- 1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;*
- 2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;*
- 3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;*
- 4. New public or private utility facility construction;*
- 5. Walkways and bike paths (see subsection (H)(5) of this section);*
- 6. New stormwater pre-treatment facilities (see subsection (H)(6));*
- 7. Widening an existing road adjacent to or running parallel to a water quality resource area;*
- 8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.*

Findings: The applicant submitted a proposed site layout that includes item number 6, a new stormwater pre-treatment facility. The applicant has proposed to place an outfall percolation pipe from the storm pond into the vegetated corridor. 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: No prohibited uses are proposed.

G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.

- 1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.*

Findings: The applicant has provided a topographic map of the site showing the delineation of the water quality resource area. The map is Figure 3 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2).

- 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 applicant has provided the location of all existing natural features and is included as Figures 1 of 5 and 2 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2). The applicant has not proposed to remove any trees within the delineated water resource area. The applicant has proposed to place an outfall pipe from the stormwater pond into the water resource area, but it appears the installation of this pipe will not require the removal of any trees.

- 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 2) revealed the spring and stream within the project site. The delineation was completed by a professional wetland scientist from Environmental Technology Consultants.

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

Findings: The location of nuisance plants are shown on Figure 5 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2).

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

Findings: The applicant has indicated that the vegetated corridor was generally a fairly mature second growth forest in a natural condition. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area. Even through this area generally lacked a canopy, the remainder of the Vegetated Corridor had a fairly complete canopy cover of mature trees. With the percentages listed above, the vegetated corridor meets the criteria of a "good existing corridor" in accordance with Table 2 of OCMC 17.49.

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

Findings: The applicant has indicated that the overall character of the Vegetated Corridor is that the total average tree coverage is approximately 65%; shrub coverage in the understory of the tree canopy averaged approximately 50%; and groundcover totaled approximately 80%. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area.

- 7. An analysis of the impacts the proposed development may have on the water quality resource area. This discussion shall take into account relevant natural features and characteristics of the water quality resource area, including hydrology, soils, bank stability, slopes of lands abutting the water resources, hazards of flooding, large trees and*

wooded features. The discussion shall identify fish and wildlife resources that utilize or inhabit the impact area in the course of a year and the impact of the proposed development on water resource values;

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 2. The applicant shall provide an analysis of the impacts associated with the proposed stormwater outfall within the Water Quality Resource Area.

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 has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 3. The applicant shall provide an analysis of the impacts associated with the proposed stormwater outfall within the Water Quality Resource Area.

9. An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 4. The applicant shall provide measures that feasibly can be taken to reduce or mitigate the impact of the stormwater outfall within the Water Quality Resource Area.

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 applicant can meet this requirement by complying with Condition of Approval 5. The water resource report shall be prepared by one or more qualified professionals.

11. Alternatives analysis demonstrating that:

- a. No practicable alternatives to the requested development exist that will not disturb the water quality resource area,*
- b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,*
- c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,*
- d. It will be consistent with a water quality resource area mitigation plan,*

- e. *An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,*
- f. *For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:*
 - i. *Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed, and*
 - ii. *If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation, and*
 - iii. *Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable;*

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 6. The applicant shall provide an alternative analysis for the proposed stormwater outfall within the Water Quality Resource Area.

12. A water quality resource area mitigation plan shall be prepared by a registered professional engineer, landscape architect, biologist, or other person trained or certified to determine that the vegetated corridor meets the requirements of Table 17.49-2 and shall contain the following information:

- a. *A description of adverse impacts that will be caused as a result of development,*
- b. *An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,*
- c. *A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,*
- d. *A map showing where the specific mitigation activities will occur,*
- e. *A maintenance program assuring plant survival for a minimum of three years,*
- f. *An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in anadromous fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.*

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant has proposed draining the developed part of the site into a detention/water quality pond system. The detention system is located at the northeastern end of the intermittent stream. The detention system is proposed to discharge through a level spreader to the intermittent stream. Mitigation measures for impacts caused by the development within the Water Quality Resource Area were not addressed in the report. The Water Resources Report will have to be revised to show impacts to the buffer area and mitigation for the impacts.

The Oregon City Engineering Department indicated that the mitigation plan for the vegetated corridor area should incorporate the removal of non-native species and replanting the area with non-nuisance plants from the Oregon City native plant list in accordance with section 17.49.H(3) of the Oregon City Municipal Code.

As part of the mitigation plan, the replacement area for the area of encroachment of the stormwater facility and Water Quality Resource Area shall be prepared as a deed restriction and recorded to protect the replacement area and Water Quality Resource Area in perpetuity.

The applicant can comply with this criterion by complying with Conditions of Approval 7, 8, and 13.

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 shall include restoration and maintenance in accordance with the mitigation plan (item 12 above) and specifications in Table 17.49-2 (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 per Condition of Approval 12. These protections shall remain throughout the construction process.

- 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: Revegetation is required per the Landscape/Mitigation Plan. Removal of nuisance plants is a requirement of the mitigation plan, including revegetating areas where the contours would be disturbed. Revegetation of Oregon City native plant materials will take place by the end of the next planting season. The applicant shall implement the city approved plan of Condition of Approval 7.

- 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: Work boundaries and clearing limits will be clearly flagged and trees will be protected and not used to anchor or stabilize the work equipment per Condition of Approval 12. These protections shall remain throughout the construction process.

5. Walkways and bike paths:

a. A gravel, earthen, tree bark product, or equivalent walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of fifty percent of the trail may be within thirty feet of the protected water feature.

b. A paved walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the water quality resource area must be increased by a distance equal to the width of the paved path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of twenty-five percent of the trail may be within thirty feet of the protected water feature; and

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

Findings: The applicant has not proposed walkways or bike paths within the water resource area, this standard is not applicable.

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).*
- b. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.*
- 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.*
- 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 proposed to locate an outfall percolation pipe from the stormwater pond into the vegetated corridor. The pipe appears to be in excess of 25 feet inside the vegetated corridor, which does not meet the development standards of Section 17.49.H.6(a) above. The applicant can meet this criterion by complying with Condition of Approval 9, which prohibits the placement of the percolation pipe in excess of 25 feet into the vegetated corridor.

The applicant has not submitted information concerning the area of encroachment. The applicant can meet this criterion by complying with Condition of Approval 10, requiring the applicant to replace the area of encroachment in compliance with Section 17.49.H.6(b).

The applicant has proposed to collect stormwater associated with the development on-site. The treatment facility shall be reviewed and approved by the city engineer during the subdivision review for the subject site.

The applicant has not submitted information indicating that the water quality resource area will not be subject to a significant negative impact as a result of changes to existing hydrologic connections. The applicant can meet this criterion by complying with Condition of Approval 14.

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).*
- 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: The applicant has not proposed additions, alterations, rehabilitation, or replacement of lawful structures within the water resource area, this standard is not applicable.

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 shall prepare an alternative analysis to determine if off-site mitigation is required. This will be addressed by meeting Condition of Approval 6.

- 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:*

Findings: A vegetated corridor width reduction under section 1 below has been requested for the southeast section (along proposed lots 2-4) of the water quality resource area (Exhibit 3).

- 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: Figure 3 of 5 of the water resource report (Exhibit 2) indicates the areas where the slopes are in excess of 25% and are 150 feet or less from the delineated water feature. Exhibit 4 depicts the proposed reduction of the vegetated corridor from 50 feet to 25 feet.

The applicant has provided a Slope Stability report, prepared by Geotech Solutions, Inc. and dated January 17, 2003, indicating that the slopes along the back of Lots 1-4 are stable and exhibit no signs of instability (Exhibit 3). Provided the recommendations presented in our geotechnical report are followed, reducing the setback from the buffer for construction of the proposed lots will not increase the risk of instability of these slopes. The applicant can meet this criterion by complying with condition of approval 15, which requires the applicant to implement the recommendations presented in the geotechnical report provided by Geotech Solutions, Inc. and dated December 27, 2002 (Exhibit 7).

The proposed reduction is not supported by the slope analysis submitted by Environmental Technology Consultants, Figure 3 of 5 for proposed Lot 2 (Exhibit 2). It appears that the 25% slope exceeds 150 feet from the water feature for approximately 45 feet in a south to north direction along the west (rear) lot line of proposed lot number 2, thus the vegetative corridor reduction would not be applicable for this section as the slope is in excess of 150 feet from the water feature. The applicant can meet this criterion by complying with Condition of Approval 11, which requires the applicant to reconcile the slope analysis with the proposed vegetated corridor width reduction.

- 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 resource does not contain anadromous fish.

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 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.

(E) 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 02-61, on November 13, 2002 (Exhibit 6) 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 one-hundred-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 December 17, 2002. The City deemed the application complete on February 5, 2003.

(d) 17.50.090 Public notices.

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

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 February 18, 2003. The application was advertised in the Clackamas Review on February 26, 2003 and the property was posted on February 21, 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)

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 February 18, 2003. The application was advertised in the Clackamas Review on February 26, 2003 and the property was posted on February 21, 2003.

(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 will impose 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 §1(part), 1998)

Findings: Performance guarantees are not required as performance is based on permit issuance or certificates of occupancy.

Conclusion and Decision

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

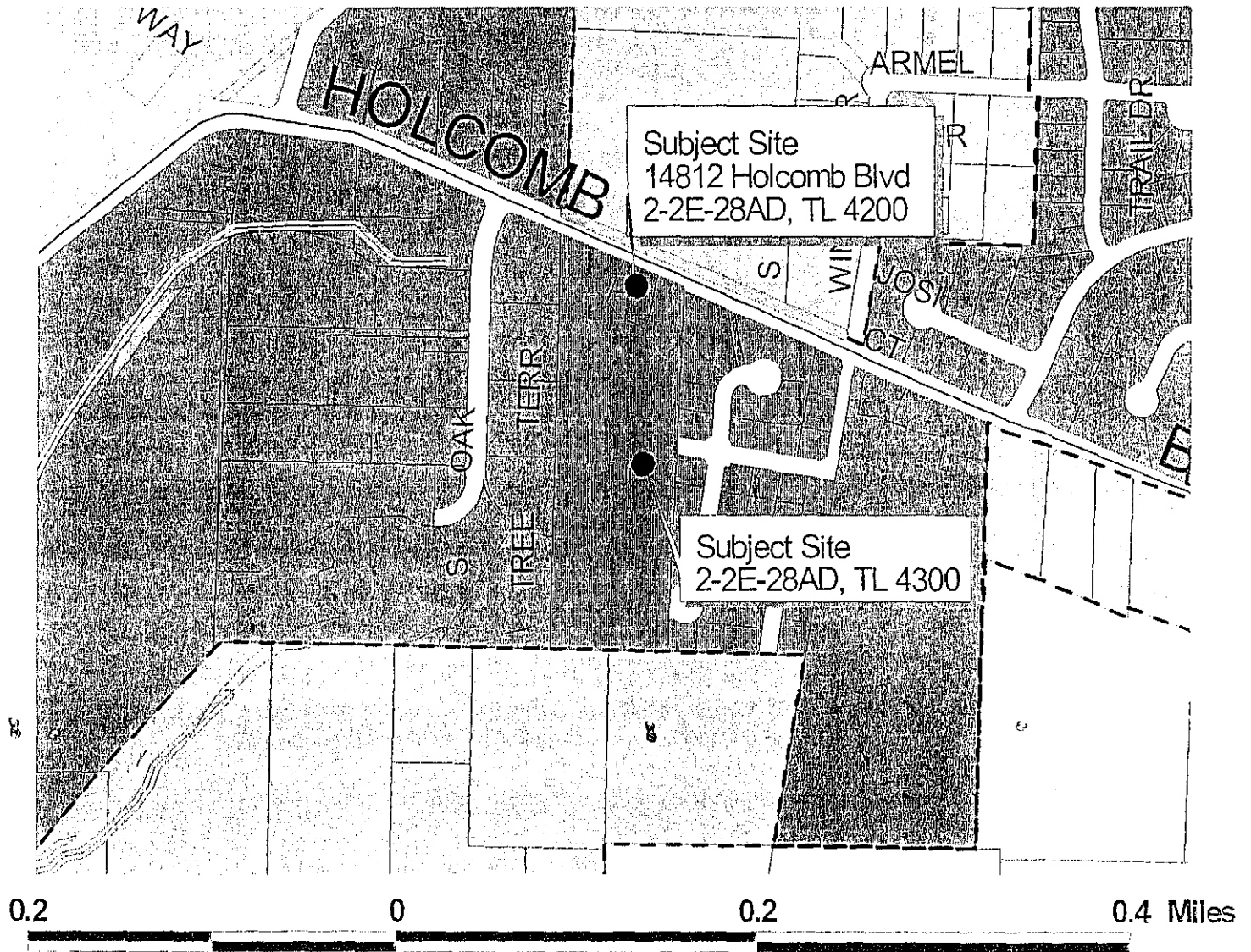
Exhibits:

1. Site Map
2. Environmental Technology Consultants Report dated October 16, 2002
3. Memo from Geotechnical Solutions Services dated January 17, 2003
4. Proposed Subdivision Layout and Vegetated Corridor Reduction.
5.
 - a. Park Place Neighborhood Association
 - b. Public Safety
 - c. Oregon City Engineering Department
6. Pre-application (On File)
7. Geotech Solutions, Inc.; December 27, 2002 (On File)

CONDITIONS OF APPROVAL:

1. Division of State Lands concurrence with the wetland delineation shall be provided by the applicant to the City prior to the issuance of a grading permit for the site.
2. The applicant shall provide an analysis of the impacts the proposed development within the water quality resource area may have on the water quality resource area. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
3. The applicant shall provide an analysis of the impacts the proposed development within the water quality resource area will have on the water quality of affected water resources in accordance with section 17.49.G.8. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
4. The applicant shall provide an analysis of measures that can be taken to reduce or mitigate the impacts of the proposed development within the water quality resource area in accordance with section 17.49.G.9. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
5. The water resource report shall be prepared by a qualified professional.
6. The applicant shall provide an alternative analysis in accordance with section 17.49.G.11. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
7. The applicant shall provide a water quality resource area mitigation plan in accordance with section 17.49.G.12. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
8. The applicant shall incorporate the removal of non-native species and replanting the area with non-nuisance plants from the Oregon City native plant list into the mitigation plan.
9. The applicant shall not extend the storm pond outfall pipe more than 25 feet into the water quality resource area.
10. The applicant shall replace the area of encroachment of the storm pond outfall pipe in accordance with section 17.49.H.6(b).
11. The applicant shall reconcile the proposed vegetative corridor width reduction with the slope analysis submitted by Environmental Technology Consultants (Exhibit 2). The vegetated corridor reduction shall not reduce the buffer area to 25 feet unless the break in the 25% slope is less than 150 feet from the intermittent stream.
12. The Water Quality Resource Area boundary (including replacement area for the stormwater outfall pipe encroachment), work boundaries, and clearing limits shall be clearly flagged and trees shall be properly protected and not used to anchor or stabilize the work equipment. These limit lines and protections shall be in place prior to the issuance of any permit for site work and shall remain in place throughout the construction process.
13. Deed restrictions shall be prepared and recorded describing the location of the water quality resource area, including the replacement area for the stormwater outfall pipe encroachment. The deed shall protect the water quality resource area and replacement area in perpetuity. Copy of the recorded deed shall be provided to the City of Oregon City prior to issuance of the certificate for final occupancy.
14. The applicant shall provide information indicating that the water quality resource area will not be subject to a significant negative impact as a result of changes to existing hydrologic connections in accordance with section 17.49.H.6(d).
15. The applicant shall implement the recommendations presented in the geotechnical report provided by Geotech Solutions, Inc. and dated December 27, 2002 (Exhibit 7).

WR 02-18



WATER RESOURCES REPORT

FOR

**TAX LOT 1902, HOLCOMB BOULEVARD;
OREGON CITY, OREGON**

PREPARED FOR

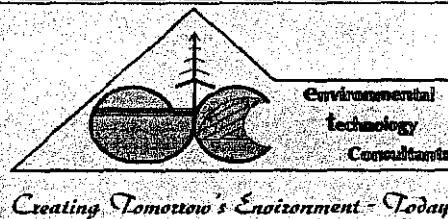
**PINNACLE ENGINEERING ASSOCIATES
17757 KELOK ROAD
LAKE OSWEGO, OR 97034**

October 16, 2002



Environmental Technology Consultants

A Division of Stsui Enterprises, Inc. (an Oregon Corporation)



www.envirotechcons.com

1924 Broadway, Suite A Vancouver, WA 98660
Phone: (360) 696-4403 FAX: (360) 696-4089

Exhibit 2

WATER RESOURCES REPORT

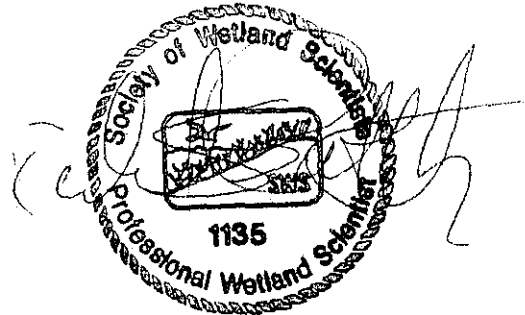
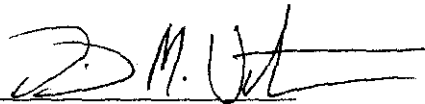
For

Tax Lot 1902, Section 28A, T2S, R2E, W.M.
(Holcomb Boulevard)
Oregon City, Oregon

Prepared for:
Pinnacle Engineering Associates
17757 Kelok Road
Lake Oswego, OR 97034

October 16, 2002

Evaluated by:



Environmental Technology Consultants
1924 Broadway, Suite A Vancouver, WA 98663
(360) 696-4403 FAX (360)696-4089
E-mail: etc@teleport.com

PROJECT, SITE DATA, AND EVALUATION SUMMARY

Site: Tax Lot 1902, Holcomb Boulevard; Oregon City, Oregon

ETC Project Number: EVA-02-023

Project Staff: David Waterman, Richard Bublitz

Applicant: Pacific Western Homes
5526 SE 122nd Avenue
Portland, OR 97230
(503) 252-3745

Owner: David & Carolyn Williams
5740 SE Byron Drive
Milwaukie, OR 97267
(503) 659-8595

Site Location: The site is located in Oregon City, Oregon, on the south side of Holcomb Boulevard approximately 200' east of Oak Tree Terrace. Legal description: TL 1902, Section 28A, T2S, R2E, W.M. Lat: 45°22'13" Lon: 122°33'46".

Acreage: 8.8 acres

Topography: The site is located in the Clackamas Heights area at an elevation of approximately 410' on the west flank of a low butte with maximum elevation 570'. Site slopes are generally east to west at approximately 5%. The Clackamas River to the north and Abernethy Creek to the south are deeply dissected into the surrounding landscape. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25 to 30%.

Land Use History: The property is currently vacant. It appears that timber was harvested from the property in the recent past. Timber usage is the only evident historic usage of the site, although agricultural usage is also probable.

Adjacent Usage: The property adjacent to the east is a recently developed medium density single family residential subdivision. To the north and west are older lower density residences. To the south is vacant forested property.

Waterways: A first-order stream that ultimately flows into Abernethy Creek begins onsite and is aligned in a general northeast to southwest direction.

Floodway: None

LWI Map Reference: City of Oregon City Local Wetland Inventory T2S R2E Section 28

Other Wetland Determinations: None

Determination: The waterway onsite is a jurisdictional water regulated by local, state, and federal regulations.

Wetland Classes: R4SB1/3 (Riverine, Intermittent, Streambed, Cobble/Gravel and Mud)

Introduction:

The subject property consists of one 8.8-acre parcel in Oregon City, Oregon with the following legal description: TL 1902, Section 18A, T2S, R2E, WM. The City of Oregon City Water Quality and Flood Management Areas Map (Exhibit A, Ordinance 99-1013) shows a protected water feature and an associated vegetated corridor in the southern portion of 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.

Environmental Technology Consultants was contracted to perform the water resource investigation by Pinnacle Engineering, agent for the applicant. The field investigation was performed on October 11, 2002. An initial reconnaissance for the purpose of submitting a proposal was performed on April 3, 2002. This report provides the information required under OCMC 17.49.050.G(1-6), which is the assessment phase of the water resource investigation. As of the date of this report, it was uncertain whether impacts would be necessary within the Water Quality Resource Area, so no additional information was provided under OCMC 17.49.050.G(7-12).

Protected Water Feature Assessment:

The "Protected Water Feature" is a first-order stream with its origin on the subject property. The bottom of the ravine was generally scoured to gravel and cobble at the surface. Flow width varied from a narrowly incised channel to a wider sheet flow regime with minimal to no incision present. This marginal condition is typical of areas at the upper end of drainage corridors. During the field investigation, we also briefly investigated the waterway where it continued offsite to the west to approximately 400' offsite. The channel became much more defined the further downstream we investigated. As shown on Figure 2 of 5 in Appendix B, data was recorded at numerous points along the drainageway. The following information was recorded at each of the locations. (Note that the soil pits were generally limited in depth due to the difficulty in penetrating deeper due to dense angular rock in the soil profile.)

Data Point 1: Small collection pool fed by spring on slope just above; water at 1" depth; appears to be infiltrating at this point, as outlet not producing surface water; soil pit dug to 6" in pool; soil with distinct common ped surface concentrations (a hydric soil indicator).

Data Point 2: Poorly defined channel, 9" wide, very narrowly incised; grown over with *Rubus ursinus* (Trailing Blackberry), but not rooting in channel; soil pit dug to 12" through large angular rock; no water; soil between 10YR3/2 and 10YR3/1 with no concentrations (non-hydric)

Data Point 3: Well-defined bank on north; bank on south less distinct but present; had to clean out dense leaves and debris before channel became evident; channel 36" wide, scoured down to rock; soil from 0 to 7" 10YR3/2 silt loam; from 7 to 9" mixed 10YR3/2 and 10YR4/4.

Data Point 4: Broader concavity at base of ravine, approximately 8' wide; no well-defined banks; rocks cover surface, moss growing on rocks the only vegetation rooting in this area; a very narrow, barely incised flow path can be discerned among the rocks in the middle of this area; soil 10YR3/1 to 8" (low chroma hydric indicator); just below data point, drainage goes back into a narrow, more well-defined channel; just below data point, groundwater very nearly re-surfacing (saturated to surface) at a break in the profile.

Data Point 5: Channel much more defined; 22" wide and 4" deep; soil is 10YR3/1 (low chroma hydric indicator) with heavy iron concentrations on surface of the angular rocks in profile.

Data Point 6: Channel evident; 24" wide and 4" deep; scoured to rock; soil nearly identical to Data Point 5.

The definition of a stream as provided in the OCMC 17.49 is as follows: "Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales." This generally follows the guidelines used by the US Army Corps of Engineers and the Oregon Division of State Lands that a stream is defined by the presence of a bed and banks.

With the intent of describing where the head of the stream actually begins, the following discussion describes the character of the low point of the concavity (the area of surface water concentration) starting at the east property line and moving toward the west property line. Starting near the east property line, the concavity is fairly broad (no ravine character) and no incised banks were identified along the low point of the concavity. Approximately 150' downstream along this alignment the profile drops steeply into the defined ravine. This steep drop was an area where rock was exposed along the face of the slope, and the steep cut indicates an area of historically much greater hydrologic influence in the form of scour. The spring identified along the face of this steep cut is further evidence of the change in hydrologic influence starting at this point. Data Point 1 was taken near the base of this steep cut in the flow alignment. Moving downstream, Data Points 2 through 4 were areas with marginal stream characteristics, with an incised channel intermittently occurring through the flow alignment. Data Points 5 and 6 had more defined stream channel characteristics.

Although the stream character is marginal between Data Points 1 and 4, the start of the hydrologic influence for the drainage corridor is clearly where the spring was identified on the steep cut slope near Data Point 1. With the majority of the downstream portion of the drainage corridor below the spring meeting the definition of a stream, along with the evidence of a distinct change in hydrologic influence, we concluded that the jurisdictional waterway begins at the spring and continues to the southwest from that point.

The onsite portion of the stream is classified as intermittent, as it was not flowing during the October site investigation and the character of the channel does not otherwise indicate perennial flows during normal years. The spring at the upper end of the waterway was producing a trickle of water, but this was infiltrating at the collection pool described in Data Point 1, and this appears to be the normal summer condition. Further evidence of the intermittent nature of this stream is that the entire stream system downstream of the subject property down to where it enters Abernethy Creek is identified as intermittent on the USGS quadrangle map.

The first-order stream on the subject property flows offsite and joins with another small stream approximately 0.4 miles southwest of the subject property. The second-order stream is identified as Tour Creek on the Oregon City Water Quality Resource Areas map, although the USGS quadrangle does not identify it as a named creek. Tour Creek flows into Abernethy Creek. Data exists that fish utilize Abernethy Creek from <http://www.streamnet.org/>. (This site obtains data directly from the Oregon Department of Fish and Wildlife as well as other sources.) The fish distribution map shows Tour Creek as not being utilized by fish. It appears from the fish distribution map, as well as from the USGS map, that at the lower end of Tour Creek just north of Redland Road, the stream may not be in an open channel, and this may be a fish barrier. This is further substantiated by the fact that Newell Creek, which enters Abernethy Creek from the south almost directly across the stream from Tour Creek, has fish utilization in the lower portion of the stream. Although the data suggests a fish barrier, we did not field confirm this. Regardless of this, even if fish could enter Tour Creek, it is extremely unlikely that they would migrate all the way upstream to the subject property due to the steep slopes and very poor habitat conditions in the channel on the subject property. We have concluded that anadromous fish do not utilize the subject property stream.

Slopes adjacent to the subject property stream were generally greater than 25%. A topographic survey was performed on the subject property by G & L Land Surveying, Inc. as shown on Figure 1 of 5 in

Appendix B. We performed a slope analysis from the topographic survey, to identify those areas with slopes greater than 25%, and these are hatched as shown on Figure 3 of 5. Only one area of the stream had adjacent slopes less than 25%, and this was on the north side of the stream in the west portion of the site.

Protected Water Feature Classification / Vegetated Corridor Width Determination

We have concluded that the stream is not utilized by anadromous fish and therefore does not meet the classification of "Anadromous fish-bearing streams" in accordance with Table 1 of OCMC 17.49. Based on the topographic information, we have also determined that the majority of the adjacent slopes surrounding the stream are greater than 25%, and therefore the stream does not meet the classification of "Intermittent streams with slopes less than 25% and which drain less than 100 acres". Therefore the stream falls into the default category of "All other Protected Water Features".

In determining the width of the vegetated corridor, the key consideration was slope. In accordance with Table 1 of OCMC 17.49, in the small portion where the adjacent slope was less than 25% in the first 50' (a net measurement of total vertical distance / horizontal distance), the vegetated corridor width was limited to 50'. Net slope measurements in this area are shown on Figure 3 of 5. Otherwise the vegetated corridor width was established by determining the limits of the 25% slope and then offsetting that line by 50'. This criterion established the majority of the vegetated corridor width. Where the steep slope area exceeded a distance of 150' from the stream, the maximum vegetated corridor width was established at 200'. The location of the jurisdictional waters and the associated Vegetated Corridor are shown on Figure 3 of 5.

Assessment of Vegetated Corridor

The vegetated corridor was generally a fairly mature second growth forest in a natural condition. Several photographs are included in Appendix B that show the character of the vegetated corridor. The following list identifies the plant species present, along with demarcating which were dominants.

Stratum	Scientific Name	Common Name	Dominant
Tree	<i>Acer macrophyllum</i>	Bigleaf Maple	X
	<i>Pseudotsuga menziesii</i>	Douglasfir	X
	<i>Quercus garryana</i>	Oregon White Oak	X
	<i>Alnus rubra</i>	Red Alder	
	<i>Salix scoulerana</i>	Scouler's Willow	
	<i>Prunus virginiana</i>	Chokecherry	
Shrub	<i>Acer circinatum</i>	Vine Maple	X
	<i>Corylus cornuta</i>	Hazel	X
	<i>Oemleria cerasiformis</i>	Indian Plum	
	<i>Symphoricarpos albus</i>	Snowberry	
	<i>Ilex opaca</i>	English Holly	
	<i>Holodiscus discolor</i>	Oceanspray	
	<i>Rhamnus purshiana</i>	Cascara Buckthorn	
	<i>Rhus diversiloba</i>	Poison Ivy	
	<i>Rubus discolor</i>	Himalayan Blackberry	
Ground-Cover	<i>Polystichum munitum</i>	Sword Fern	X
	<i>Rubus ursinus</i>	Trailing Blackberry	X
	<i>Gaultheria shallon</i>	Salal	X
	<i>Vancouveria hexandra</i>	Inside-out Plant	
	<i>Hedera helix</i>	English Ivy	
	<i>Carex deweyana</i>	Short-scale Sedge	

The vegetation association as described in the above table comprises the primary plant association within the Vegetated Corridor. This association is defined as *Pseudotsuga-Quercus-Acer/Corylus-Acer* on the attached Figure 5 of 5 in Appendix B. Several noxious invasive plant species were identified in this association: *Rubus discolor*, *Hedera helix* (English Ivy), and *Ilex opaca* (English Holly). These species were sparse throughout this primarily native association.

Only a few relatively small patches within the Vegetated Corridor had a different association than that described above. This other association is identified as *Rubus* Thicket on Figure 5, and was characterized by dominance of *Rubus discolor* in the understory, changing the general character of the plant association.

The overall character of the Vegetated Corridor is that the total average tree coverage is approximately 65%; shrub coverage in the understory of the tree canopy averaged approximately 50%; and groundcover totaled approximately 80%. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area (the same species that were present in the understory of the remainder of the forest.) Even though this area generally lacked a canopy, the remainder of the Vegetated Corridor had a fairly complete canopy cover of mature trees. With the percentages listed above, the vegetated corridor meets the criteria of a "good existing corridor" in accordance with Table 2 of OCMC 17.49.

Other Characterization of the Water Quality Resource Area

In accordance with 17.49.050.G(1), a topographic survey map is included as Figure 1 in Appendix B.

In accordance with 17.49.050.G(2), the location of all existing natural features, including all trees of a caliper greater than 6" diameter (see Figures 1 and 5) , springs, seeps, and outcroppings of rock (see Figure 2) are provided in Appendix B.

In accordance with 17.49.050.G(3), we performed a wetland determination for the subject property. We did not identify any areas beyond the stream/spring described above that met wetland criteria. Our wetland determination is described in greater detail in Appendix A.

In accordance with 17.49.050.G(4) the locations of nuisance plants are shown on Figure 5. No other debris was identified within the Water Quality Resource Area.

Uses within the Water Quality Resource Area

At this stage of the development process, it is unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc. within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

Appendix A

Narrative for Wetland Determination on Subject Property

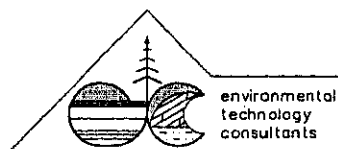
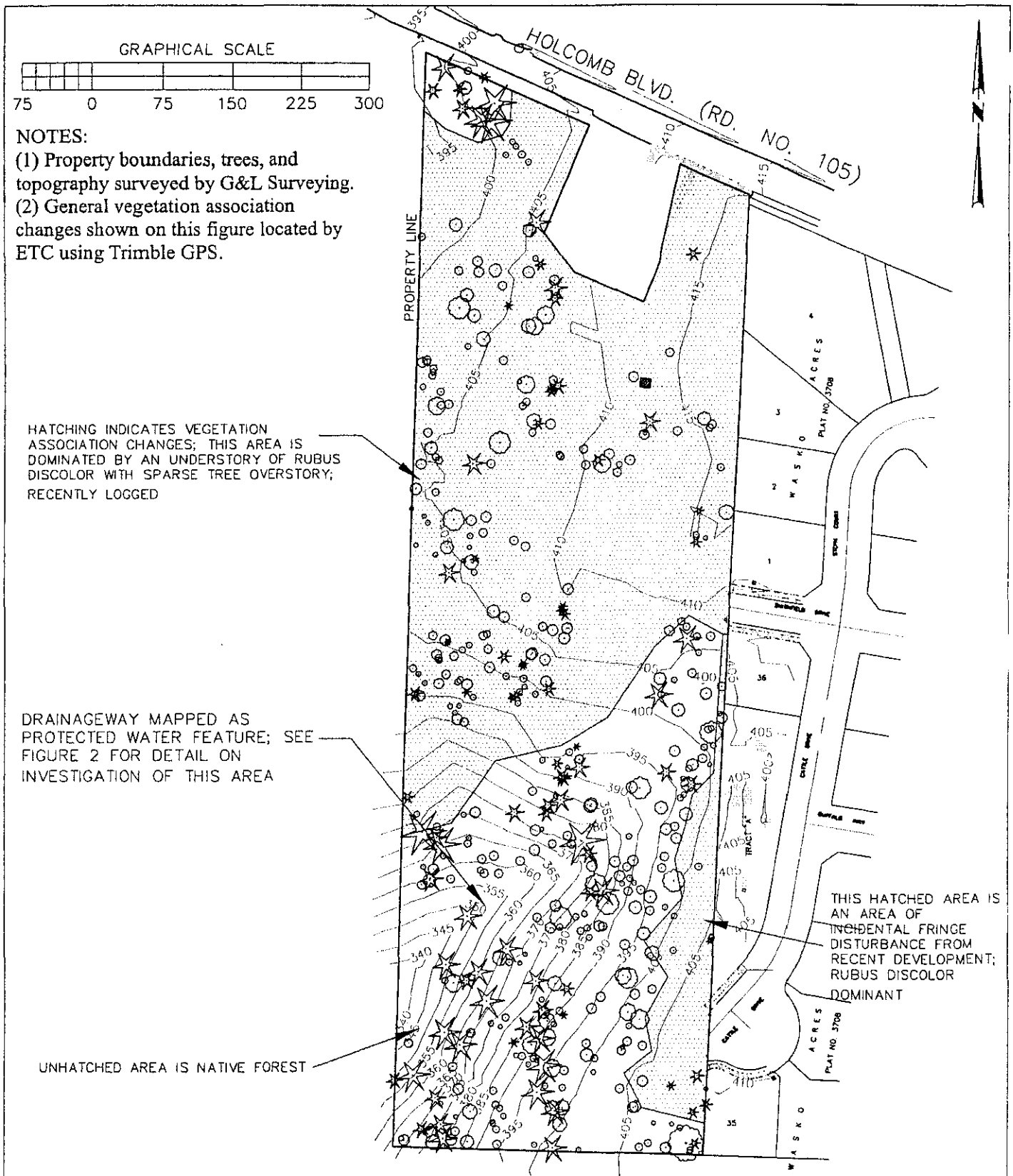
Results of Wetland Determination for Tax Lot 1902, Holcomb Boulevard:

This investigation was carried out in accordance with the guidelines set forth in the *Corps of Engineers Wetland Delineation Manual* (Technical Report Y-87-1, 1987), herein referred to as the '87 Manual. A meander survey of the property was performed, with the purpose of identifying any areas that had the potential to meet the three necessary criteria of wetlands. Some constraint on the meander survey was a dense thicket of *Rubus discolor* (Himalayan Blackberry, FACU) that was present in the understory throughout the north portion of the site. Surveyors had cut a fairly extensive network of paths through this area, and our investigation was limited to areas visible from these paths. The vegetation and hydrology characteristics identified throughout the site beyond the stream corridor described in this report indicated that no other portion of the site had the potential to meet the three criteria of wetlands. The strongest evidence was the vegetation. Several sparse *Alnus rubra* (Red Alder, FAC) and *Salix scoulerana* (Scouler's Willow, FAC) were identified in non-dominant percentages on the slopes adjacent to the stream, but no trees, shrubs, or herbs identified on the site were wetter than FAC. The dominant trees throughout were typical of upland forests: *Quercus garryana* (Oregon White Oak, UPL), *Pseudotsuga menziesii* (Douglasfir, FACU), and *Acer macrophyllum* (Bigleaf Maple, FACU). The dense thicket of *Rubus discolor* (Himalayan Blackberry, FACU) among sparse non-hydrophytic trees was clearly a non-hydrophytic association. With no vegetation associations meeting the hydrophytic vegetation criteria (>50% of dominant species FAC or wetter), we concluded that no wetlands were present. No plots were warranted on the site beyond the stream corridor, being that the characteristics throughout were obviously non-wetland.

As indicated in the report, the spring/stream system that was investigated is a jurisdictional waterway regulated by the US Army Corps of Engineers, the Oregon Division of State Lands, and the City of Oregon City.

Appendix B

Site Overview Map
ETC Stream Investigation Map
Vegetated Corridor Basis Map
Vegetated Corridor (in relation to total site)
Vegetation Associations Map
Site Vicinity Map
Plat Map
Physical Setting
Water Quality and Flood Management Areas Map
SCS Soil Survey
Oregon City Local Wetland Inventory
Site Photographs



SITE OVERVIEW MAP

TAX LOT 1902; HOLCOMB BLVD.

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

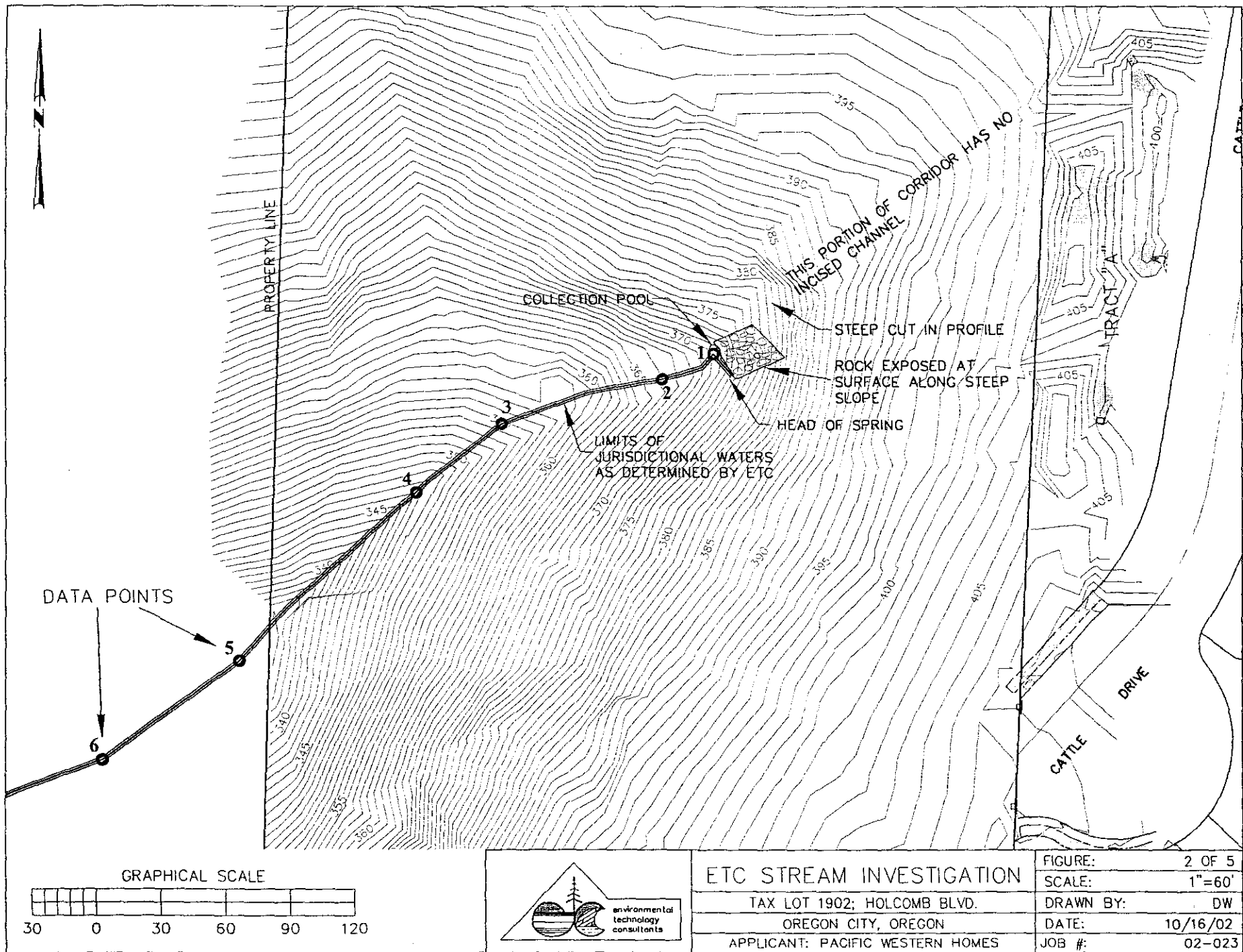
FIGURE: 1 OF 5

SCALE: 1"=150'

DRAWN BY: DW

DATE: 10/15/02

JOB #: 02-023



ETC STREAM INVESTIGATION

TAX LOT 1902; HOLCOMB BLVD.

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

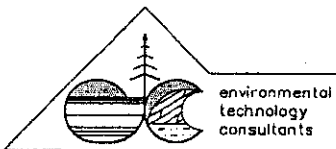
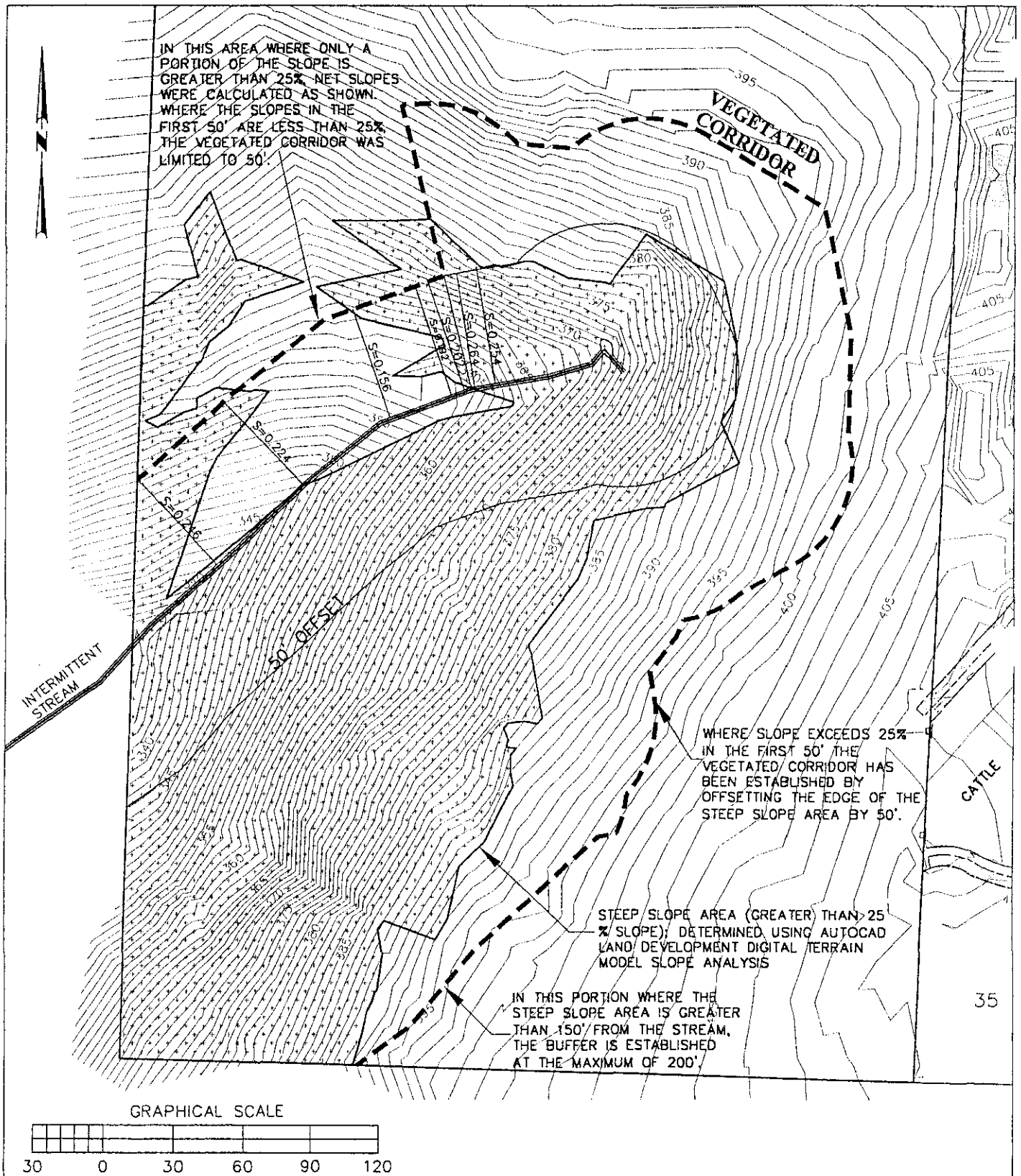
FIGURE: 2 OF 5

SCALE: 1"=60'

DRAWN BY: DW

DATE: 10/16/02

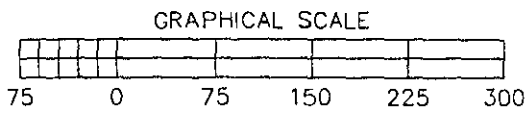
JOB #: 02-023



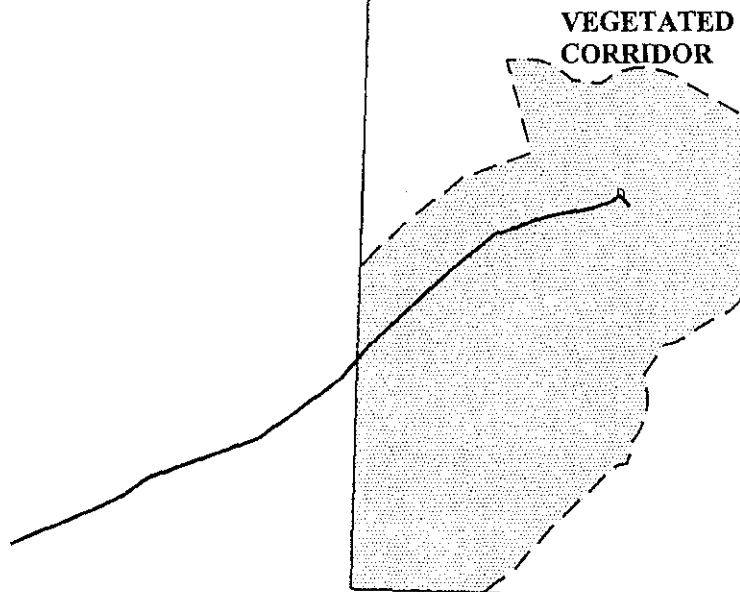
VEGETATED CORRIDOR BASIS

TAX LOT 1902; HOLCOMB BLVD
OREGON CITY, OREGON
APPLICANT: PACIFIC WESTERN HOMES

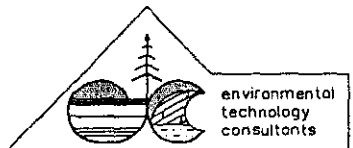
FIGURE:	3 OF 5
SCALE:	1"=60'
DRAWN BY:	DW
DATE:	10/14/02
JOB #:	02-023



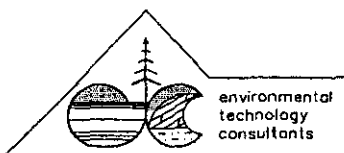
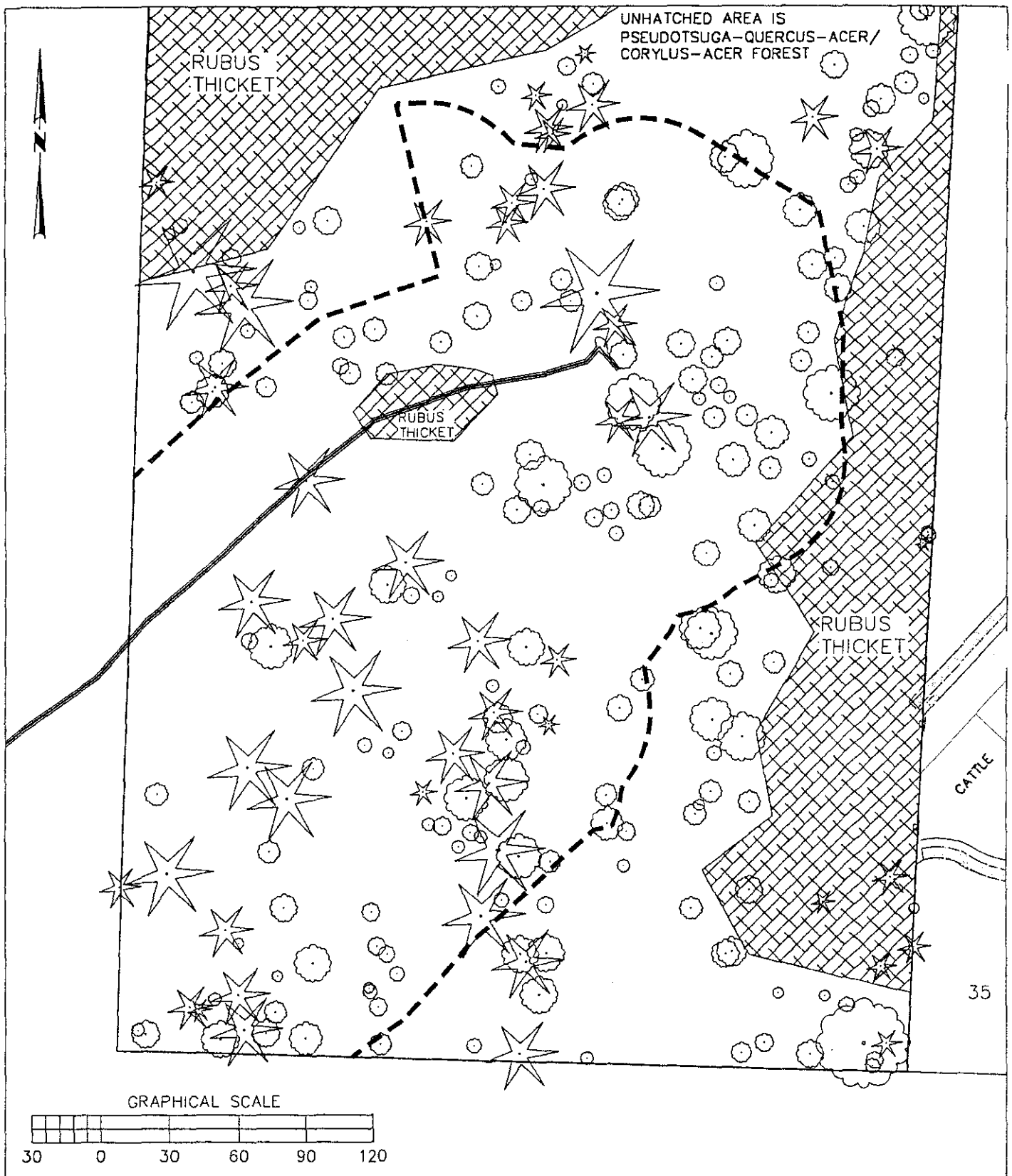
HOLCOMB BLVD. (RD. NO. 105)



TRACT "A"
ACRES
PLAT NO. 3708
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VEGETATED CORRIDOR		FIGURE:	4 OF 5
IN RELATION TO TOTAL SITE		SCALE:	1"=150'
TAX LOT 1902; HOLCOMB BLVD.		DRAWN BY:	DW
OREGON CITY, OREGON		DATE:	10/16/02
APPLICANT: PACIFIC WESTERN HOMES		JOB #:	02-023



VEGETATION ASSOCIATIONS

TAX LOT 1902; HOLCOMB BLVD

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

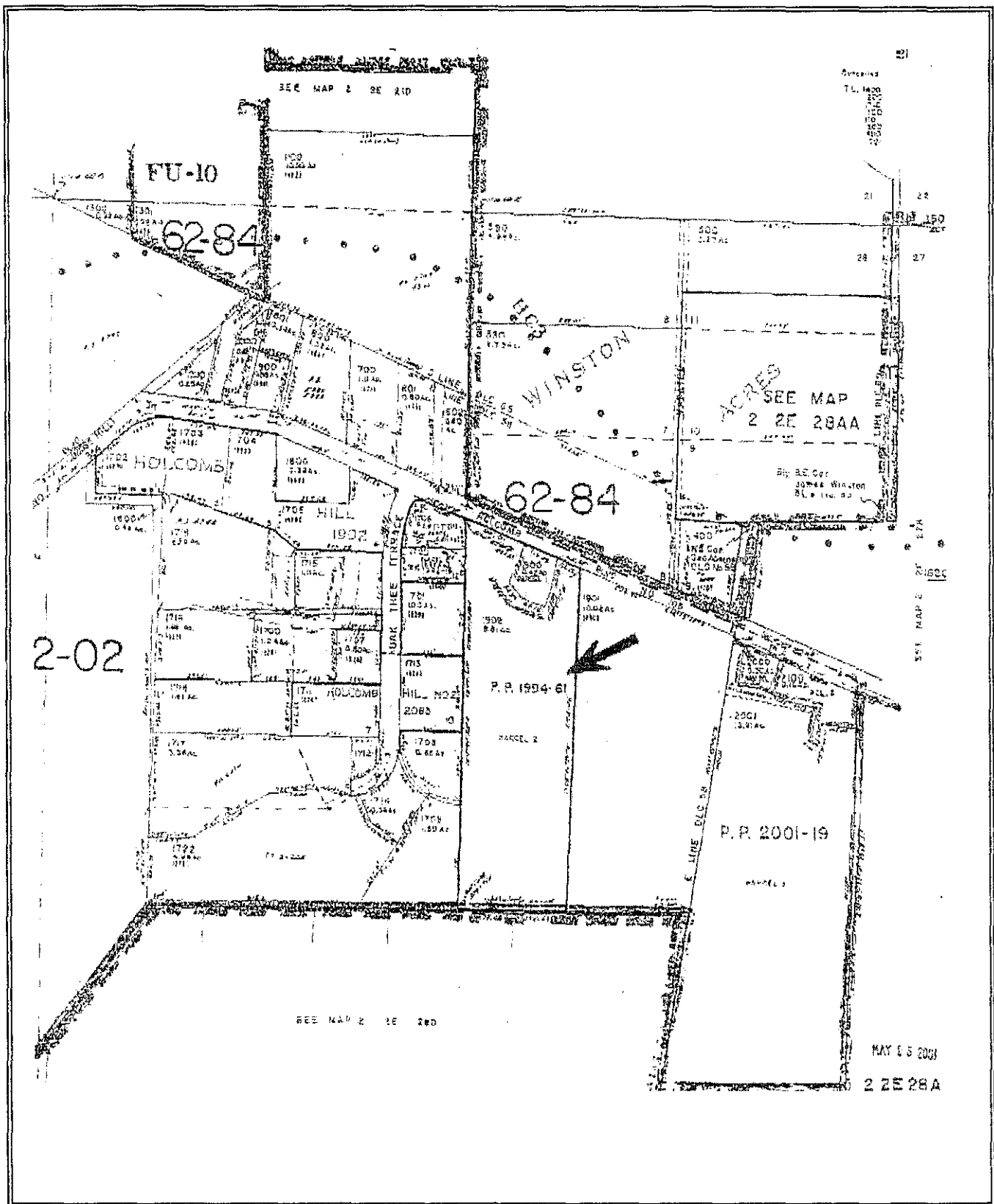
FIGURE: 5 OF 5

SCALE: 1"=60'

DRAWN BY: DW

DATE: 10/16/02

JOB #: 02-023

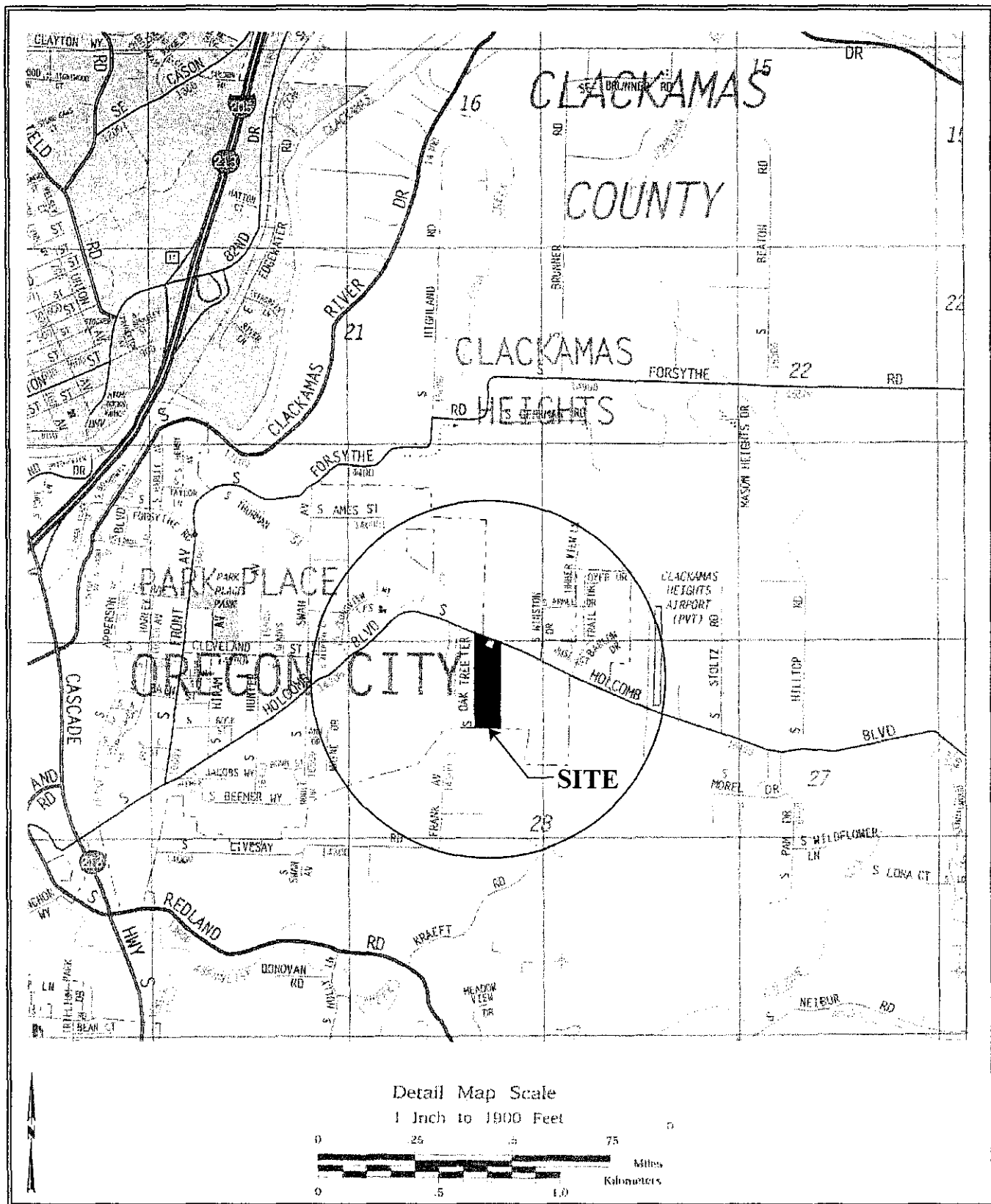


environmental technology consultants

PLAT MAP

Source: First American Title Co.

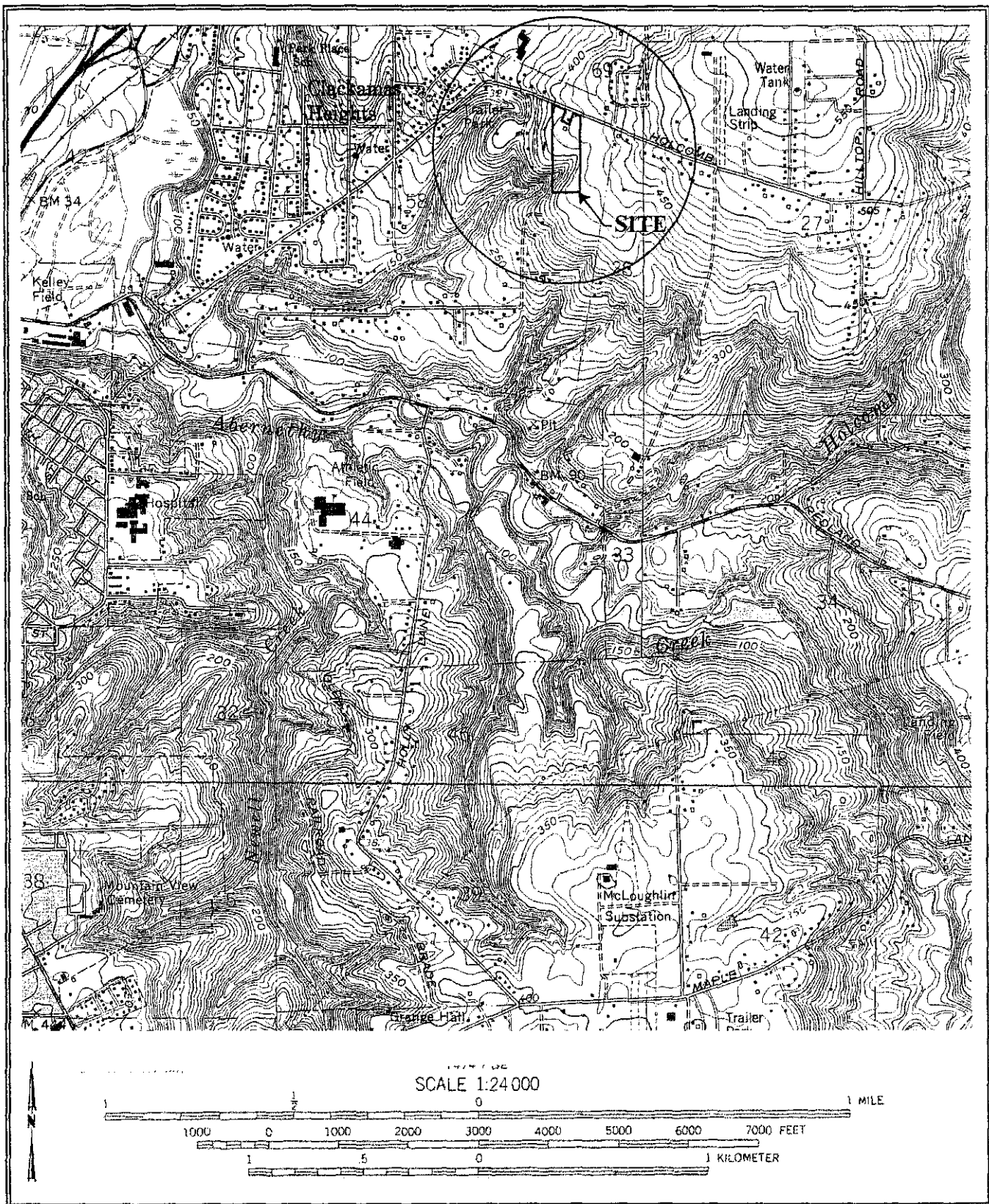
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



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SITE VICINITY MAP
Source: Thomas Brothers, 1999

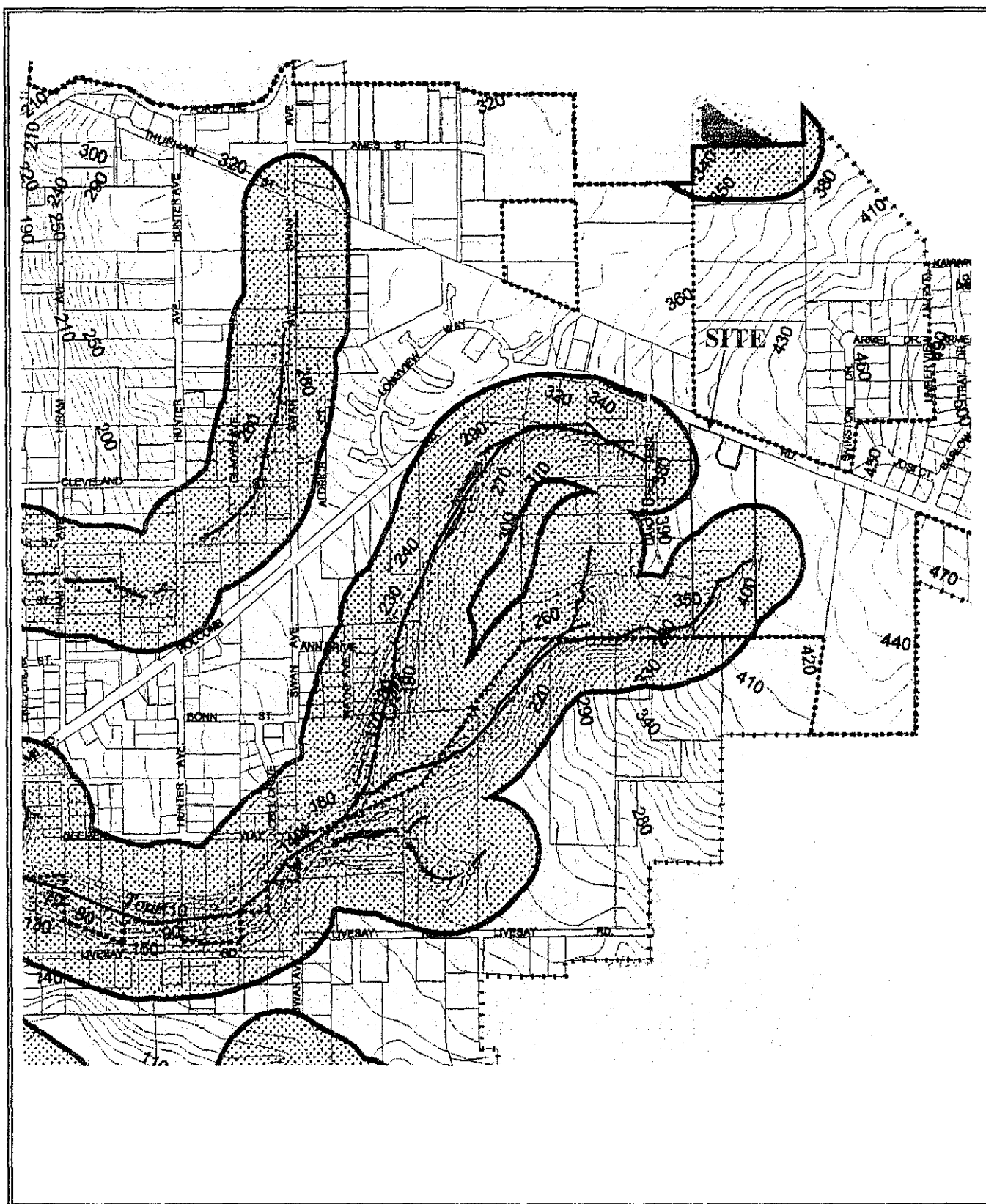
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



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PHYSICAL SETTING
Oregon City Quadrangle
USGS 7.5 Minute Series 1961 (rev. 1984)

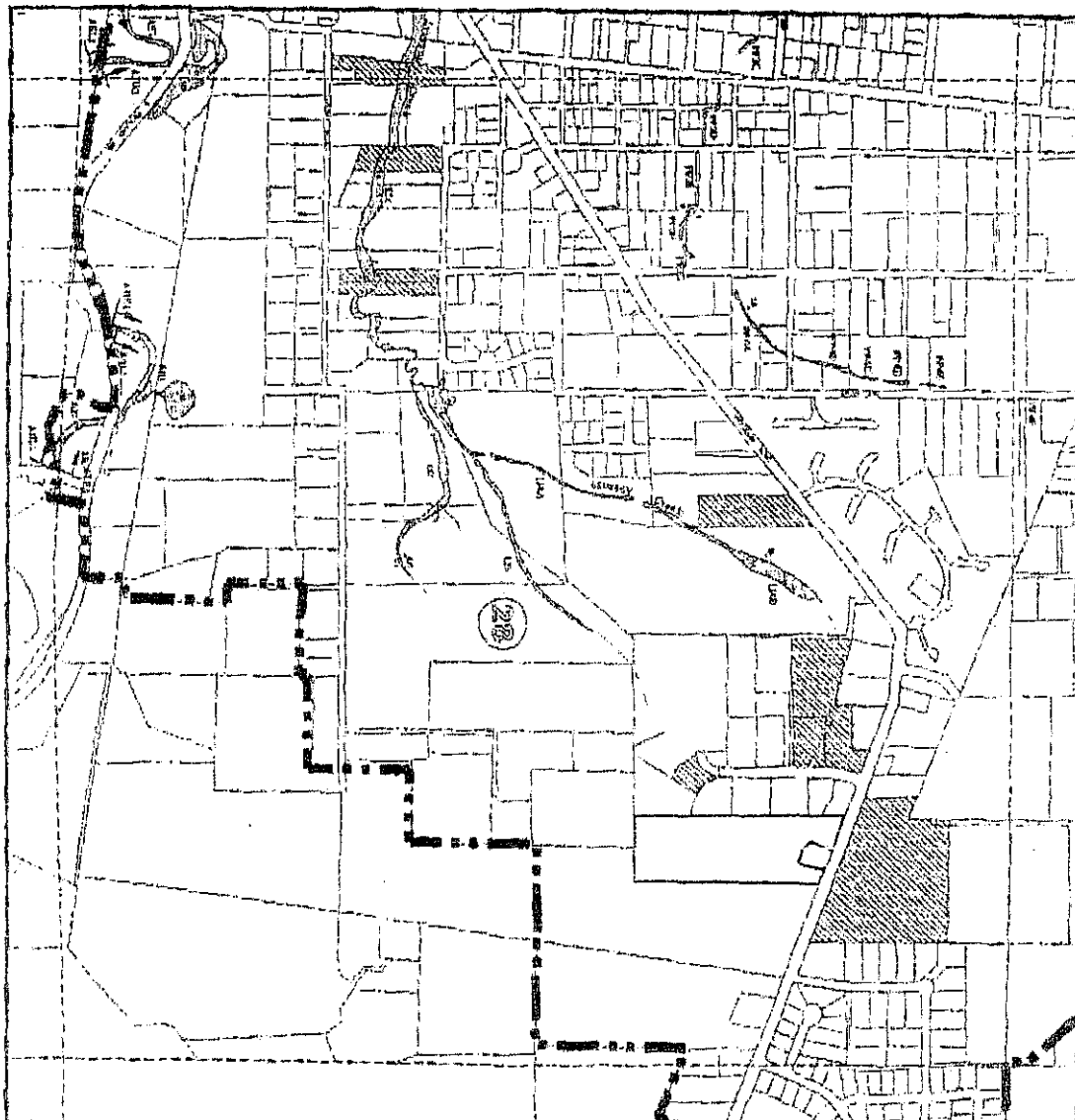
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



environmental technology consultants

WATER QUALITY AND FLOOD
MANAGEMENT AREAS MAP
City of Oregon City

Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



T 2S R 2E Section 28

CITY OF OREGON CITY LOCAL WETLAND INVENTORY

LEGEND

- Urban Growth Boundary
- Wetland
- Wetland label
- Operation label
- Sample site
- USL LTR wetland
- USL DSL label
- Navigation wetland
- Site street not shown
- Shaded

Wetland survey



This map is a technical drawing of the wetland inventory for the City of Oregon City. It is based on field data collected by the City of Oregon City and is not intended to be used for any other purpose. The map is a technical drawing and is not intended to be used for any other purpose.

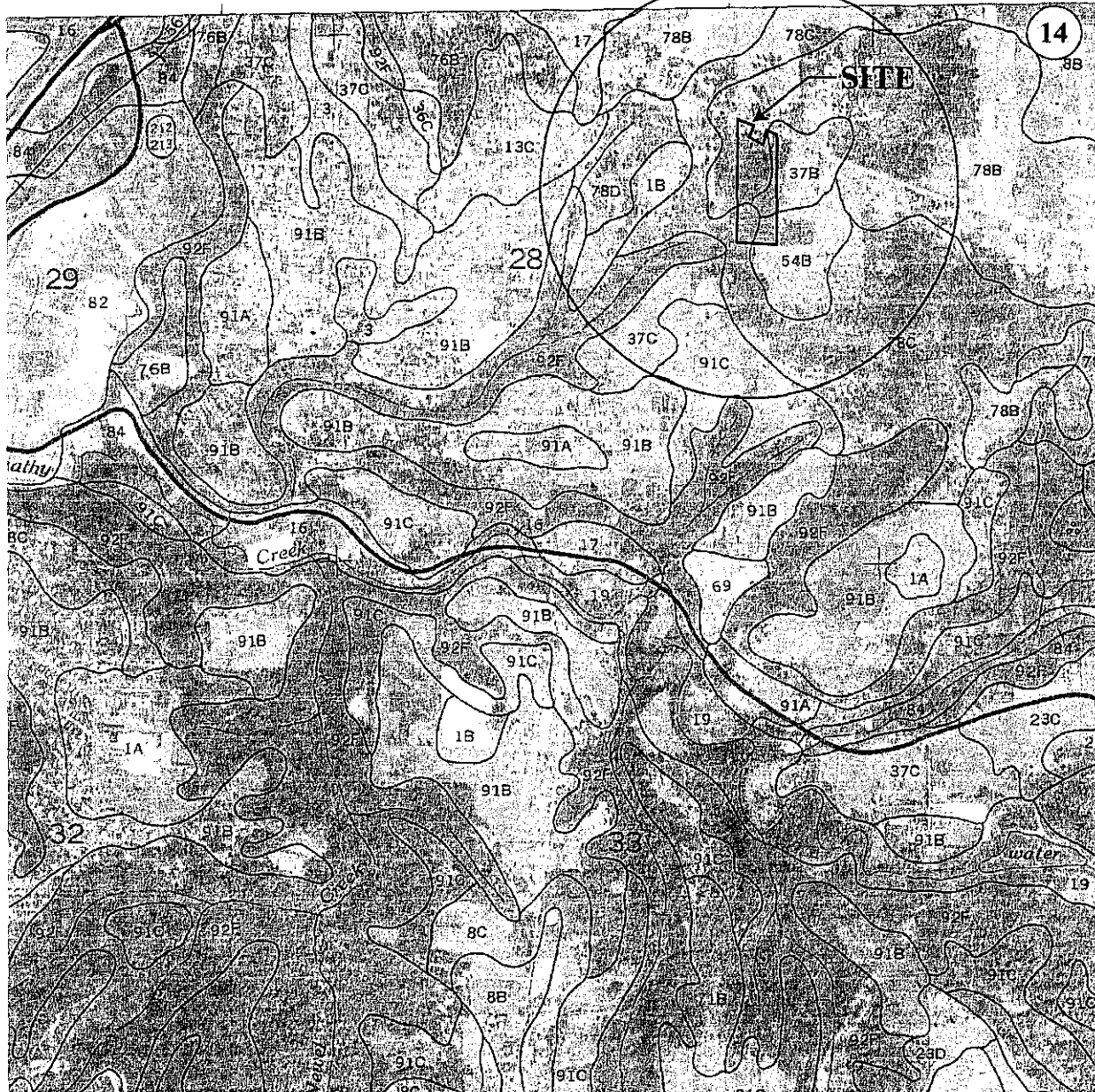
City of Oregon City
320 WEST 2ND STREET
OREGON CITY, OREGON 97003

SHAPIRO

environmental technology consultants

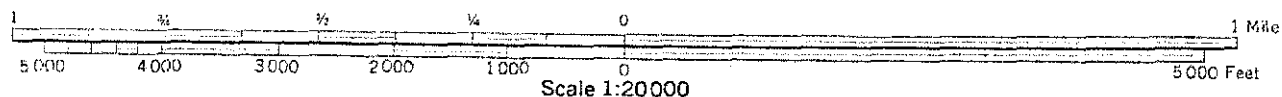
LOCAL WETLAND INVENTORY
Source: City of Oregon City

Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



LEGEND (SCS Sheet 14)

Map unit 37: Helvetia silt loam (non-hydric)
 Map unit 54: Laurelwood silt loam (non-hydric)
 Map unit 78: Saum silt loam (non-hydric)



environmental technology consultants

SCS SOIL SURVEY Map
 Source: Soil Conservation Service, 1985

Subject Property:
 Tax Lot 1902; Holcomb Boulevard
 Oregon City, Oregon



Photo 1

A typical view of the marginal stream character onsite. Near the machete the stream is narrow and indistinct, then further down it becomes more defined. Leaves and debris, along with overhanging vegetation obscured the location of the incised channel in many areas. Once surface flows starts during the rainy season, we expect the stream channel will be much more evident.

Photo 2

A typical view of the fairly mature native forest association on the slopes in the vegetated corridor. This photo was taken in the area south of the stream.



Photo 3

Another typical view of the forested association in the vegetated corridor.



Photo 4

A typical view of the north portion of the site that appeared to have been logged in the recent past. Sparse trees were present throughout, but the vegetation community was characterized by the dense thicket of *Rubus discolor* (Himalayan Blackberry).

**Gentech
Solutions Inc.**

January 17, 2003

Pinnacle-02-09-cms

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, OR 97034
jamesstormo@attbi.com

Attention: Jim Stormo

**GEOTECHNICAL ENGINEERING SERVICES
Tracey Heights Subdivision - Lots 1-4 Slope Stability**

As authorized, we appreciate the opportunity to present this letter documenting the condition of the slopes and subsequent stability along the back of Lots 1 through 4 where lots extend into the proposed water resource buffer. The purpose of our additional work was to evaluate site topography and qualitatively evaluate slope stability in the aforementioned area.

Surface Conditions

The site is located south of Holcomb Boulevard between Wasco Acres and Holcomb Hill subdivisions in Oregon City, Oregon. Undeveloped property borders the site to the south. The site topography generally slopes down to the west and towards the drainage that encompasses approximately 2.5 acres in the southwest corner of the site. This is consistent with the topography of Lots 1 through 4 which slope down to the northwest at between 10H:1V near the planned road and 4.5H:1V along the back of the proposed lots.

We completed a reconnaissance of the area in question to observe site topography and surface features that may indicate recent or historic instability of the slopes leading to the drainage (located at the southwest corner of the site). The area is covered with both evergreen and deciduous trees, grass, and brush. Several two-foot diameter and larger fir trees show no signs of overcorrected growth. No seeps or springs were observed during our explorations or our reconnaissance. There is no evidence of recent instability such as fresh soil scarps, ground cracks, ground surface off-sets, or soft, wet surficial soil.

Subsurface Conditions

The site was explored on December 20, 2002 and documented in our geotechnical report dated December 27, 2002. Geology maps (DOGAMI Bulletin 99) of the area indicate the site is underlain by Weathered Boring Lava (WBL) over the Troutdale Formation (TF). The WBL consists of silt and clay with occasional basalt cobbles and boulders and generally becomes less weathered at depth. The sedimentary TF in this area consists predominantly of fine silt and clay with lenses containing sand and gravel.

CONCLUSIONS AND RECOMMENDATIONS

Based on our observations and evaluation, the slopes along the back of Lots 1 through 4 are stable and exhibit no signs of instability. Provided the recommendations presented in our geotechnical report are followed, reducing the setback from the buffer for construction on the proposed lots will not increase the risk of instability of these slopes.

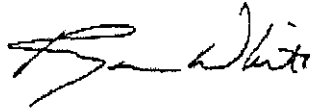
< >

January 17, 2003

Pinnacle-02-09-cms

We appreciate the opportunity to work with you on this project and look forward to our continued involvement. If you have any questions, please do not hesitate to call.

Sincerely,



Ryan White, PE
Project Engineer

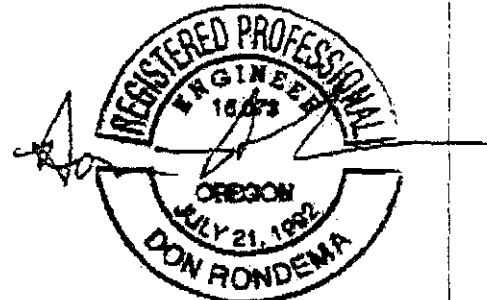


RENEWAL DATE: 6/2004



Don Rondema, MS, PE
Principal

Email Only



Expires 12/31/04



TRACEY HEIGHTS SITE DIMENSION & STREET TREE PLAN

PACIFIC WESTERN HOMES, INC.

5530 N.E. 122nd AVENUE, SUITE A, PORTLAND, OR 97230 PHONE (503) 252-3745

PROJECT NO.
PAC029

DATE: 7-23-03
DRAWN: J. L. STORNO
DESIGNED: J. L. STORNO
CHECKED: A. STORNO

SHEET 1 of 4

TYPICAL STREET SECTION



SHEET INDEX

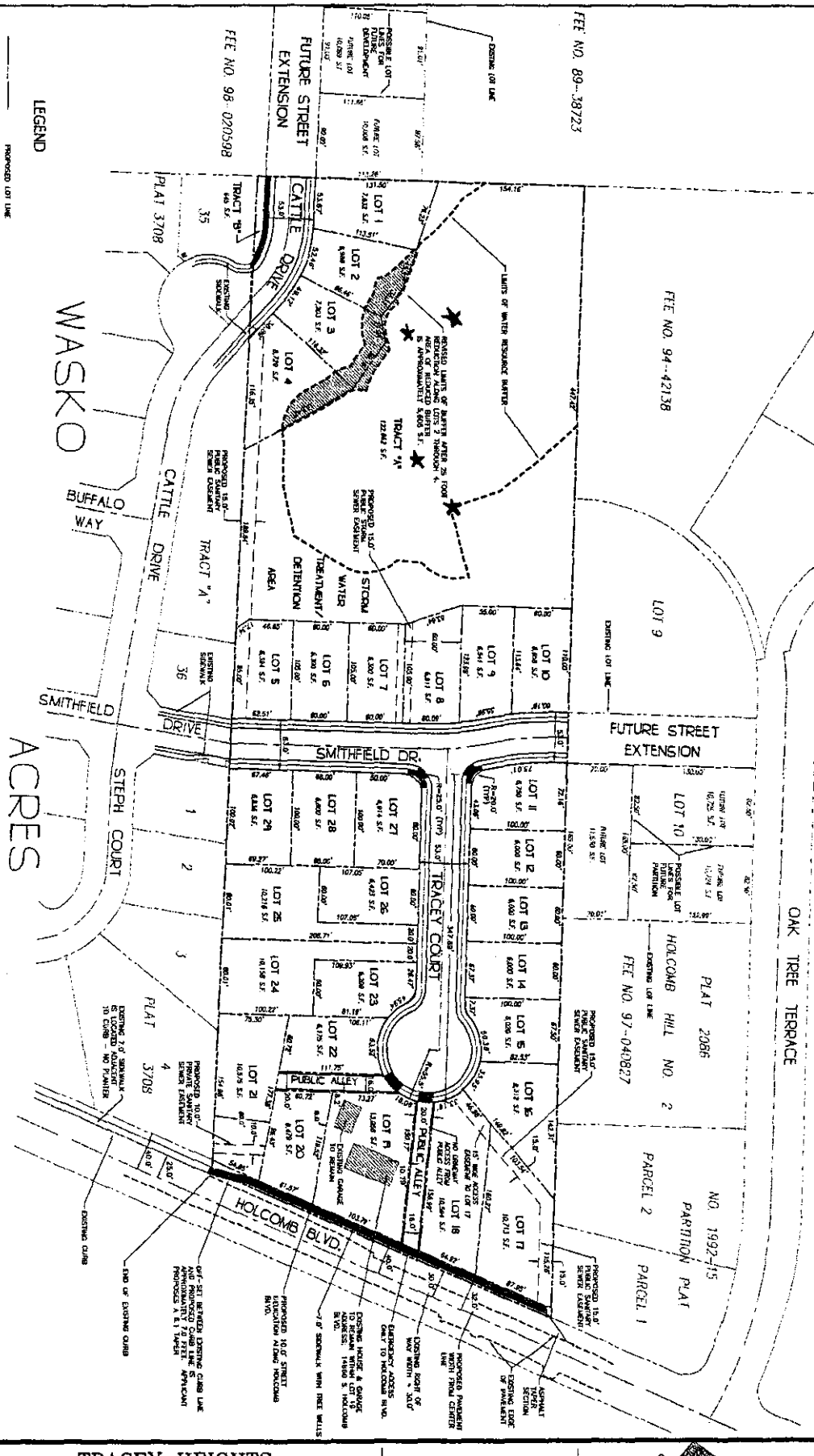
1. SITE DIMENSION PLAN
2. PROPOSED SANITARY SEWER & WATER PLAN
3. SITE GRADING & STORM DRAINAGE PLAN
4. TREE REMOVAL PLAN

LEGAL DESCRIPTION

LOT 1000 AND 1001
IN THE NW 1/4 SECTION 28, T25N, R2E, W4E,
CLATSOP COUNTY, OREGON
SITE SIZE APPROXIMATELY = 8.23 ACRES

LEGEND

- PROPOSED LOT LINE
- EXISTING PROPERTY LINE
- SITE BOUNDARY
- PROPOSED CURB LINE
- EXISTING CURB LINE
- SEWER & PIPES TO BE CONSTRUCTED AT THE TIME OF SITE IMPROVEMENTS
- EXISTING EDGE OF PAVEMENT
- FUTURE POSSIBLE LOT LINE



WASKO ACRES

SMITHFIELD DRIVE

STEPH COURT

TRACEY COURT

HOLCOMB BLVD.

FUTURE STREET EXTENSION

OAK TREE TERRACE

FEE NO. 89-38723

FEE NO. 94-42138

FEE NO. 97-040827

FEE NO. 96-020598

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
February 18, 2003

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ ENGINEERING MANAGER *RMS*
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR *RMS*
- ☒ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☒ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☐ Mike Baker @ DEA

MAIL-OUT DISTRIBUTION

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- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Merek
- ☒ CLACKAMAS COUNTY - Bill Spears *RMS*
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

COMMENTS DUE BY: **March 19, 2003**

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type III)
HEARING BODY: Staff Review: ___ PC: X CC: ___

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Water Resource determination and vegetated corridor width
reduction in accordance with Section 17.49.050.I.1 of the
OCMC. (Related files include PZ 03-01, ZC 02-04, TP 02-07
and VR 02-15)
Map # 2S-2E-28AD, Tax Lot 4300.

LOCATION:

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.

X

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:

03 MAR 18 PM 4:23

RECEIVED
CITY OF OREGON CITY

Signed
Title

Ralph W. Kiefer

3-18-03

Chair, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

Exhibit 5a

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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February 18, 2003

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- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☐ Mike Baker @ DEA

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- ☒ N.A. LAND USE CHAIR
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- ☐ DLCD

RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: **March 19, 2003**

HEARING DATE: April 14, 2003 (Type III)
HEARING BODY: Staff Review: ☐ PC: ☒ CC: ☐

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
Tony Konkol, Associate Planner
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Water Resource determination and vegetated corridor width
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Map # ~~2~~ S-2E-28AD, Tax Lot 4300.

LOCATION:

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- | | |
|---|--|
| <input checked="" type="checkbox"/> The proposal does not conflict with our interests. | <input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below. |
| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review: |

Signed _____
Title _____

Gordon Phares
DR. Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

Exhibit 5b

CITY OF OREGON CITY - PLANNING DIVISION
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- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
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- ☐ Mike Baker @ DEA

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- ☒ N.A. LAND USE CHAIR
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RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: March 19, 2003

HEARING DATE: April 14, 2003 (Type III)
HEARING BODY: Staff Review: ___ PC: X CC: ___

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
Tony Konkol, Associate Planner
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Water Resource determination and vegetated corridor width
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Map # 2S-2E-28AD, Tax Lot 4300. S

LOCATION:

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are included.

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

see attached comments

Signed _____
Title _____

Robert Chel
ENG mgr

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERI

Exhibit 5c

ANALYSIS AND FINDINGS

The applicant has proposed to amend the comprehensive plan from LR/MH to LR, and change the zone from R-6/MH to R-6 for the property located on the south side of Holcomb Boulevard approximately 180 feet east of Oak Tree Terrace. Applicant is proposing to develop a 29-lot subdivision on the site.

Staff recommends approval of the proposed subdivision provided the following recommendations and conditions of approval are followed:

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

The site is located in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts from this site are significant. The site drains to a tributary of Livesay Creek. Livesay Creek drains to Abernethy Creek, which is an anadromous salmon-bearing stream. Erosion and water quality controls are critical for the development of this site.

The southern 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 water feature boundaries and determine the required vegetated corridor width between the water features boundaries and the proposed development. The vegetated corridor area is to remain undisturbed.

The applicant provided a copy of a Water Resources Report prepared by Richard Bublitz of Environmental Technology Consultants, and dated October 16, 2002. According to the report, the water resource crossing the site is an intermittent stream. Applicant has proposed providing 50-foot to 200-foot wide vegetated buffer areas along the intermittent stream depending on the steepness of the adjacent slopes. 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.

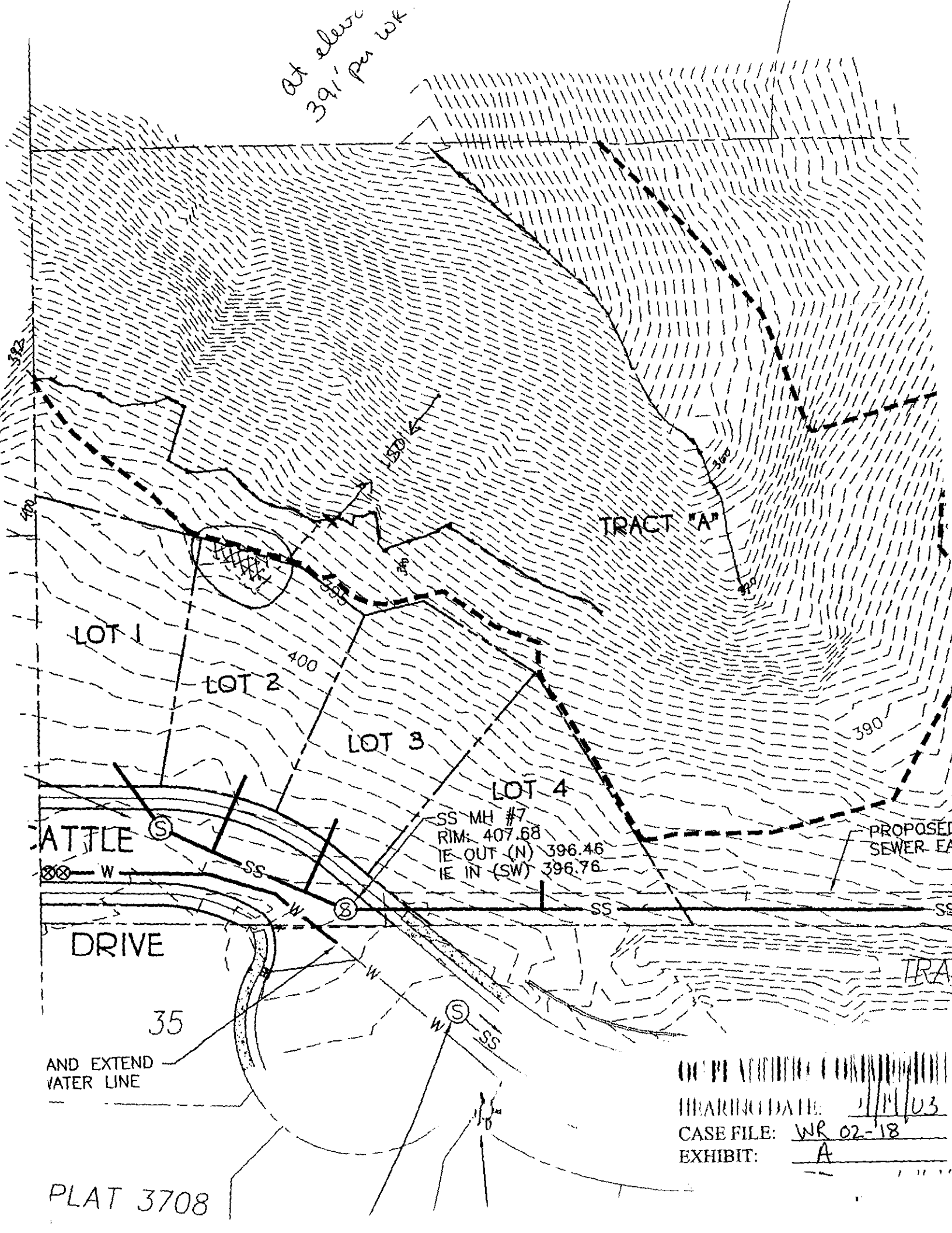
Applicant has proposed draining the developed part of the site into a detention/water quality pond system. The detention system is located at the northeastern end of the intermittent stream. The detention system is proposed to discharge through a level spreader to the intermittent stream. Mitigation measures for impacts caused by the development of the site were not addressed in the report. Applicant has proposed reductions in vegetated corridor width at lots 2, 3, and 4, and construction of storm facilities in the buffer area. The Water Resources Report will have to be revised to show impacts to buffer area and mitigation for the impacts.

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

Conditions:

1. Developer shall revise Water Resources Report to address impacts from, and mitigation for the proposed development in the vegetated corridor. Report shall be submitted to the City for review and approval.

at elev
391' per wk



PLAT 3708

COPIED ATTACHED CONTINUATION
HEARING DATE: 11/1/03
CASE FILE: WR 02-18
EXHIBIT: A

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
April 14, 2003**

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

Commissioner Dan Lajoie

1. CALL TO ORDER

Chair Carter called the meeting to order at 7:03 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES

None.

4. HEARINGS:

Chair Carter explained that all of the hearings on the agenda were quasi-judicial in nature and that all three requests were by the same applicant, Tom Skaar/Pacific Western Homes. They consisted of a request for an amendment to the Comprehensive Plan, a zone change request, and a water resource hearing.

PZ 03-01 (Quasi-Judicial Amendment to the Comprehensive Plan Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for an amendment to the Comprehensive Plan for 9.23 acres from Low Density Residential/Manufactured Housing to Low Density Residential for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

ZC 02-04 (Quasi-Judicial Zone Change Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for a Zone Change of 9.23 acres zoned R-6 Single-Family/Manufactured Housing District to R-6 Single-Family Dwelling District for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

Chair Carter opened the public hearing at 7:05 p.m. for the Comp Plan amendment and the zone change requests to be presented simultaneously, and gave the parameters and procedures for these hearings. She asked if any commissioners had had any ex parte contacts, had visited the site, or had any bias relating to these applications. She noted that she had attempted to visit the site but couldn't see much. There were no challenges against the Planning Commission or any individual members to hear these applications.

Tony Konkol gave the staff report, identifying the applicant and the site addresses and explaining that one request was for a Comprehensive Plan change from LR/MH – Low Density Residential/Manufactured Housing to LR – Low Density Residential, as well as a zone change from R-6 MH – Manufactured Housing Single-Family to R-6 – Single Family. These are Type IV land use applications, of which a denial can be presented by the Planning Commission (PC) or a recommendation for approval can be submitted to the City Commission, for which a hearing has been noticed.

In addition, there was a concurrent application on the agenda for a water resource review for the subject site as well as a subdivision application for a 29-lot R-6 subdivision on this site and a variance to the lot width of one of the proposed lots. The subdivision and variance are Type II administrative decisions, and the water resource is a Type III.

(Full copies of the applications, staff report, and related documents are available for review in the public record.)

Chair Carter asked why this particular variance is Type II and is handled at staff level rather than coming to the PC for a lot variance. **Konkol** said under 17.60 (the Variance Code), there are five situations in which an administrative variance can be done at the staff level Type II. One is a lot width reduction of less than 5%, as in this case.

Konkol said the site is located just south of Holcomb Boulevard and east of Oak Tree Terrace. Directly east of the parcel is the Wasko Acres subdivision, which is currently being developed and is zoned R-6 MH. To the west are six parcels with a Comp Plan designation of Low Density Residential that are zoned R-10, Single-family. Directly south of the site are two parcels outside of the city limits that are Low Density Residential in the Comp Plan and are still under the county designation of FU-10. Directly north of the site is Holcomb Boulevard and north of that is a parcel also outside of the city limits with Low Density Residential and an FU-10 zoning designation in Clackamas County.

Proper notice of this hearing was done with letters to property owners within 300 feet of the property site, notice at the property site, notice in the paper, and the staff report being made available seven days prior to this hearing. Comments were received from the Park Place Neighborhood Association and the Oregon City Director of Public Safety, both of which indicated that the zone change and the Comp Plan amendment do not conflict with any of their interests. Comments were also received from Oregon City Public Works, the Oregon City Engineer, and David Evans & Associates, which does the contract work for the City for traffic. Those comments have been incorporated into the staff report.

The applicant is proposing to change the Comp Plan from Low Density Residential/Manufactured Housing to Low Density Residential R-6. There is only one zoning designation with the R6 MH, which allows 6.4 dwelling units per acre. The applicant has requested to change the Comp Plan to Low Density Residential and a zoning designation under that of R-6, which allows up to 7.3 dwelling units per acres. So this is an increase of .9 dwelling units per acre, or roughly 8 homes over the 9.23 acres.

When looking at a public need for the zone change and amendment, this would allow for a variety of housing units at a different range of prices than what currently exists in Park Place. It is currently Low Density Residential and is predominantly R-10 in this area of Park Place. This would allow a different size of housing units in this area of Park Place. Further, it was determined by the traffic engineer that this increase of eight houses was not significant enough to warrant a new traffic study for this site under the worst-case scenario.

Konkol said the Low Density Residential/Manufactured Housing Comp Plan designation and the zoning designation came about approximately 10 or 11 years ago when manufactured housing was designated by the State as an affordable housing type. Most jurisdictions allowed manufactured housing in all their residential dwelling zones. Oregon City decided to create their own zone and allow them only in certain areas. After going through the process of identifying properties and giving them the Comp Plan designation and the zoning designation, State law changed. Now we allow manufactured homes in almost every residential dwelling area in the city except in the Canemah and McLoughlin neighborhoods.

Therefore, the idea behind the manufactured housing overlay and the Comp Plan and zoning designation has become outdated and just has not been updated yet. This zoning designation of Manufactured Housing does not require only manufactured housing. Stick-built, detached housing is allowed in this zone under the Comp Plan and this zoning designation.

The applicant is asking for this change because of the 20-foot height limitation that is placed on the R-6 MH zone that restricts the height of the building, which restricts the type of housing that can be placed therein.

Regarding adverse affects associated with these proposed changes, **Konkol** noted the following:

- Community facilities (sewer and water) are stubbed to the property and can be extended through the site.
- A natural water resource has been identified on the property. By implementing the Water Resource Code, we are implementing the goals and policies of the Comp Plan for the protection of these water resources.
- All adjacent properties are zoned Low Density Residential in the Comp Plan, which allows for R-6, R-8, and R-10. Wasko Acres directly to the east is zoned R-6 MH, which allows 6,800 square foot lots. The applicant is requesting R-6, which allows 6,000 square foot lots, so it would be compatible.
- Regarding the transportation system and impacts, with or without this development the intersections at Holcomb and 213 and at Holcomb, Redland, and Abernethy will be failing by the year 2008 with the projections used for their calculations. However, as stated earlier, the eight additional houses do not warrant a new traffic study for this site. Any Conditions of Approval (COA'S) that would be associated with the proposed development of the site would be implemented at the subdivision level and staff has indicated that a non-remonstrance agreement with the City might be applicable in this situation. The traffic study done by David Evans and Associates for the proposed subdivision did not find that the amount of development proposed on this site warrants off-site mitigation (intersection improvements) at this time. There would be half-street improvements associated with this development along Holcomb Boulevard, and all the interior streets would be designed to City standards. Holcomb Boulevard would be designed with a typical half-street improvement, including pavement, curb, gutter, street trees, and sidewalk.
- Regarding housing, **Konkol** reiterated that this would allow a variety of housing in Park Place to allow a combination of R-6, R-6 MH, and R-10 types of housing and a variety of prices and ranges.
- Regarding natural resources, the site is not on any natural resource areas identified on the Comp Plan but it is in the Water Resource Overlay District, for which a water resource review is applicable. The property is also in a wet soils and high water table which, through a geo-tech investigation at the subdivision design level, would be addressed for appropriate remedies and actions to be taken for development on a high water table.
- There is bus service close to the site, although it stops at the Clackamas County Housing Authority to the west of the site along Holcomb and does not go all the way down to the site.
- The Parks Master Plan does not call for any more pocket parks due to maintenance and upkeep costs, but it does identify a goal of protecting stream corridors, etc., which could be done through the water resource review and the protection that would implemented through that as the site is developed.

In conclusion, **Konkol** said staff is proposing a change from R-6 MH to R-6. He reiterated that, if the site were completely developed at its maximum, it would include eight additional housing units. He also said the main reason for this is to remove the 20-foot maximum building height to allow traditional stick-built houses to be built on the property. Therefore, staff recommends that the Comprehensive Plan designation

change from LR MH to LR and the zone change from R-6 MH to R-6 be recommended for approval to the City Commission without any conditions.

Mengelberg asked if the slope issues on the site are what are causing the developer to want the height restrictions removed or if parts of the site are impaired because of the stream setbacks and the slope issues, so that they need to maximize density by going upward.

Konkol said he didn't think that was the issue, but he would defer that question to the applicant.

Mengelberg asked if the manufactured housing development within the City is meeting the State requirements.

Konkol said he didn't know regarding affordable housing, but he knows it is allowed in every zone. Also included in the Comp Plan is the idea that protection of our existing housing stock allows for a great way to provide affordable housing because it is cheaper to move into an existing house than to build a new one.

When **Mengelberg** asked if there is any State requirement that we have a certain percentage of manufactured housing or if we just need to provide the opportunity, **Konkol** said it is the latter.

Powell asked if Holcomb is still a county road, and what the current condition is in that area. Specifically, he wanted to know if a half-street improvement on one side would be a major problem on the other side (not that he was expecting anyone to improve both sides, he said).

Konkol said he didn't think it would make things any worse. He said we would get a half-street plus 10 feet on the other side of the center-line if the road is in bad shape. So, for the frontage of this property, brand new road would be built where applicable if deemed necessary by the City Engineers at the time the sewer cut in the street was created, or appropriate improvements would be determined.

When **Powell** asked if the County is planning any maintenance on that road at this point, **Konkol** said no.

Mengelberg asked if the County considers it a local street, and **Konkol** said it is a minor arterial.

Chair Carter asked if would be reasonable to assume that it would match up with Wasko Acres and be uniform throughout that section, and **Drentlaw** said yes, noting that it would be built to City standards.

Powell said he was really trying to look long-term to avoid a similar situation to that in South End, where half-street improvements were made and then very shortly thereafter the County dug it up to do their work, after which the half-street improvements on the other side were never finished.

Drentlaw said we're just trying to get what we can as development occurs, and **Chair Carter** said this is an ongoing problem until the rules are changed because improvements are currently done increment by increment, which is obviously not the most desirable.

Applicant **Tom Skaar**, Pacific Western Homes, Inc., 5530 NE 122nd Avenue, Suite A, Portland, Oregon, said the height limitation is one issue. The other major issue is the lot dimension requirements that are part of R-6/MH because they were designed to ensure that manufactured homes were placed on lots with the long access parallel to the street. Therefore, there are minimum lot width standards in that designation that don't work very well in terms of higher density single-family (6,000-foot lots). It is very hard to develop any density in terms of developing a 6,800 square foot lot subdivision with 80-foot wide lots.

In addition, this site is severely constrained by the water resource property that is part of it. As a result, they will only get to develop about 60% of the total land area. Therefore, to get the kind of density that makes this kind of subdivision economically feasible, they need to get away from the 80-foot wide lots and get to an R-6 designation instead.

Mengelberg referred to staff's comments about a variety of housing types and asked if those would primarily be single-family houses with different sizes and different price points, or if there would also condos and townhouses.

Skaar said it is their expectation that these would all be single-family detached dwellings, not condos and townhouses, with price ranges likely between \$190,000 and \$260,000 and square footages from 1,600 square feet up to perhaps 2,400 square feet.

Chair Carter asked if there would be a variety of lot sizes or if there might be \$260,000 homes on 6,000 square feet.

Skaar said mostly the latter, although there are a few larger lots. He said today's market is such that the home-buying public has gotten used to 6,000 square foot lots, and in some cases even smaller than that. For instance, he said in some cases in Portland they are building \$250,000 houses on 4,000-foot lots and not meeting any market resistance to speak of because that is all that is available.

Chair Carter said the PC has talked in the past about trying to preserve the rural feeling, and she had overlooked a couple of questions of staff. She then asked staff if Wasko Acres was R-10 at the time of the original application.

Konkol said no. He said they have a Comp Plan of LR/MH as well as a zoning designation of R-6 MH.

Chair Carter asked how they could be building two-story houses if they are zoned MH, assuming that the height restriction is one-story.

Konkol said the height restriction is 20 feet, which is measured halfway between the peak of the roof and the eave of the roof. He said he hasn't done a plan check on the housing type at Wasko Acres but he could look into that, although he would think they are meeting Code.

Chair Carter asked the applicant what they are building that would be more than two stories or 20 feet high.

Skaar said they are not building anything to be more than two stories, and he reiterated that the issue for the applicant is not so much height as the lot dimension requirements.

Mengelberg asked how people would primarily access Holcomb, specifically, would they be using the public alley that is drawn between lots 18 and 19 or would they be coming up Smithfield Drive?

Skaar said they would be coming through Wasko Acres and up Smithfield Drive. The alley, in fact, provides no access other than emergency services access.

Orzen asked if the alley is large enough for fire/emergency vehicles to access, and **Skaar** said according to the Fire Department, yes. It is meant just a secondary straight-through access in the unlikely event that Smithfield Drive was blocked off by a catastrophe and there was no other access available to that portion of the subdivision.

Chair Carter noted that if it is there, the people will use it, but **Skaar** said it would be gated off with some sort of a barrier.

When **Powell** asked if the other public alley is for access to lot 20 and the existing house, **Skaar** said it is for access to the existing house and/or its garage and for access to lots 20 and 21.

Chair Carter asked what the proposal is for the small piece of land between lots 20 and 21, and **Skaar** said that is a proposed 10-foot private sanitary sewer easement.

Drentlaw clarified that the Planning staff has not yet reviewed the subdivision plan and that much of this discussion was getting into subdivision plan questions, but this hearing is only for zoning. **Chair Carter** said okay, but it helps to understand the reasons behind the request.

In conclusion, **Skaar** said the applicant was in agreement with staff's conclusion and respectfully requested recommendation for approval by the Planning Commission to the City Commission.

Chair Carter said she was a little confused because Manufactured Housing lots are 6,800 square feet but she thought R-6 lots for single-family dwelling units, which are 6,000 square feet, would be larger.

Konkol said the MH lots are actually bigger basically because they are wider.

Skaar noted that there has been talk of getting rid of the MH designation citywide for many years and he thinks it is in process to occur sometime soon.

Moving to public testimony, **Mark Wetzel** 16200 S. Oaktree Terrace, said his property backs up directly to the one-acre site at the proposed development. He said he and his neighbors are already having a problem with the positive rise that happens just east of Oaktree Terrace because it is kind of a blind rise. In particular, they are concerned about busses, traffic, etc., and he noted that this was addressed once before during the development of property at the end of the street.

Drentlaw said a condition was placed on that developer to bring that hill down to meet City site distance requirements between Oaktree and Holcomb.

Wetzel said that adding more traffic makes it more of an issue because it is a country road with no speed limit signs and people travel it pretty fast until they go around the corner at Oak Bend. He said the residents are particularly concerned about children waiting for the bus in the morning.

Wetzel said another issue is the water drainage. He said a water reservoir is being built uphill from them because many of the current residents are still on wells. The concern is that a lot of the water that currently goes directly into the forest might be diverted, and he asked if any research was done about the possibility of their wells going dry.

Chair Carter said that question would probably be more appropriate for the water resource portion of this application.

Wetzel referred to the comment that there were no plans for a park, but he said some children currently play in that area. The concern is that there are no parks designated for the area but he conceded that if there is a corridor for the water area, that would probably provide enough space for kids to play.

Finally, he said the area currently is forested and has a good rural feel to it. He said they are concerned about having such density from the development backing right up to their lots and he said it would be nice to keep some of the full-grown maples and oaks that are there today.

Chair Carter said these are some good points that the PC has discussed in the past, but the PC must always come back to the constraints they must work within. She said everyone would like a perfect world, but piece-meal development never results in the highest desirable use. In fact, our laws give the property owner the right to do what they want with their property and often people work alone rather than creating a plan with neighbors that might make a better overall situation.

She agreed that the road issue is a really big issue, but the County owns the road. She said it is her understanding that the City would take the road from the city down except that the County would have to give maintenance money to bring the road up to City standards, which the County doesn't have the money for, nor does the City have the money to make the improvements on the road. She suggested that the Park Place Neighborhood Association might want to get together and come up with some kind of a plan to tax the people who are using the road to accomplish the needed improvements.

Chair Carter asked staff if this particular development would have to be accountable in any manner towards the burden that was put on the last applicant to smooth out that hump.

Konkol said the hump is in front of the applicant's property and any conditions of approval would be determined at the subdivision review.

Drentlaw said they will also be looking at participation of other subdivisions as they come in.

There was no applicant rebuttal.

The public hearing was closed at 7:45 p.m.

In deliberations, **Orzen** complimented staff on the preparation of the packets, particularly noting the organization and conciseness of information. She said it appears to be an easy zone change request and although there are some concerns about the development of large parcels, there is no easy fix. Therefore, she was in favor of these requests.

Powell said he had seen and heard the comment on the traffic study, but he was interested about the traffic through the neighborhood. He said they just had a cul-de-sac issue on South End and, even though they weren't talking about design at this point, he said it was hard to make a decision when there was no information about the traffic study itself (for the whole area, not just this subdivision), even though he understands that eight additional houses is not a major addition.

Konkol said the traffic study was provided by the applicant and reviewed by our Traffic Engineer. There was adequate sight distance from the entryway in and out of Wasko Acres onto Holcomb. He said he could find the trips per day that would be generated if that would help, but he didn't believe that it warranted a right-turn lane into the subdivision, and the subdivision did not warrant off-site impacts other than its frontage.

Powell said he understood that Park Place didn't have an issue with this, but he didn't want someone complaining later about the increased traffic causing problems.

Konkol then read from the traffic report that "The subdivision will generate 21 a.m. peak hour trips and 30 p.m. peak hour trips based on single-family detached housing...Site distance of 500 feet to the west and

east...both distances exceeding City standards...." He noted that only stop signs at Holcomb were required. He said he could see that eventually there would be a connection from the Wasko Acres subdivision through this subdivision, most likely, connecting to the Oaktree Terrace. At that point, he said further study would need to be done for the turn out of Oaktree.

Powell said he understands that the affordable housing requirement needs to be met, but he thinks that can be done without the MH designation, so he would vote to get rid of it.

Powell said again that he understood that Park Place had looked through this application and had no issues, but he asked if Konkol could present such information in the future.

Mengelberg agreed that the application seems reasonable. The site size isn't significantly smaller or bigger than the surrounding uses. She said, though, that she is sensitive to the neighbors' concerns and encouraged staff to look at these at the Site Plan and Design Review stage, particularly considering the comments about preserving larger trees for slope stabilization and stormwater drainage. She encouraged them to look at ways to make the open space accessible for the neighborhood since parks will not be provided. She also suggested they look at the well impacts of the development. With that said, she said she was comfortable with the applications.

Orzen moved to forward the proposed Comprehensive Plan amendment, PZ-03-01 and the zone change request, ZC-02-04, with a recommendation of approval to the City Commission for a public hearing on a date certain of May 7th, 2003. **Mengelberg** seconded the motion, and it passed unanimously.

WR 02-18 (Quasi-Judicial Zone Change Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.I of the Oregon City Municipal Code for the property identified as Map 2S-2E-28AD, Tax Lot 4300.

Konkol gave the staff report, saying that the applicant is requesting a water resource determination and reduction of a vegetated corridor. He said this is a Type III land use decision, of which the Planning Commission's decision is the final decision unless it is appealed to the City Commission within 10 days.

(Full copies of the applications, staff report, and related documents are available for review in the public record. **Drentlaw** noted that water resource requests are normally seen by staff but since the applicant is asking for a reduction, it was being brought to the PC.)

Konkol said the subject site is located south of Holcomb Boulevard but does not have a site address. However, it is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300. It is approximately 8.81 acres, and the applicant has requested a vegetated corridor width reduction due to slopes in excess of 25% on the property. The site is located in the Clackamas Heights area at an elevation of approximately 410 feet. The site slopes are generally east to west at approximately 5-10%. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25-30%.

The neighboring parcels, as described in the earlier hearing this evening, are all zoned Low Density Residential except for Wasko Acres to the east, which is Low Density Residential/Manufactured Housing.

The applicant provided the City with a water resource report which was prepared by Richard Bublitz of Environmental Technologies and dated Oct. 16, 2002 (Exhibit 2 in the staff report). The findings of that report agreed that this is a jurisdictional waterway on the site. It is a first order stream that enters Abernethy Creek. Under the Oregon City Code for designating what type of features need to be protected, this has been

identified as a water resource crossing the site as an intermittent stream. It indicates that a majority of the surrounding slopes are greater than 25%. Therefore, the stream does not meet the classification of "intermittent stream with slopes less than 25% and with terrain less than 100 acres." Thus it falls into an "all other protected water features" category. The applicant has proposed a 50-foot to 200-foot wide vegetated buffer around the intermittent stream, depending on the steepness of the adjacent slopes.

He said staff concurs with this finding of the water resource report.

Konkol said the applicant has proposed a new stormwater pre-treatment facility within the water quality resource area. Their actual storm pond for their detention and water quality is outside of the vegetated corridor. However, they are running an outfall pipe down into the vegetated corridor, which is the impact for which the applicant needs to provide additional information to determine the impacts and alternatives analysis and potential negative impacts of that outfall being placed inside the vegetated buffer.

He said the outfall is a provisional use so it is allowed, but it needs to meet Section G and H of the Oregon City Municipal Code. The consultant who prepared the report said they were not sure at the time of the report if the vegetated corridor would be impacted and that if it was, additional information, specifically as noted in Conditions of Approval (COA's) 2-7, would need to be provided to the City. It appears that the outfall pipe extends about 25 feet, if not a little more, into the vegetated corridor. He said stormwater facilities are not allowed to be more than 25 feet into the vegetated corridor, so a COA regarding this would be reviewed during the subdivision phase.

Konkol said the applicant has provided a topographic map of the site showing the water quality resource delineation, existing natural features on the site, and nuisance species that are on the site. The corridor has been identified as a good existing corridor with 65% canopy, 50% shrub, and 80% groundcover.

Konkol said the applicant has also requested a vegetated width reduction and he (Konkol) used an overhead to better show Exhibit 2, no. 3 of 5, which is the applicant's submittal to show the vegetated corridor.

Konkol outlined where the vegetated corridor would extend to, noting that some of the slopes are in excess of 25%, which means that the 50-foot vegetated corridor distance starts where the 25% slope stops. In this case, the slope is in excess of 150 feet, or the maximum vegetated corridor that can be provided, which is 200 feet. As the break in the 25-foot slope starts to occur, the distances are less than 200 feet.

When **Mengelberg** asked if the 200 feet is along the land surface or as the crow flies, **Drentlaw** said it should be measured parallel—not counting the slope but straight up and across, or as the crow flies.

Konkol then showed a visual of the actual reduction request, specifically showing how the slopes are in relation to 25% and the widths from the stream in explaining that one of the COA's addresses the issue that where the applicant is requesting the vegetative corridor with reduction does not reconcile with the existing slopes. Therefore, he entered into the record Exhibit A, which was his working document to show the stream coming in and the approximate location of where the break in the 25% slope is 150 feet or less from the stream. He said everything in one area is in excess of 150 feet, thus the exemption to reduce it is not applicable. He explained that it appears to be about 45 feet along the back side of lot 2.

Mengelberg asked if there are ways to put slope easements or restrictions on development of the lot so that the habitat and riparian areas are protected from development while still being part of the lot or if the encroachment on lot 2 is so much that it makes it unbuildable.

Konkol said he doesn't think it makes it unbuildable. He said they do lot averaging for lot depth, so he doesn't see that as an issue. He also said we do not have water resource conservation easements as an option

in the Development Code. He explained that this would be put into Tract A, which would be written out of the property description. It would not be part of the property and would not count toward the square footage of the property.

When **Chair Carter** asked how steep the dropoff is at the edge of lots 2, 3, and 4, **Konkol** said it is less than 25%, and **Drentlaw** said it is a little less than 4:1, with 1 being vertical and 4 horizontal. **Konkol** said there are development standards relating to steep slopes in excess of 35%, and this is not that steep.

Konkol said there is only one criterion applicable to this request for a vegetative reduction, which is that a geo-technical report is performed that says the slope is stable, and he said that has been provided. There is a COA that requires the applicant to follow the recommendation of the geo-technical report.

Mengelberg asked if the property owners would be prohibited from clearing that area, noting that it seems like a person would want to leave the vegetation in place to maintain stability.

Konkol said once it is put in the tract, it will be maintained as it is, so there will be no clearing. He clarified that this only applies to the small section where the reduction will not be applicable. The rest of the land along lots 2, 3, and 4 will be taken out of the vegetative corridor, after which property owners could choose to remove trees.

He said this is necessary because our Code requires all lots to be 100 feet, and this is allowed as an option in our Code.

Drentlaw noted that in the one identified area it would go from what would normally be about 200 feet down to about 175 feet to the stream.

Chair Carter asked why they would not simply get a variance to the lot size rather than doing this.

Drentlaw said it would be hard for them to meet the variance criteria in a case like this, and he reiterated that the Water Resource Code clearly specifies this as an option.

Konkol added that our normal vegetative corridor is about 50 feet, whereas this is in excess of 150 feet, and he said that was allowed to give some flexibility in cases such as this where there is such an expanse between the development and the water resource.

Chair Carter clarified for the applicant that the PC often asks lots of questions in order to get the cumulative effect, which is never an actual consideration because we are only allowed to work with the current application. It is more an attempt to try and avoid a down-the-slope disaster such as drying up the wells, as was mentioned as being a concern by some of the neighbors.

Powell asked staff what types of trees and plantings are in the area currently, and what is below those.

Mengelberg referred to Figure 5 of 5 which shows that there are maple, oak, hazelnut, and perhaps Douglas fir trees, and **Orzen** said the undergrowth is mostly native shrubs. **Konkol** concurred, saying there are a few areas of nuisance, but for the most part it is in a very natural state with native vegetation predominating.

Powell agreed with Chair Carter that his concern is whether what is below will be sufficient to maintain and not have a problem with runoff.

Konkol said their consultant categorized this as good existing corridor and that with 50% shrubs and 80% groundcover, it would be sufficient.

Mengelberg asked staff what would be the ultimate fate of Tract A. Would it be owned by the City or by the developer and left open, never to be developed?

Konkol said the applicant has multiple options. He said it will be put into a tract and a D restriction will be put on the deed protecting that area in perpetuity from development, as well as identifying it as a vegetative corridor on the plat map. It can be given to the City to maintain or the applicant can keep it. He noted that the applicant will also have to do mitigation associated with the outfall, which will also be noted on the plat to show where the mitigation is occurring and any areas that needed to be added if the areas that are impacted need to be replaced.

Mengelberg said she asked this because situations like this can cause conflict amongst the residents surrounding the area as to its usage, so it seems better to sort it out ahead of time, to which **Konkol** reiterated that there is no parks master plan nor is there a region- or city-wide trail system plan.

Chair Carter asked if the lots slope toward the detention pond which would be collecting all the neighborhood runoff.

Konkol explained that the detention pond would be higher up so they would probably over-detain above to account for the houses below.

Chair Carter asked if the space around the intermittent stream would be usable space or if it would be dangerous for kids to have access to it.

Konkol said the stream is very small. At its inception, it bubbles up out of the ground and then disappears, and then re-emerges further down the hill, and probably only has about a 6 - 8 inch stream canal, which widens as it continues downstream.

When asked if this might be something the citizens might utilize, **Konkol** said nothing like that (a possible trail system) is proposed by the applicant or the City. If the City decided to put in trails, they would work something out with the applicant after the development is in, but right now it will be a natural preserve as is with any mitigation that might occur.

Orzen asked if the detention area will work in with the stream.

Konkol explained that the detention pond will be located outside the vegetation corridor. An outflow pipe will come down to a T and spread laterally across the hillside via perforated piping. This will be stretched out over 20-25 feet.

Orzen asked if there was any other way to dissipate the water other than with a pipe.

Konkol said, per Design Code, there is landscaping associated with the wetland pond. It is limited to two sides having concrete, if necessary. He said there is no design on the storm pond yet so he didn't know yet exactly how it would look.

Orzen suggested considering something more natural, less pervious, and perhaps less costly.

Konkol then read through the list of COA's (see page 20).

Regarding a required analysis showing impacts on the water quality of affected water resources (COA 3), **Mengelberg** asked if that is where the City would investigate impacts on the neighboring wells.

Konkol said this is looking at the actual water resource itself. He said he is not quite sure how to account for the wells, admitting that they were not aware the wells existed. He said that would probably need to be a separate COA since the wells are not located inside the water resource area. He said this is looking at changing flows entering that water resource area, and it seems like this is downstream of those wells.

Chair Carter added that she wasn't sure they could put the onus on one particular developer when something like that is an impact of all development, not a single development.

Chair Carter asked what an "alternative analysis" would refer to in COA 6, and **Konkol** said it relates to putting the outfall into the vegetative corridor. (**Skaar** said if they could avoid going into the area, they would do so.)

Regarding the removal of non-native species and replanting with non-nuisance plants (COA 8), **Chair Carter** noted that planting needs to be done in the spring or the fall. **Konkol** said that timeline would be worked into the mitigation plan included in COA 7.

Mengelberg asked if that would incorporate the idea of preserving as many trees as possible, and **Konkol** said that is the intention.

Regarding COA 10, which reads, "The applicant shall replace the area of encroachment of the storm pond outfall pipe...", **Chair Carter** asked what it would be replaced with. **Konkol** said if the storm pipe spreads out and there is 75 feet of impacted area, the applicant is required to replace 75 feet somewhere on the site. Therefore, it would be a "one for one" swap.

In applicant rebuttal, **Skaar**, said he had a little concern about the conditions regarding lot 2 but he felt sure they could work those out.

Mengelberg asked about the applicant's long-term plans for the open space. **Skaar** said the current plan is to give it to the City, and **Konkol** said such dedications are usually accepted.

Orzen encouraged the applicant to save as many mature trees as possible, noting that they usually increase the value of the homes, they help increase the water quality with the protection of the tree canopy, and they can provide some screening. **Skaar** said he agreed on all counts.

When **Powell** asked if the applicant's issue with lot 2 is how it will look, **Skaar** said the original proposal was to have a conservation easement recorded on the effected area, which would have been their preference for this site as well. He said they have no problem with a prohibition against removing the vegetation in that area, but they wanted the area of the lot to be preserved so they could use it for the rear yard setback requirement as well as the required lot area of the minimum 6,000 square feet. This way they will need to build a fairly shallow house (in terms of depth) to stay out of the vegetated area.

Chair Carter asked if it would be up to the property owners to fence off the properties. **Skaar** said fences are often built for the containment of pets and children, but some people would not prefer to build fence. He affirmed that the applicant will not build the fences.

Powell said at some other time the PC needs to discuss the use of conservation easements, and **Chair Carter** agreed.

When **Orzen** asked how the water is filtered, **Skaar** said it is filtered by the pond itself as the water settles in the pond.

Kathy Hogan, 19721 S. Central Point Road, asked if there is any way to inform the property owners of those lots that abut the stream not to dump their grass clippings and other debris into the water quality area.

Orzen said one way to address such issues is through the neighborhood associations.

Hogan said, by **Skaar's** admission, he will probably have to go into the water resource area to lay the pipe and she expressed the concern that he restores any disturbed area to its original state.

Powell reminded her that **Skaar** said he wouldn't go into that area unless it was absolutely necessary.

Regarding **Hogan's** concern about the dumping, **Drentlaw** said staff is currently considering the Water Resource section of Code as well as several others to include a provision for signs that delineate the buffer area.

There was no applicant rebuttal.

The public hearing was closed at 8:40 p.m.

Orzen asked when findings of the NEMO project would come forward, which would address some of these issues.

Konkol said they are still working through the Code recommendations that NEMO produced, but there is no scheduled date yet.

Mengelberg said she was encouraged by the applicant's will to preserve trees and look at alternative ways to deal with storm drainage, and his concurrence that the COA's are generally acceptable with the exception of impacts on lot 2, which may be worked on in the Design Review phase. Therefore, she said she didn't see any problem with approving this request.

Powell concurred, saying most of his issues had been covered.

Orzen moved to approve WR-02-18 for the request for a water resource determination and reduction of the vegetated corridor with Conditions of Approval as recommended by staff. **Powell** seconded the motion, and it passed unanimously.

5. NEW BUSINESS

Drentlaw reminded the PC of the upcoming calendar, noting that the agenda for April 28th is very full; the meeting on May 12th will begin at 6:00 for Wal-Mart and several other items on that agenda; there is a work session scheduled for May 14th for discussion of the 7th Street Corridor plan and implementation; and the meeting for May 26th is cancelled because it falls on Memorial Day. He noted, however, that they may need to schedule a special meeting later that week but that will be determined closer to the date.

Drentlaw also said **Powell** had requested some PC training for quasi-judicial hearings. **Powell** said his initial request was for himself and Lajoie as new members, but it could be for everyone if they wished to participate. **Mengelberg** said it would be a good refresher for them all, and others concurred. **Drentlaw** said he would work toward such a session.

Konkol noted that PC agendas, draft minutes, approved minutes, and all staff reports are now on the Internet under "Planning Department." Also, by the end of this week, all new applications dated March 1st or later (including an address or a tax lot description) and a link to the notice that is mailed to property owners within 300 feet will be on the web site.

Chair Carter said Mayor Norris called to ask for the date of the Wal-Mart hearing so she could announce it and Chair Carter inadvertently told her it would be May 14th. She then confirmed that the Wal-Mart hearing will be on the regular meeting date of May 12th at 6:00 p.m.

Chair Carter asked again for an updated telephone list of the PC and City Commission members, which **Konkol** said he would get for her.

When asked when the next joint session would be held, staff said no date has been set yet.

Mengelberg asked when the minutes of the Wal-Mart hearings would be available so the commissioners can review them in preparation for the next hearing. **Konkol** said he is reviewing them and will try to distribute them in the next mailing.

Powell asked what staff's plans are for bringing the Comp Plan forward. **Drentlaw** said he has been meeting with our consultant and they will be putting together an additional scope of work so we can continue the process. He said it was left off at the work session level—there were no public hearings, which will be the next step. He said there are still some edits to do, some mapping, a lot of noticing requirements, and continuing work on Code amendments. In conclusion, he said hopefully this can be accomplished in a month and a half or two months.

Powell said he would like to look through those, citing a recent problem with a use in a zoned area in the McLoughlin area, and he is concerned that similar problems don't come about. He said he hopes the zoning can be changed along that corridor soon because there are a lot of empty buildings there and several citizens have asked him when this zoning will be changed.

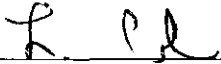
Drentlaw said adult businesses are very hard to regulate because of freedom of speech issues so we will need to get our attorney's involvement.

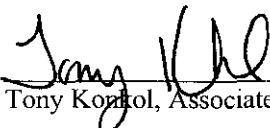
Mengelberg asked if the process would be to do the Comp Plan and then to look at the zoning ordinance to make sure it is in concurrence with the newly adopted Comp Plan, particularly to make sure that if the new Comp Plan is taking a different direction, the zoning ordinance works with it.

Drentlaw said staff is working on that now. He said he hopes we can get the Comp Plan and the Comp Plan Map adopted with the designations. However, he doesn't see the City initiating rezonings any time soon because it is very time consuming and gets very political when the City starts proposing things for private property owners in terms of zone changes. But he said we do want to get our Code in compliance in terms of being complimentary to our new categories.

6. ADJOURN

With no other business at hand, the meeting was adjourned at 8:55 p.m.


Linda Carter, Planning Commission
Chairperson

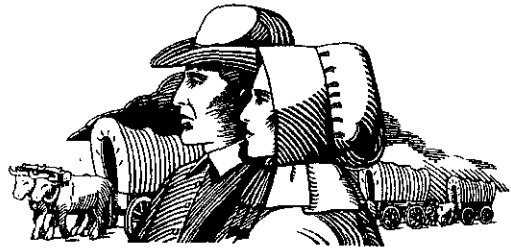
8.11.03

Tony Konkol, Associate Planner

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

City Commission Chambers - City Hall

April 14, 2003 at 7:00 P.M.

The 2003 Planning Commission Agendas/Minutes, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.oregocity.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. **APPROVAL OF MINUTES:** *None available*
- 7:05 p.m. 4. **HEARINGS:**

PZ 03-01 (*Quasi-Judicial Amendment to the Comprehensive Plan Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for an amendment to the Comprehensive Plan for 9.23 acres from Low Density Residential/Manufactured Housing to Low Density Residential for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

ZC 02-04 (*Quasi-Judicial Zone Change Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for a Zone Change of 9.23 acres zoned R-6 Single-Family/Manufactured Housing District to R-6 Single-Family Dwelling District for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

WR 02-18 (*Quasi-Judicial Water Resource Hearing*), Tom Skaar/Pacific Western Homes, Inc.; Request for a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.1 of the Oregon City Municipal Code for the property identified as Map 2S-2E-28AD, Tax Lot 4300.

- 8:45 p.m. 5. **NEW BUSINESS:**
- 8:50 p.m. 6. **ADJOURN**

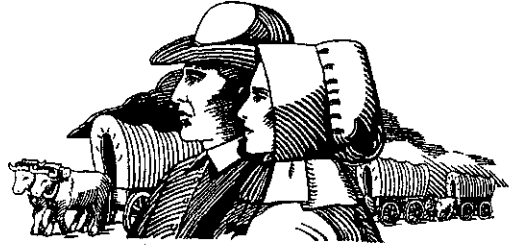
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: PZ 03-01

Complete: February 12, 2003
120-Day: Not Applicable

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034

REQUEST: Comprehensive Plan Amendment from LR/MH: Low Density Residential /Manufactured Home to LR: Low Density Residential.

LOCATION: 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900) and a second parcel with no site address and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval

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

I. BACKGROUND:

The applicant is requesting a Comprehensive Plan Map amendment from LR/MH Low Density Residential/Manufactured Housing to LR Low Density Residential for two parcels of approximately 9.23-acres identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lots 4200 and 4300 (Exhibit 1).

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, a Water Resource Determination (File WR 02-18), a Type III Land Use Decision, and a Zone Change (File ZC 02-04), a Type IV Land Use Decision. The subject site is located on the south side of Holcomb Boulevard, west of the Wasko Acres subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on two parcels designated LR/MH Low Density Residential/Manufactured Housing. One parcel is located at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which does not have a site address, is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Amendment to the Comprehensive Plan was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 2a) and the Oregon City Director of Public Safety (Exhibit 2b), both of which indicated that the proposed Comprehensive

Plan Amendment does not conflict with their interests. Comments were received from the Oregon City Public Works Department (Exhibit 2c), Oregon City Engineering Department (Exhibit 2d), and David Evans and Associates (Exhibit 2e), which reviewed the Traffic Impact Study provided by the applicant. The comments have been incorporated into the staff report.

III. DECISION-MAKING CRITERIA:

A. Oregon City Comprehensive Plan, Chapter O, Plan Maintenance and Update

The Plan change application shall include the following, to be provided by the applicant:

(A) A description of the specific change proposed, including the legal property description;

Finding: **Submitted.** The applicant provided a narrative describing the proposed change and a legal description of the property.

(B) A statement of reasons for the proposed change;

Finding: **Submitted.** The applicant has indicated that the primary reason for the Comprehensive Plan amendment is “to eliminate the Manufacture Home designation for the property.” The applicant has offered a reason for the proposed change and therefore has met this requirement.

(C) A factual statement of how the proposed change meets a community need or Comprehensive Plan policy;

Finding: **Submitted.** The applicant states that the proposed change meets a community need by providing “single-family detached housing.” The proposed change in land use meets the Housing Element of the Oregon City Comprehensive Plan that states:

The city's intention is to provide for a variety of housing types at a range prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

(D) A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties;

Finding: **Submitted.** The applicant indicates that the proposed change will not adversely affect community facilities, natural resources, transportation system, or adjacent properties. The applicant is requesting a change from LR/MH, which allows a density of 6.4 dwelling units per acre, to LR, which allows a range of densities from 4.4 to 7.3 dwelling units per acre. Sufficiency of facilities is determined by looking at the potential impacts to those services from the change in land use designation. The worst-case scenario for the land use would increase the dwelling units per acre by 0.9 housing units per acres. The Park Place Neighborhood is predominantly designated for such low-density residential development.

Community Facilities

Complies. Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage will be directed to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

Natural Resources

Complies. The applicant indicates that the proposed land use change will not adversely affect any natural resources within the site and that the applicant is proposing to protect the water resource area located within the site by including a Tract "A" on the final plat that will encompass the water resource area.

Adjacent Properties

Complies. The property to the west, recently developed as Wasko Acres, is designated as LR/MH. The properties to the north, south, and west are designated LR. The proposed Comprehensive Plan Amendment from LR/MH to LR will not adversely impact the adjacent properties as both LR and LR/MH permit low-density residential development.

(E) *A statement of how the proposed change complies with LCDC Goals;*

Finding: **Submitted.** The applicant states that the proposed change complies with the goals of the Land Conservation and Development Commission by complying with the City Comprehensive Plan, which was adopted by LCDC on April 16, 1982. Compliance with the Comprehensive Plan is addressed in Section III.C of this report.

Requests for Change:

The method of plan maintenance should be evaluated according to the following criteria:

(1) *Does the proposed change conform with State Planning Goals and local goals and policies?*

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals at the local level. Once acknowledgement occurs, the statewide planning goals themselves are no longer applicable, unless a change in the Plan text is proposed or a Goal Exception is required. The applicant does not propose a change to the text of the goals or policies of the Comprehensive Plan.

The applicable Comprehensive Plan goals and policies are addressed in Section III.C, on page 10 of this staff report. The proposal is consistent with the City Comprehensive Plan goals and policies.

(2) *Is there a public need to be fulfilled by the change?*

Finding: **Complies.** The applicant states that the proposed change meets a community need by providing "a variety of single-family detached housing." The proposed change in land use meets the Housing Element of the Oregon City Comprehensive Plan that states:

The city's intention is to provide for a variety of housing types at a range prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

The applicant states that the dimensional requirements of the R-6/MH zoning designation, the only zone allowed under the LR/MH land use, does not lend itself to creating lots that are suitable for stick built single-family detached housing since the maximum building heights are limited to 20 feet (Exhibit 3).

The LR/MH Comprehensive Plan designation was created by Ordinance in response to a study, identified as the City of Oregon City Manufactured Housing Needs Analysis and Buildable Lands Inventory, dated August 21, 1991 (Exhibit 4). The study was prepared to address the following goals:

- (1) *Oregon City is uncomfortable with Clackamas County's provisions for manufactured dwellings, and would like to examine alternative ways to comply with Goal 10 – Housing; and*
- (2) *State law (ORS 197.303) has changed such that manufactured homes on individual lots (infill) and manufactured dwelling parks (mobile home parks) are now on the list of "needed housing types," and must be allowed in sufficient numbers to meet need projections, through local zoning.*

The report continues on to state:

The easiest way for Oregon City, or any community, to meet the State requirement is to allow manufactured homes on par with conventional single-family homes. Alternatively, the City could maintain its existing policy of allowing manufactured home subdivisions as of right in Low Density Residential areas with three or more acres, and allocate a relatively small amount of land somewhere in the urban planning area for "manufactured home infill." Based on discussions with Oregon City Planning staff, however, these approaches appear to be unacceptable policy choices in Oregon City.

The LR/MH land use was created to provide adequate property for the placement of manufactured homes to meet Goal 10 - Housing when the placement of manufactured homes was restricted.

In 1994, the City adopted Ordinance No. 94-1014 (Exhibit 5), which states in part:

The Planning Commission has been working on changes to the zoning code to bring it into conformance with the changes enacted by the 1991 and 1993 Legislative Assemblies regarding the placement of manufactured homes.

The provisions of proposed ordinance 94-1014 allow for the placement of manufactured homes in all single-family zones, except historic districts (Canemah and McLoughlin) which would be excluded.

The City of Oregon City allows the placement of manufactured homes throughout the City, with the exception of Canemah and the McLoughlin Conservation Districts. The original intent of the LR/MH land use designation to provide adequate manufactured housing subdivisions and infill locations to increase the limited affordable housing type has been alleviated by the updated zoning code that allows the placement of manufactured homes throughout a majority of the City.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

The LR/MH land use designation is not exclusively for manufactured housing, and does not preclude the development of stick built homes. The only zoning designation associated with the LR/MH land use restricts constructed homes to less than 20 feet in height, limiting the variety of housing types that may be constructed and, is thus, in conflict with the Housing Goal of the Comprehensive Plan to provide a variety of housing types at a range of prices.

(3) *Is the public need best satisfied by the particular change being proposed?*

Finding: **Complies.** The Oregon City Comprehensive Plan recognizes the important role that manufactured homes plays in providing a portion of the City's affordable housing stock, however, as stated above, manufactured housing is allowed throughout a majority of the City's residentially zoned properties and the LR/MH land use is not exclusively for manufactured homes. This property has been designated as Low Density/Manufactured Home on the Comprehensive Land Use map, and removing the Manufactured Home land use will increase the housing type options that could be constructed on the property, thereby satisfying the public need for a variety of housing options.

(4) *Will the change adversely affect the public health, safety, and welfare?*

Finding: The applicant indicates that the proposed change complies with State and City planning goals. The proposed change will not adversely affect community facilities, natural resources, transportation systems, or adjacent properties.

The Comprehensive Plan indicates a goal of providing for the planning, development, and preservation of a variety of housing types at a range of price and rents. The LR/MH designation allows for low-density single-family residential development, and as stated above, was designed to protect and provide for affordable housing locations that would be filled by the development of manufactured housing on parcels in excess of three acres or through the infill of existing lots. This need to provide for manufactured home development sites has been alleviated by subsequent zoning changes that permit the placement of manufactured home in nearly all low-density zones.

As depicted on Exhibit 6, the surrounding area, with the exception of Wasco Acres to the east and the Clackamas County Housing Authority property to the west, is dominated by the Comprehensive Plan Designation of Low-Density Residential. Changing the Comprehensive Plan Designation from LR/MH to LR will not adversely affect the public health, as the proposed LR designation would be identical to the existing Comprehensive Plan designation of the surrounding areas, and both the LR and LR/MH allow single-family residential development.

The safety and welfare of the surrounding areas would not be adversely impacted as the existing LR/MH Comprehensive Plan Designation allows 6.4 units per acre and the proposed LR Comprehensive Plan Designation allows from 4.4 to 7.3 units per acre. Transmittals were sent to the Oregon City Police Department and the Park Place Neighborhood Association, both of which returned comments indicating that the proposal does not conflict with their interests (Exhibits 2a and 2b). It appears that under the worst case situation, complete build out at the highest density, the proposed change would increase the density by 0.9 dwelling units per acre and would have minimal, if any greater impacts than if the site were developed under the existing Comprehensive Plan Designation.

(5) *Does the factual information base in the Comprehensive Plan support the change?*

Finding: Addressed below. Consistency with comprehensive plan policies and goals is addressed in Section III.C on page 10 of this staff report.

B. Oregon City Municipal Code, Section 17.68 Zoning Changes and Amendments

The relevant criteria for a zone change review and decision are in Chapter 17.68 of the Oregon City Municipal Code (OCMC).

Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991: prior code §11-12-1)

Finding: **Initiated.** The applicant, Pacific Western Homes, Inc., has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 3 and 7. The application was deemed complete on February 12, 2003.

(b) 17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

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

Finding: **Complies.** Consistency with comprehensive plan policies and goals is addressed in Section III.C on page 10 of this staff report.

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

Water

Finding: **Complies.** There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision. Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

Sewer

Finding: **Complies.** There are existing 8-inch sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres to the east for the applicant to connect extensions throughout the subdivision, if appropriate based on topography. Existing sanitary sewer facilities appear adequate for future development of this site.

Storm Drainage

Finding: **Complies.** This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernathy Creek, an anadromous salmon-bearing stream. The site is also located within a

Water Quality Resource Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Schools

Finding: **Complies.** Transmittals were sent to the Oregon City School District concerning this application. No comments were received.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Fire department concerning this application. No comments were received. The Oregon City Police department indicated that this proposed land use designation change does not conflict with the interests of the department (Exhibit 2b).

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

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing

and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section III.C of this staff report.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area . . .

B. Applications for these rezonings

Finding: The subject site is within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)

B. Legislative reviews shall be subject to the requirements in Section 17.50.260. (Note: the section number cited in the Code is incorrect; it should be 17.50.170.) (Ord. 91-1007 §1(part), 1991: prior code §11-12-3)

Finding: **Complies.** According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference with City staff on November 13, 2002. The Pre-Application Conference Summary is attached as Exhibit 9. Transmittals regarding the proposed development plan were mailed on February 18, 2003 to the Park Place Neighborhood Association and CICC Chairperson.

The applicant submitted the application on December 17, 2002. The application was deemed complete on February 12, 2003. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for April 14, 2003. The final hearing, should the Planning Commission recommend approval, is scheduled for May 7, 2003 before the Oregon City City Commission. Notice of the hearing was issued on February 18, 2003 and the property was posted on February 21, 2003, more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That public hearing has been scheduled for May 7, 2003.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50- .330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found to be necessary. This section is not applicable.

17.68.060 Filing of an application

Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50. (Ord. 91-1007 §1(part), 1991: prior code §11-12-6)

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

C. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CICC. Public notice was mailed on February 18, 2003, advertised in the Clackamas Review on February 26, 2003 and the subject property was posted on February 21, 2003.

On February 18, 2003 transmittals were sent to the Citizen Involvement Committee Council (CICC) and the Park Place Neighborhood Association apprising them of the application.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the Park Place Neighborhood Associations and the CICC were notified. This staff report and the file containing project information were available for public review seven days prior to the first evidentiary hearing.

(C) **Housing**

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

Finding: **Complies.** Though the applicant has indicated no desire to develop manufactured homes on the site, the LR land use designation does not preclude the placement of manufactured homes on the property, which the LR/MH land use designation was designed to promote when zoning restrictions limited the placement of manufactured homes. The proposed amendment would allow for the development of a variety of housing types, which are not limited by the 20-foot maximum height allowed in the only zoning designation, R-6/MH, of the LR/MH land use designation.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

Policy #3

The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions, supported by the elimination of unnecessary government regulations.

Finding: **Complies.** The applicant has indicated a desire to construct stick built single-family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional standards of the zoning designation associated with the LR/MH land use does not lend itself to creating lots nor contain dimensional standards that are suitable for stick built homes.

(F) **Natural Resources, Natural Hazards**

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

Finding: **Complies.** The subject site is currently designated LR/MH and is developed with one home. The proposal to re-designate the site from LR/MH to LR would not significantly alter the amount of coverage of development allowed on the site.

The subject sites do not appear on any of the following maps: Mineral and Aggregate Resources, Fish and Wildlife Habitat, Flood Plain, or Seismic Conditions.

The area is located in an area indicating slopes greater than 25% and Wet Soils – High Water Table. Future development analysis will include a Geotechnical Investigation to identify soil types and appropriate development techniques and development on slopes in excess of 25% are required to meet the standards of OCMC 17.44 – Unstable Soils and Hillside Constraints, both of which implement the goals and policies of the Comprehensive Plan.

The Oregon City Comprehensive Plan identifies Abernathy Creek and tributaries as follows:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along I 7th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the

edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

The site is located within the Oregon City Water Quality Overlay District. The applicant has submitted a Water Resource Review for the site identifying the resource on the property. Future development of the site will be required to comply with Oregon City Municipal Code Section 17.49 concerning Water Resource Areas, which provides for the preservation and management of the city's scarce natural resources

Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: **Complies.** Future development applications will need to meet agency requirements that protect water and air quality. No increases in air or water pollution are anticipated due to the change in land use from Low-Density/Manufactured Housing to Low-Density Residential.

Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: **Complies.** The subject site is not located within an identified fish and wildlife habitat area, as identified in the Comprehensive Plan. The subject site is heavily wooded and contains a ravine and headwater of a tributary to Abernathy Creek. The LR and LR/MH land use designations both allow the development of single-family housing, thus the proposed change will not increase the likelihood of having a detrimental effect on fish and wildlife, and when developed in conjunction with existing Water Resource Overlay District requirements, should not have a detrimental effect on fish and wildlife.

Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. This policy is not applicable.

Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: The applicant has submitted a Subdivision and Water Resource Review application with the City for this site to run concurrently with the proposed Comprehensive Plan Map amendment. Through the Water Resource and Subdivision review, the policies of this section will be implemented.

Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: **Complies.** The proposed LR designation allows the development of low density residential which usually does not represent a threat to air quality; however, future development of the site shall comply with all applicable DEQ air quality standards and regulations.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: The proposal will be processed under the appropriate procedures for new development in order to comply with this policy.

(G) Growth and Urbanization

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

Finding: **Complies.** The proposal will affect approximately 9.23 acres of LR/MH designated property that is located within the Park Place Neighborhood, which is predominately low density residential. The proposed change will maintain the residential character of the area.

The land use policies under this element generally apply to new UGB properties and sufficient urban services. The property is within the current city limits and sufficiency of urban service is addressed in the findings on page 7 of this staff report.

(H) Energy Conservation

Goal: Plan urban land development that encourages public and private efforts toward conservation of energy.

Finding: **Complies.** The subject site is located within walking distance of Holcomb Elementary, reducing the need for students to be driven to school, thus reducing vehicles miles traveled. There are no public transportation services provided to the subject site, however Tri-Met bus 34 does provide a route up Holcomb Boulevard to the Clackamas County Housing Authority site to the east of the site.

(I) Community Facilities

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

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage would be directed to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site, which contains one house, has the necessary urban services for low-density residential development stubbed to the site or can be extended to the site and it appears these services are adequate for the subject site

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site and the proposed change from LR/MH to LR will not impact the ability to provide the necessary services to the site.

(J) Parks and Recreation

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

Finding: **Complies.** 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.

(L) Transportation

Goal: 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.

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Sidewalks will be included in future site redevelopment and will be constructed to City standards.

(M) Comprehensive Plan Map

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

Finding: **Complies.** The city has reviewed the Comprehensive Plan in conjunction with the applicant's proposed Comprehensive Plan Map Amendment and determined, based on the findings in this report, that the proposal is consistent and supportive of the appropriate goals and policies, and is compatible with the surrounding patterns, is in the public interest.

RECOMMENDED CONCLUSION AND DECISION

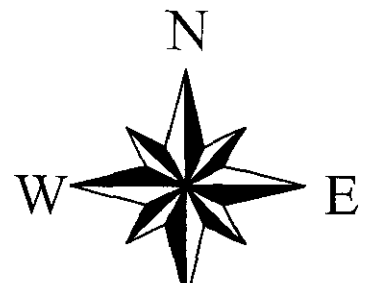
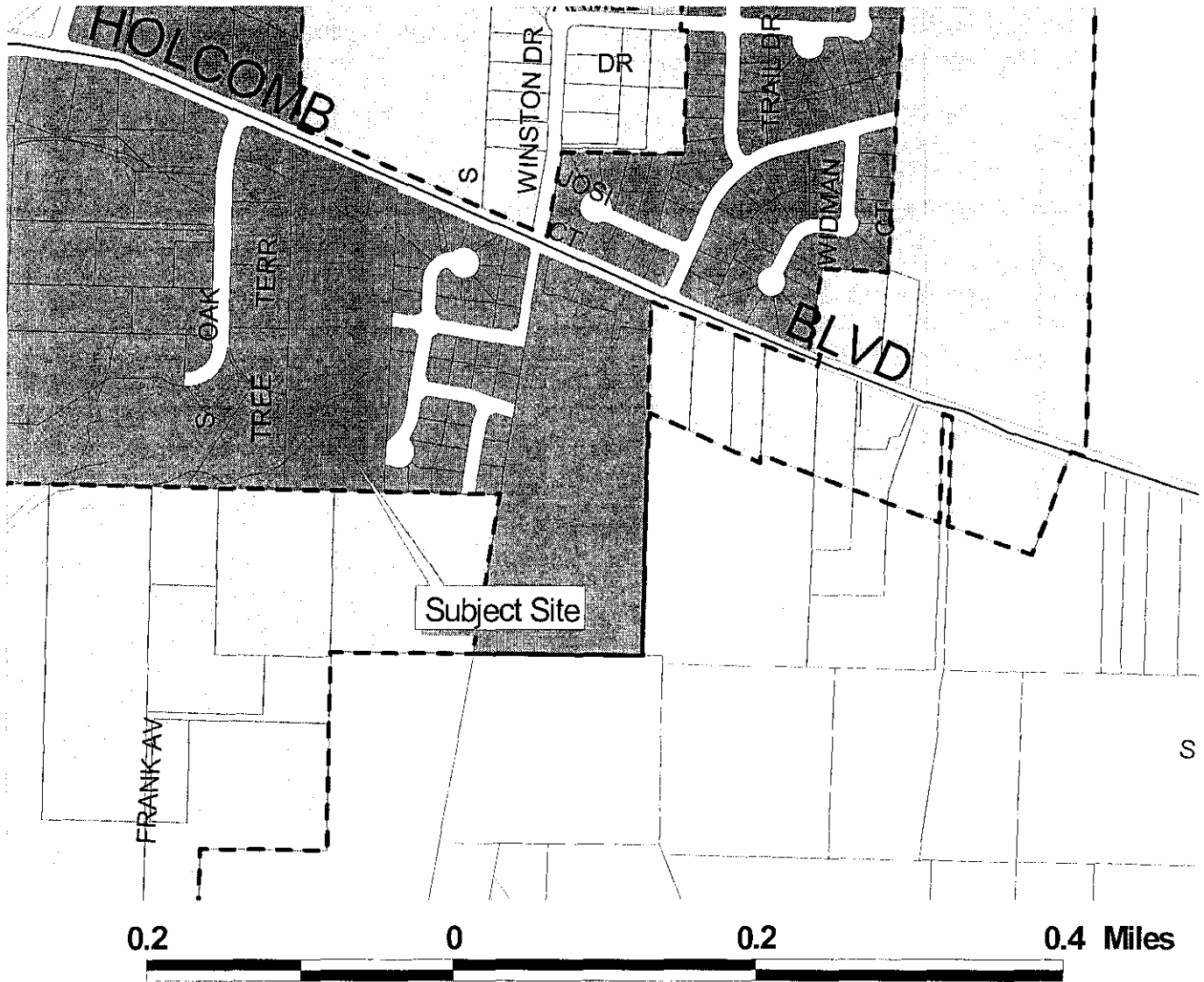
Staff would recommend that the Planning Commission forward the proposed Comprehensive Plan Map amendment, Planning File PZ 03-01, with a recommendation of approval to the City Commission for a public hearing on May 7, 2003.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2.
 - a. Park Place Neighborhood Association
 - b. Oregon City Police Department
 - c. Oregon City Public Works
 - d. Oregon City Engineering Department
 - e. David Evans and Associates
3. Application Narrative
4. Manufactured Housing Needs Analysis and Buildable Lands Inventory; August 21, 1991 (On File)
5. Ordinance No. 94-1014 (On File)
6. Oregon City Comprehensive Plan Map
7. Application (On File)
8. Transportation Impact Study prepared by Group Mackenzie; September 6, 2003 (On File)
9. Pre-Application notes (On File)

PZ 03-01 and ZC 02-04



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

February 18, 2003

IN-HOUSE DISTRIBUTION

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- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

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- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Merek
- ☒ CLACKAMAS COUNTY - Bill Spears
- ☒ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☒ DLCD (Including form 1)

RETURN COMMENTS TO:

COMMENTS DUE BY: **March 19, 2003**

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PZ 03-01: PC Hearing 4/14/03; CC Hearing 5/7/03
ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:

Tony Konkol, Associate Planner

APPLICANT:

Tom Skaar / Jim Stormo

REQUEST:

Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)

LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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.

03 MAR 18 PM 4:28

RECEIVED
CITY OF OREGON CITY

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

Ralph W. Kiefer

3-18-03

CHAIR, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

Exhibits 2a

CITY OF OREGON CITY - PLANNING DIVISION
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Phone: (503) 657-0891 Fax: (503) 722-3880

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- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☒ Mike Baker @ DEA

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RETURN COMMENTS TO:

COMMENTS DUE BY: March 19, 2003

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PZ 03-01: PC Hearing 4/14/03; CC Hearing 5/7/03
ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:
APPLICANT:
REQUEST:

Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)
Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

LOCATION:

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☒

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☐

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

London Shivers
D. Director of Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 26

CITY OF OREGON CITY- PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
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planning

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February 18, 2003

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TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA

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RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: **March 19, 2003**

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PLANNER:
APPLICANT:
REQUEST:

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Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
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Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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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:

SEE ATTACHED

Signed
Title

Fuller
PIW OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2c

MEMORANDUM
City of Oregon City

DATE: February 19, 2003

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PZ 03-01 & ZC 02-03 REPEAT REVIEW - See 3/18 & 11/4 of 2002 reviews

Name/Address: Tax Lots 4200 & 4300 - "Tracey Heights" 14812 Holcomb Blvd

Holcomb, Cattle & Smithfield Drive - 29 lot sub-division

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the public alley shown on sheet 2 of 4)

To: Thru project to adjacent roads

New line size = minimum 8" ductile iron

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 2/19/2003

Consult Water Master Plan. This is a repeat review. See 3/18 & 11/4 of 2002 reviews. Avoid dead-end water mains; please connect to the 16" H2O main on Holcomb Blvd. This will greatly improve water circulation, quality and fire flow to proposed project and future projects connecting to it. H2O pressures may vary due to elevation changes and individual pressure reducing valves installed by contractor after the water meter could be required.

MEMORANDUM
City of Oregon City

DATE: March 18, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-11

Name/Address: No site address - Holcomb Blvd West of Wasco Acres sub-division

PUD for 29 lot sub-division

Water:

Existing Water Main Size = 16"

Existing Location = Holcomb Blvd & 8" DI in Wasco Acres sub-division

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd.

To: Wasco Acres sub-division

New line size = 8" DI

Backflow Preventor required? Yes No X

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 3/18/2002

Consult Water Master Plan.

Owner shall connect to the existing 16" DI water main on Holcomb Blvd., extend a new 8" ductile iron water main thru new project to form a loop and connect to the existing 8" DI on Smithfield Drive in the Wasco Acres sub-division. The owner shall also extend the existing 8" water main on Cattle Drive in Wasco Acres to the end of this project to serve the southern most proposed four new lots.

MEMORANDUM
City of Oregon City

DATE: November 4, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-61

Name/Address: Holcomb Blvd. & Smithfield Drive - west of Wasko Acres
28 lot subdivision

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle Drive & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the 20' wide emergency access)

To: Thru project to adjacent roads

New line size = min 8" DI

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 11/4/2002

Consult Water Master Plan. In either option, connect to 16" water main on Holcomb Blvd. via the 20' wide emergency access easement, extend water main into and thru proposed subdivision and connect to adjacent water mains next to project. Avoid dead-end water mains whenever possible. Water pressures may vary due to elevation changes. Some lots may or may not require individual pressure reducing valves to be installed by contractor depending upon psi.

MEMORANDUM
City of Oregon City

DATE: Feb. 20, 2003
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PZ 03-01 ZC 02-03 Map# 2S-2E-28AD, Lots 4200 and 4300
NAME: TRACEY HEIGHTS

Streets:

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	_____X

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City X _____ County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

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

1. See note page one concerning public alley, would prefer as a private drive, serves same purpose as a flag lot driveway.

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02-11
NAME: Holcomb Blvd. west of Wasco acres 29 lot PUD sub div

Sanitary Sewer:

Existing Sewer Main Size= 8"

Existing Location= Wasco Acres and Holcomb Blvd.

Existing Lateral being reused? Yes No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No Yes X

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes ? No

Recommended Easement Width ? feet

Sanitary Sewer additional comments? No Yes X Initial CC

not able to determine if easments are necessary at this time

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02 11
NAME: Holcomb Blvd. west of Wasco Acres 29 lot PUD sub-div

Storm Sewer: Yes

Existing Line Size= 12 inch None Existing

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes X No

From: Holcomb Blvd. and / or Wasco acres

To: Site

Detention and treatment required? yes

On site water resources: None known Yes X

Storm Department additional comments?: No Yes X Initial CC

It appears that a portion of this property lies within a water quality resource area overlay district

ANALYSIS AND FINDINGS

The applicant is proposing to develop a subdivision and has proposed a zone change for the property located just west of the recently completed Wasko Acres subdivision on Holcomb Boulevard in the Park Place area from R-6/MH to R-6. Applicant is also proposing to change the Comprehensive Plan Map designation from LR/MH to LR.

This minor zone change from R-6/MH to R-6 results in a worst case 8 additional lots that will not create significant changes in any utility or street requirements. Same holds true for the Comprehensive Plan Map Amendment from LR/MH to LR.

Therefore, Staff recommends approval of the proposed zone change and Comprehensive Plan map change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision.

Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

SANITARY SEWER.

There are existing 8-inch sanitary sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres for the applicant to connect extensions throughout the subdivision, if appropriate based on topography.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernethy Creek, an anadromous salmon -bearing stream. The site is also located within a Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

DEDICATIONS AND EASEMENTS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 64 to 114 feet. Currently, Holcomb Boulevard appears to have a 60-foot wide ROW along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 42 to 54 feet. Currently, these two local streets have ROW widths of 50 feet.

Future development of this property will require dedication of ROW along Holcomb Boulevard. Future dedication of ROW within the subdivision is standard.

STREETS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, Holcomb Boulevard appears to have a 36-foot wide pavement width along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, these two local streets have pavement widths of 32 feet.

Future development of this property will require half street improvements along the site frontage with Holcomb Boulevard to meet City requirements and continuation of the two local streets throughout the subdivision to include possible stubs to adjacent properties.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by Group Mackenzie and dated September 6, 2002, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself. The study based traffic generation on the proposed use, a 30-unit subdivision. The eight additional homes associated with the proposed Comprehensive Plan Map amendment and Zone Change does not represent a significant amount of increased traffic.

Conditions:

None



DAVID EVANS
AND ASSOCIATES INC.

April 1, 2003

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

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
TRACEY HEIGHTS SUBDIVISION – ZC 02-03 PZ 03-01**

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 Group Mackenzie for the proposed Tracey Heights Subdivision Development located in Oregon City approximately 700 feet west of the Holcomb Road and Winston Drive intersection. The material is dated September 6, 2002.

The TIS describes the current development proposal to build a 30-unit (29 proposed, 1 existing) subdivision of single-family detached homes. Access from the proposed site would be provided to Holcomb Boulevard via Winston Drive and existing local streets within the Wasco Acres subdivision. The project would involve extension of Smithfield Drive and the addition of one north-south street stub.

Overall Findings

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.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernethy Road/Holcomb Boulevard at Redland Road. Both intersections are expected to fail to meet City and ODOT operational standards by year 2008.

Additionally, increased growth is expected to magnify the need for a center-two-way-left-turn lane along Holcomb Boulevard. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

Exhibits 2e

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 dated August 2002 and accurately reflected prevailing intersection lane configurations and traffic control. The applicant reviewed existing study area crash history as is customary and relevant to TIAs.
2. **Background conditions** – In developing year 2003 and 2008 background traffic levels without the project, the applicant calculated a five percent per year compound growth rate based on 1994 and 2020 model output from Metro. However they then applied the five- percent compound growth rate as a linear growth rate. This process underestimated the background traffic volumes. This type of error is not expected to alter the findings for this study but should be corrected by the applicant for future TIAs.

The applicant appropriately reviewed relevant planning documents and accounted for planned improvements within the 2003 and 2008 analysis period. The applicant accounted for in-process traffic associated with Oaktree Terrace, Barlow Crest, Barlow Crest 2, Wasco Acres and Trailview Estates using ITE's trip generation rates.

3. **Trip Generation/Distribution/Assignment** – The applicant appropriately used ITE's trip generation equations 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** – The proposed project gains access to Holcomb Boulevard via Winston Drive. The applicant has appropriately established adequate sight distance at the intersection of Winston Drive and Holcomb Boulevard. Where the proposed project establishes new local road intersections, such intersections need to provide adequate sight distance per AASHTO guidelines. The applicant needs to discuss the standards and ensure they are met.
5. **Signal and turn Lane Warrants** – The applicant adequately analyzed 2003 and 2008 signal warrants for the intersection of Holcomb Boulevard and Winston Drive. A signal at this intersection is not warranted by 2008.

In establishing minor street (Winston Drive) traffic volumes for use in evaluating warrants, the applicant applied a 50-percent reduction in minor street right-turn volumes. However, no justification was given for the reduction. Winston Drive is a shared lane approach. In reviewing the applicant's traffic counts, the proportion of right turns on Winston Drive is generally 10 percent. Thus, the large share of left turns that experience greater delay in making their movement will affect right turns. Thus, no right-turn reduction is warranted.

The applicant adequately analyzed the right-turn lane and left-turn lane warrants at the intersection of Holcomb Boulevard and Winston Drive. A left-turn lane is not warranted. A right-turn lane is warranted during PM peak hour operations under all analyzed scenarios. The applicant is not recommending a right-turn lane based on the assumption that the warrant will only be met during a few hours of the day, the fact that adequate capacity is available on Holcomb Boulevard, and that the proposed project adds a low volume of site generated traffic to the movement. Because the right turn operates effectively under all scenarios and no safety history exists to indicate that a right-turn lane is needed at this time, DEA concurs that a right-turn lane is not required at this time. The applicant clearly adds traffic to the right turn movement, and may be asked to participate in the future to fund a right-turn lane when deemed necessary.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, increased traffic will lead to increased accidents and in all likelihood eventually to the need for a center-two-way-left-turn lane. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

6. ***Traffic Operations*** – The applicant indicates that the two stop-controlled intersections on Holcomb Boulevard at Oaktree Terrace and Winston Drive meet City standards with operations of LOS C or better during all analysis scenarios.

The signalized intersection at Redland Road and Cascade Highway and the signalized intersections at Abernethy Road/Holcomb Boulevard and Redland Road meet Oregon City and ODOT operational standards in year 2003. By 2008 both intersections fail to meet operational standards during part of the day with and without site development. This development, in conjunction with significant growth in the area, is degrading operations at these two key intersections. This development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and ODOT should consider the timing and extent of improvements to relieve congestion along this corridor.

7. ***Queuing*** – The applicant did not report any queuing results for area intersections. A brief overview of their operations results suggests that area queuing will not be a significant issue.
8. ***Mitigation*** – The applicant has not identified the need for any off-site mitigation. DEA does not recommend any off-site mitigation
9. ***Site Plan Review*** – The applicant's site plan indicates that sidewalks will be provided within the development and along the Holcomb Boulevard frontage. In addition a bicycle/pedestrian and emergency vehicle accessway linking the development to Holcomb Boulevard will be provided. The applicant should assure that removable posts or some other impedance is used to prevent unauthorized vehicles

Mr. Tony Konkol
PZ03-01
Page 4

from using the accessway. Accessways should also be hard surfaced, properly lit, fenced, and ADA compliant.

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:swb

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**TRACEY HEIGHTS
PLAN MAP AMENDMENT CHANGE
SUPPLEMENTAL INFORMATION**

OREGON CITY, OREGON

Prepared for:

Pacific Western Homes, Inc.
5530 NE 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

Prepared by:

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, Oregon
Phone (503) 636-4005
fax (503) 636-4015

February 7, 2003

Exhibits 3

TRACEY HEIGHTS 29 LOT SUBDIVISION

APPLICANT

Pacific Western Homes, Inc.
Mr. Chet Antonsen
Mr. Tom Skaar
5530 N.E. 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

APPLICANTS REPRESENTATIVE

Pinnacle Engineering
Mr. James Stormo P.E.
17757 Kelok Road
Lake Oswego, Oregon 97034
Phone (503) 636-4005
Fax (503) 636-4015

LOCATION & LEGAL DESCRIPTION

Tax Lots 1900 and 1902
Partition Plat PP 1994-61
Section 28 T2S R2E

SITE AREA

Approximately 9.23 acres

ZONING

R6/MH

APPROVAL CRITERIA

City of Oregon City Zoning Code

APPLICANT'S REQUESTED APPLICATION

Preliminary Plat for 29 lot Subdivision
Zone Change
Geotechnical Review
Traffic Impact Study Review
6 Minor Variances
Water Resource Review
Comprehensive Plan Map Amendment

This supplemental report will provide background information concerning the proposed Comprehensive Plan Map Amendment.

COMPREHENSIVE PLAN MAINTENANCE AND UPDATE

Request for change: Citizens may request a plan change twice each year, to be considered in March and September. This method of plan maintenance should be evaluated according to the following criteria:

- 1. Does the proposed change conform with State Planning Goals and local goals and policies?*
- 2. Is there a public need to be fulfilled by the change?*
- 3. Is the public need best satisfied by the particular change being proposed?*
- 4. Will the change adversely affect the public health, safety and welfare?*
- 5. Does the factual information base in the Comprehensive Plan support the change?*

APPLICANT'S RESPONSE:

The applicant is requesting to eliminate the MH designation on the property. This will allow the applicant to construct "stick built" homes rather than manufactured homes within the site. Oregon City's Comprehensive Plan has been acknowledged by the State of Oregon and designates the site as suitable for single family residential development.

The proposed change conforms with the State Planning goals and does not conflict with either the State Planning Goals or the City's local goals and policies. The need for single family detached housing will be fulfilled by allowing the proposed Plan Map Designation. The public's need is satisfied by the change. In fact, the neighborhood association strongly supports eliminating the MH plan designation for this property. The neighborhood association believes that allowing manufacturing housing on this site would devalue the surrounding properties. The change will not adversely affect the public health, safety or welfare. The proposed change does not adversely affect any natural resources within the site. In fact, the applicant is proposing to protect the water resource area located within the site by including a Tract "A" on the final plat that will encompass the water resource area. The Applicant believes that the information base in the Comprehensive Plan does indeed support the change.

The site is designated R-6, for single family residential development. Minimum lot sizes are permitted to be 6,000 square feet, with minimum average lot widths of 60 feet and minimum average lot depths of 100 feet. All lots within the proposed development generally conform to these requirements.

The proposal conforms with ORS 92.010 to 92.160. This is State law concerning land subdivision, which has been incorporated into the Oregon City Code. This proposed change will be in accordance with state and local requirements.

The proposed subdivision complies with the goals and policies of the Comprehensive Plan. The following specific policies are applicable.

If conditions of approval are required by the City, the Applicant will provide construction drawings or other documents to demonstrate compliance with the requirements of Section 16.12.020.D of the City Code.

Housing Element - The city's intention is to provide for a variety of housing types at a range of prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

Comment: The single family subdivision is proposed, in an area designated for such use. The lots in the subdivision provide an option for single family residences at relatively low density. Therefore, the proposal supports the City's Housing Goal.

Community Facilities Element - The City's goal is to encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided and to encourage densities at maximum levels permitted.

Comment: Urban services are available or can be extended and made available to the site for the development proposed. Sanitary sewer and public water are available within Holcomb Blvd. Storm drainage will be directed to a detention/water quality facility to be constructed within the site and discharge to an approved location. Police and fire services can be provided; school capacity is available.

The proposed change complies with the goals of the Land Conservation and Development Commission (LCDC). In particular the project meets the goal of Oregon Administrative Rule 660-007-0000 - Metropolitan Housing. The purpose of this rule is to provide opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

Conclusion: The proposed change complies with State and City planning goals. The proposed change will not adversely affect community facilities, natural resources, transportation systems, or adjacent properties.



February 7, 2003

Tony Konkol
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

RE: Tracey Heights Subdivision - Oregon City, Oregon
Plan Map Amendment

Tony:

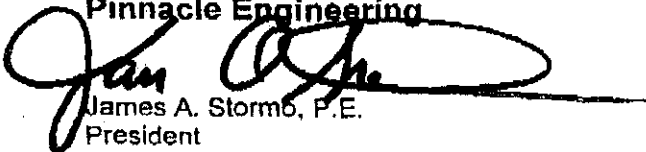
I have attached to this letter a narrative describing our request for a Plan Map Amendment for this site.

I also spoke with Mike Baker of David Evans & Associates regarding the traffic analysis for this project and in particular with regards to the Plan Map Amendment. Mike informed me that he did not believe that any additional information with regards to the traffic study was necessary for this application since all we were requesting was the removal of the MH designation.

If you have any questions regarding any of the attached information, please feel free to give me a call at (503) 636-4005. Thank you.

Sincerely,

Pinnacle Engineering

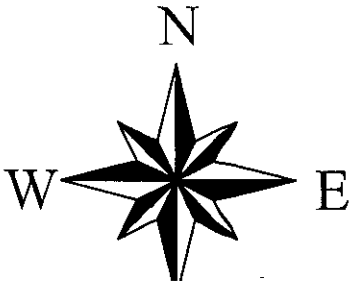
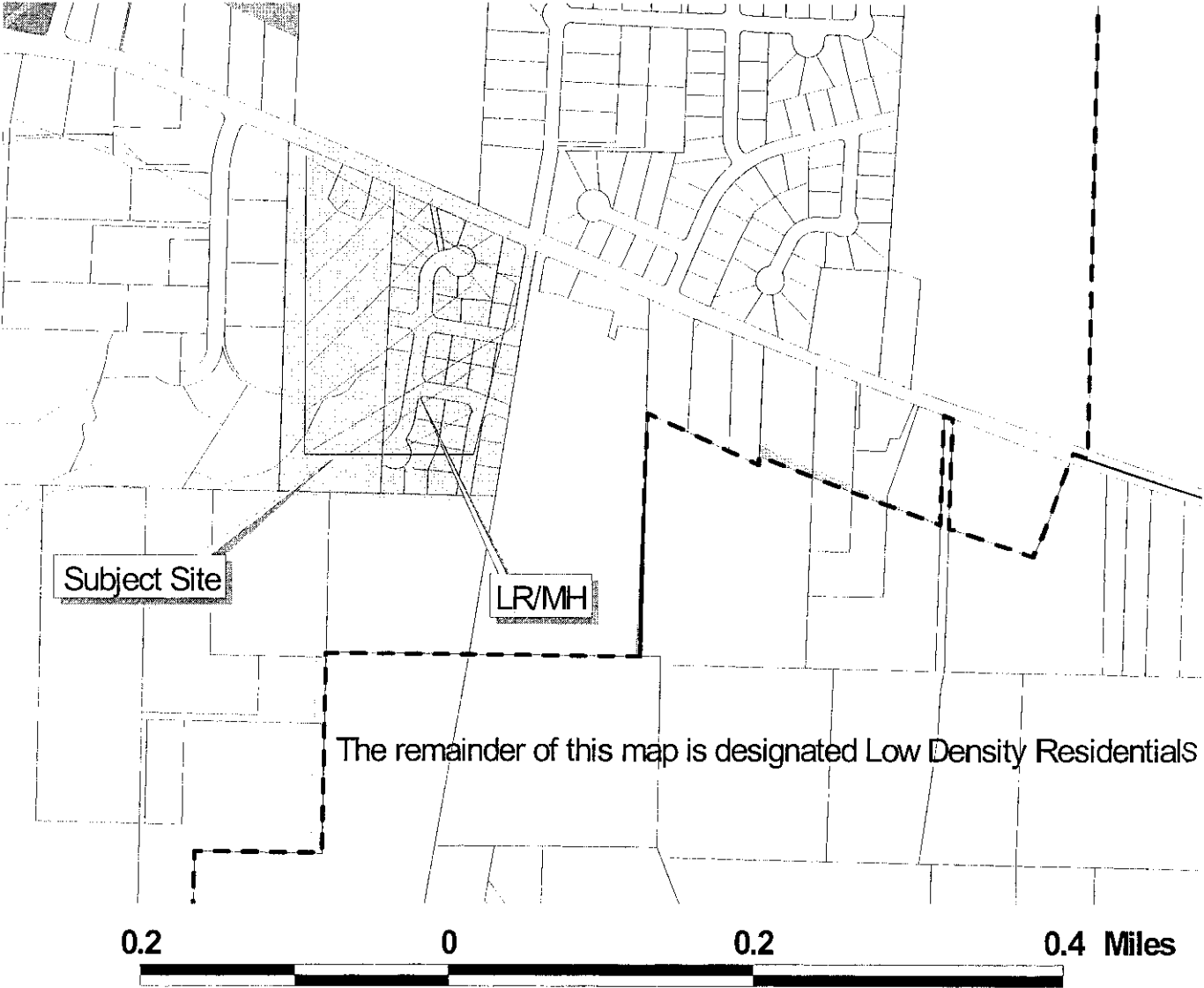


James A. Stormo, P.E.
President

cc Chet Antonsen, Pacific Western Homes, Inc.
Tom Skaar, Pacific Western Homes, Inc.

17757 KELOK ROAD, LAKE OSWEGO, OR 97034 (503) 636-4005 FAX (503) 636-4015
EMAIL: jamesstormo@attbi.com

Comprehensive Plan Map



I. EXECUTIVE SUMMARY

This transportation impact analysis (TIA) has been prepared for the proposed Holcomb Boulevard subdivision, to be located on the south side of Holcomb Boulevard between Oaktree Terrace and Winston Drive. The site will be developed by Pacific Western Homes and will include 30 single-family units, 29 proposed units and one existing unit. Trip generation calculations were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition. The subdivision will generate 21 AM peak hour trips and 30 PM peak hour trips, based on ITE rates for Land Use Code 210, Single-Family Detached Housing.

The site will access Holcomb Boulevard using an extension of Winston Drive which is being constructed with development of the Wasco Acres subdivision. Holcomb Boulevard is classified as a minor arterial and is located inside of the UGB. Sight distances of 500 feet to the west and east of Winston Drive along Holcomb Boulevard are available. Both distances exceed County sight distance standards of 350 feet.

Future years of analysis for the study area intersections include year 2003, when full buildout of the site is proposed, and year 2008, as required by the City of Oregon City. The future year volumes for the development are an overestimate because of the use of the EMME/2 model to project background growth. The Holcomb Boulevard Subdivision site is included as residential in the EMME/2 model and a portion of the new trips would be included in the background growth. In 2003, Cascade Highway at Redland Road is expected to operate at a two-hour v/c of 0.91 during the PM peak hour. In 2008, the intersections of Cascade Highway at Redland Road and Abernethy Road/Holcomb Boulevard at Redland Road will operate at levels of service "E" during the PM Peak hour, with v/c of 1.00 or greater without or with the development of this subdivision. Development of the Holcomb Boulevard subdivision will not worsen this future year v/c; thus mitigation is not required.

The City of Oregon City included the Cascade Highway at Redland Road intersection in their "Highway 213 Corridor Study" and identified that this analysis should include evaluation of this intersection, but mitigation will not be required or requested.

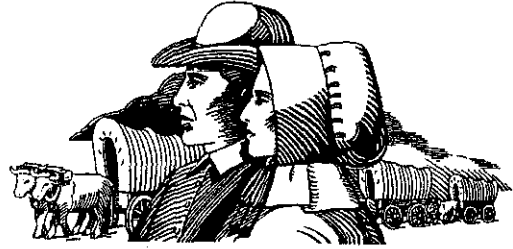
Exhibit 8

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: ZC 02-04

Complete: February 12, 2003
120-Day: Not Applicable

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034

REQUEST: Zone Change from "R-6/MH" Single-Family Dwelling/Manufactured Home to "R-6" Single-Family.

LOCATION: 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900) and a second parcel with no site address and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval

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

I. BACKGROUND:

The applicant is requesting a zone change from R-6/MH Single-Family Dwelling/Manufactured Housing to R-6 Single-Family Dwelling for two parcels of approximately 9.23-acres identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lots 4200 and 4300 (Exhibit 1).

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, a Water Resource Determination (File WR 02-18), a Type III Land Use Decision, and a Comprehensive Plan Map Amendment (File PZ 03-01), a Type IV Land Use Decision. The subject site is located on the south side of Holcomb Boulevard, west of the Wasko Acres subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels currently is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing. The applicant has requested a Comprehensive Plan Map Amendment to Low-Density Residential which allows the R-6 Single-Family Zoning Designation.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on two parcels designated LR/MH Low Density Residential/Manufactured Housing. One parcel is located at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which does not have a site address, is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Zone Change was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 2a) and the Oregon City Director of Public Safety (Exhibit 2b), both of which indicated that the proposed Comprehensive Plan Amendment does not conflict with their interests. Comments were received from the Oregon City Public Works Department (Exhibit 2c), Oregon City Engineering Department (Exhibit 2d), and David Evans and Associates (Exhibit 2e), which reviewed the Traffic Impact Study provided by the applicant. The comments have been incorporated into the staff report.

III. DECISION-MAKING CRITERIA:
Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991; prior code §11-12-1)

Finding: **Initiated.** The applicant, Pacific Western Homes, Inc., has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 3 and 4. The application was deemed complete on February 12, 2003.

(b) 17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

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

Finding: **Complies.** Consistency with comprehensive plan policies and goals is addressed in Section III.B on page 6 of this staff report.

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

Water

Finding: **Complies.** There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision. Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

Sewer

Finding: **Complies.** There are existing 8-inch sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres to the east for the applicant to connect extensions throughout the subdivision, if appropriate based on topography. Existing sanitary sewer facilities appear adequate for future development of this site.

Storm Drainage

Finding: **Complies.** This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernathy Creek, an anadromous salmon-bearing stream. The site is also located within a Water Quality Resource Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

Transportation

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Schools

Finding: **Complies.** Transmittals were sent to the Oregon City School District concerning this application. No comments were received.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Fire department concerning this application. No comments were received. The Oregon City Police department indicated that this proposed land use designation change does not conflict with the interests of the department (Exhibit 2b).

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

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade

Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section III.B on page 6 of this staff report.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area . . .

B. Applications for these rezonings

Finding: The subject site is within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)

B. Legislative reviews shall be subject to the requirements in Section 17.50.260. (Note: the section number cited in the Code is incorrect; it should be 17.50.170.) (Ord. 91-1007 §1(part), 1991: prior code §11-12-3)

Finding: **Complies.** According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference with City staff on November 13, 2002. The Pre-Application Conference Summary is attached as Exhibit 6. Transmittals regarding the proposed development plan were mailed on February 18, 2003 to the Park Place Neighborhood Association and CICC Chairperson.

The applicant submitted the application on December 17, 2002. The application was deemed complete on February 12, 2003. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for April 14, 2003. The final hearing, should the Planning Commission recommend approval, is scheduled for May 7, 2003 before the Oregon City City Commission. Notice of the hearing was issued on February 18, 2003 and the property was posted on February 21, 2003, more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That City Commission public hearing has been scheduled for May 7, 2003.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50- .330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found necessary. This section is not applicable.

17.68.060 Filing of an application

Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50. (Ord. 91-1007 §1(part), 1991: prior code §11-12-6)

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

B. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CICC. Public notice was mailed on February 18, 2003, advertised in the Clackamas Review on February 26, 2003 and the subject property was posted on February 21, 2003.

On February 18, 2003 transmittals were sent to the Citizen Involvement Committee Council (CICC) and the Park Place Neighborhood Association apprising them of the application.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the Park Place Neighborhood Associations and the CICC were notified. This staff report and the file containing project information were available for public review seven days prior to the first evidentiary hearing.

(C) Housing

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

Finding: **Complies.** Though the applicant has indicated no desire to develop manufactured homes on the site, the R-6 Single-Family zoning designation does not preclude the placement of manufactured homes on the property, which the R-6/MH zoning designation was designed to promote when zoning restrictions limited the placement of manufactured homes. The proposed zone change would allow for the development of a variety of housing types, which are not limited by the 20-foot maximum height which exists in the R-6/MH zoning designation.

The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

The surrounding properties are zoned R-10 Single-Family, which requires a minimum of 10,000 square foot lots. The property directly east of the subject site was developed as the Wasko Acres subdivision and is zoned R-6/MH, which allows 6,800 square foot lots. The proposed R-6 zoning designation, which would allow the development of 6,000 square foot lots, would provide additional housing types and price ranges in the Park Place Neighborhood and would be designed with similar lot and home sizes as the Wasko Acres subdivision to the east.

Policy #3

The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions, supported by the elimination of unnecessary government regulations.

Finding: **Complies.** The applicant has indicated a desire to construct stick built single-family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional standards of the zoning designation associated with the R-6/MH zoning designation does not lend itself to creating lots nor contain dimensional standards (a 20-foot maximum building height) that are suitable for stick built homes.

(F) Natural Resources, Natural Hazards

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

Finding: **Complies.** The subject site is currently zoned R-6/MH and is developed with one home. The proposal to re-zone the site from R-6/MH to R-6 would not significantly alter the amount of coverage of development allowed on the site.

The subject sites do not appear on any of the following maps: Mineral and Aggregate Resources, Fish and Wildlife Habitat, Flood Plain, or Seismic Conditions.

The area is located in an area indicating slopes greater than 25% and Wet Soils – High Water Table. Future development analysis will include a Geotechnical Investigation to identify soil types and

appropriate development techniques and development on slopes in excess of 25% are required to meet the standards of OCMC 17.44 – Unstable Soils and Hillside Constraints, both of which implement the goals and policies of the Comprehensive Plan.

The Oregon City Comprehensive Plan identifies Abernathy Creek and tributaries as follows:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along 17th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

The site is located within the Oregon City Water Quality Overlay District. The applicant has submitted a Water Resource Review for the site identifying the resource on the property. Future development of the site will be required to comply with Oregon City Municipal Code Section 17.49 concerning Water Resource Areas, which provides for the preservation and management of the city's scarce natural resources

Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: **Complies.** Future development applications will need to meet agency requirements that protect water and air quality. No increases in air or water pollution are anticipated due to the change in zoning from R-6/MH Single-Family to R-6 Single-Family.

Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: **Complies.** The subject site is not located within an identified fish and wildlife habitat area, as identified in the Comprehensive Plan. The subject site is heavily wooded and contains a ravine and headwater of a tributary to Abernathy Creek. The R-6 and R-6/MH zoning designations both allow the development of single-family housing, thus the proposed change will not increase the likelihood of having a detrimental effect on fish and wildlife, and when developed in conjunction with existing Water Resource Overlay District requirements, should not have a detrimental effect on fish and wildlife.

Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. This policy is not applicable.

Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: The applicant has submitted a Subdivision and Water Resource Review application with the City for this site to run concurrently with the proposed Zone Change. Through the Water Resource and Subdivision review, the policies of this section will be implemented.

Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: **Complies.** The proposed R-6 Single-Family allows the development of homes on 6,000 square foot lots, which usually does not represent a threat to air quality. However, future development of the site shall comply with all applicable DEQ air quality standards and regulations.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: The proposal will be processed under the appropriate procedures for new development in order to comply with this policy.

(G) Growth and Urbanization

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

Finding: **Complies.** The proposal will affect approximately 9.23 acres of R-6/MH zoned property, which allows 6,800 square foot lots. The subject site is located in the Park Place Neighborhood, which is predominately zoned R-10 Single-Family. Adequate public facilities have been provided to the property and additional housing types and sizes will contribute to the developed character of Oregon City by providing a neighborhood with multiple housing opportunities at multiple price ranges.

(H) Energy Conservation

Goal: Plan urban land development that encourages public and private efforts toward conservation of energy.

Finding: **Complies.** The subject site is located within walking distance of Holcomb Elementary, reducing the need for students to be driven to school, thus reducing vehicles miles traveled. There are no public transportation services provided to the subject site, however Tri-Met bus 34 does provide a route up Holcomb Boulevard to the Clackamas County Housing Authority site to the east of the site.

(I) Community Facilities

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

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. The applicant states that urban services are available or can be extended and made available to the site. Public water is available within Holcomb Boulevard, Smithfield Drive, and Cattle Drive. An existing sanitary sewer line exists within Holcomb Boulevard with adequate depth to serve the site. Storm drainage would be directed

to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity is available to support the existing, and proposed, Low Density Residential land use.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site, which contains one house, has the necessary urban services for low-density residential development stubbed to the site or can be extended to the site and it appears these services are adequate for the subject site

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site and the proposed change from R-6/MH to R-6 will not impact the ability to provide the necessary services to the site. There is a street stubbed to the site from the east, which will continue through the site and will eventually connect to Oak Tree Terrace to the west. The applicant is requesting the maximum density permitted in the Low Density residential land use designation and would allow development that will maximize the existing urban facilities.

(J) Parks and Recreation

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

Finding: **Complies.** 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.

(L) Transportation

Goal: 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.

Finding: **Complies.** City staff informed the applicant that a traffic impact analysis for the proposed Zone Change was not necessary as the proposed change would increase the maximum density of the site by 0.9 housing units per acre, approximately 8 homes, and the increase does not represent a significant amount of increased traffic.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 5) for the proposed subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2e). The study indicated that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify

the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernathy Road/Holcomb Boulevard at Redland Road. Both intersections, with or without this development, are expected to fail to meet City and ODOT operational standards by year 2008; however, the development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and Oregon Department of Transportation should consider the timing and extent of improvements to relieve congestion along this corridor. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Sidewalks will be included in future site redevelopment and will be constructed to City standards.

RECOMMENDED CONCLUSION AND DECISION

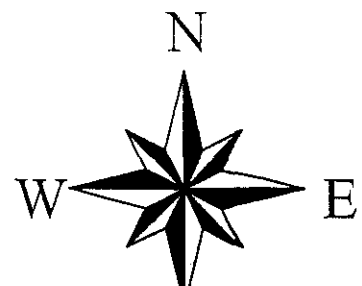
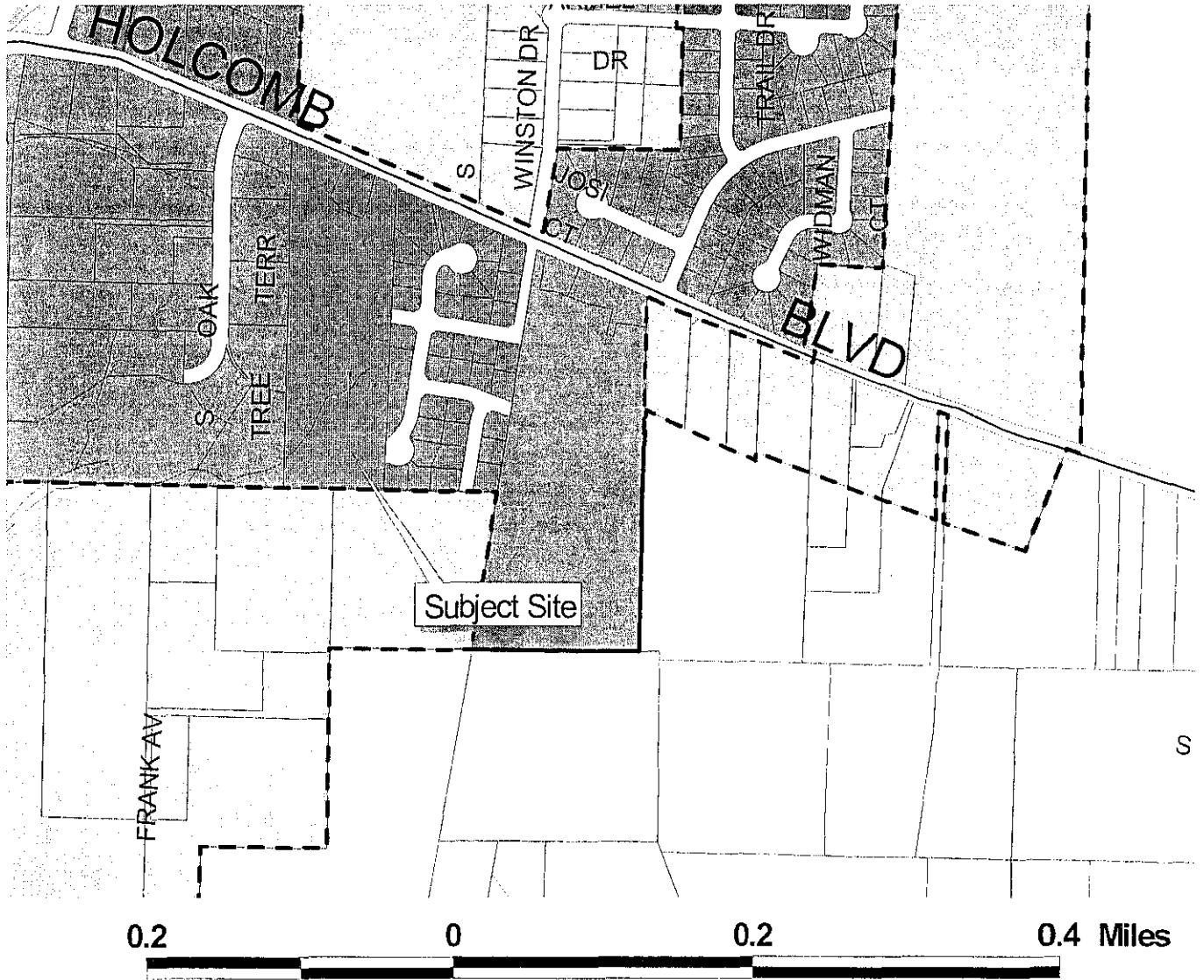
Staff would recommend that the Planning Commission forward the proposed Zone Change, Planning File ZC 02-04, with a recommendation of approval to the City Commission for a public hearing on May 7, 2003.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2.
 - a. Park Place Neighborhood Association
 - b. Oregon City Police Department
 - c. Oregon City Public Works
 - d. Oregon City Engineering Department
 - e. David Evans and Associates
3. Application Narrative
4. Application (On File)
5. Transportation Impact Study prepared by Group Mackenzie; September 6, 2003 (On File)
6. Pre-Application notes (On File)

PZ 03-01 and ZC 02-04



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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February 18, 2003

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- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☒ Mike Baker @ DEA

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- ☒ N.A. LAND USE CHAIR
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- ☒ CLACKAMAS COUNTY - Bill Spears
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- ☐ ODOT - Gary Hunt
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☒ DLCD (Including form 1)

RETURN COMMENTS TO:

COMMENTS DUE BY: **March 19, 2003**

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type IV)
HEARING BODY: Staff Review: PC: X CC: XX

IN REFERENCE TO

FILE # & TYPE:

PZ 03-01: PC Hearing 4/14/03; CC Hearing 5/7/03

ZC 02-03: PC Hearing 4/14/03; CC Hearing 5/7/03

PLANNER:

Tony Konkol, Associate Planner

APPLICANT:

Tom Skaar / Jim Stormo

REQUEST:

Amendment to the Comprehensive Plan from LR/MH to LR
and a Zone change from R-6/MH to R-6. (Related files include
WR 02-18, TP 02-07 and VR 02-15)

LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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

Ralph W. Kiefer

3-18-03

CHAIR, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

Exhibits

2a

03 MAR 18 PM 4:28
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- | | |
|---|--|
| <input checked="" type="checkbox"/> The proposal does not conflict with our interests. | <input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below. |
| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review: |

Signed
Title

London Shivers
D. Director of Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2b

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LOCATION:

Map # 2S-2E-28AD, Tax Lots 4200 and 4300.

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:

SEE ATTACHED

Signed
Title

Heather King
PW OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER

Exhibits 2c

MEMORANDUM
City of Oregon City

DATE: February 19, 2003

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number **PZ 03-01 & ZC 02-03 REPEAT REVIEW – See 3/18 & 11/4 of 2002 reviews**

Name/Address: **Tax Lots 4200 & 4300 - "Tracey Heights" 14812 Holcomb Blvd**

Holcomb, Cattle & Smithfield Drive – 29 lot sub-division

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle & Smithfield Drive (Wasko Acres)

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

Extension required? Yes **X** No

Looping required? Yes X No _____ Per Fire Marshal _____

From: Holcomb Blvd. (use the public alley shown on sheet 2 of 4)

To: Thru project to adjacent roads

New line size = minimum 8" ductile iron

Backflow Preventor required? Yes _____ No **X** _____

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes _____ No **X**

Easements Required? Yes → No

See Engineer's comments

Recommended casement width → ft.

Water Divisions additional comments No Yes **X** Initial **eli** Date **2/19/2003**

Consult Water Master Plan. This is a repeat review. See 3/18 & 11/4 of 2002 reviews. Avoid dead-end water mains; please connect to the 16" H2O main on Holcomb Blvd. This will greatly improve water circulation, quality and fire flow to proposed project and future projects connecting to it. H2O pressures may vary due to elevation changes and individual pressure reducing valves installed by contractor after the water meter could be required.

MEMORANDUM
City of Oregon City

DATE: March 18, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-11

Name/Address: No site address - Holcomb Blvd West of Wasco Acres sub-division

PUD for 29 lot sub-division

Water:

Existing Water Main Size = 16"

Existing Location = Holcomb Blvd & 8" DI in Wasco Acres sub-division

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd.

To: Wasco Acres sub-division

New line size = 8" DI

Backflow Preventor required? Yes No X

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 3/18/2002

Consult Water Master Plan.

Owner shall connect to the existing 16" DI water main on Holcomb Blvd., extend a new 8" ductile iron water main thru new project to form a loop and connect to the existing 8" DI on Smithfield Drive in the Wasco Acres sub-division. The owner shall also extend the existing 8" water main on Cattle Drive in Wasco Acres to the end of this project to serve the southern most proposed four new lots.

MEMORANDUM
City of Oregon City

DATE: November 4, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 02-61

Name/Address: Holcomb Blvd. & Smithfield Drive - west of Wasko Acres

28 lot subdivision

Water:

Existing Water Main Size = 16" on Holcomb Blvd. and

Existing Location = 8" on Cattle Drive & Smithfield Drive (Wasko Acres)

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

Extension required? Yes X No

Looping required? Yes X No Per Fire Marshal

From: Holcomb Blvd. (use the 20' wide emergency access)

To: Thru project to adjacent roads

New line size = min 8" DI

Backflow Preventor required? Yes No X

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 11/4/2002

Consult Water Master Plan. In either option, connect to 16" water main on Holcomb Blvd. via the 20' wide emergency access easement, extend water main into and thru proposed subdivision and connect to adjacent water mains next to project. Avoid dead-end water mains whenever possible. Water pressures may vary due to elevation changes. Some lots may or may not require individual pressure reducing valves to be installed by contractor depending upon psi.

MEMORANDUM
City of Oregon City

DATE: Feb. 20, 2003
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PZ 03-01 ZC 02-03 Map# 2S-2E-28AD, Lots 4200 and 4300
NAME: TRACEY HEIGHTS

Streets:

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	<u>X</u>

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City X County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

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

1. See note page one concerning public alley, would prefer as a private drive, serves same purpose as a flag lot driveway.

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02-11
NAME: Holcomb Blvd. west of Wasco acres 29 lot PUD sub div

Sanitary Sewer:

Existing Sewer Main Size= 8"

Existing Location= Wasco Acres and Holcomb Blvd.

Existing Lateral being reused? Yes No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No Yes X

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes ? No

Recommended Easement Width ? feet

Sanitary Sewer additional comments? No Yes X Initial CC

not able to determine if easments are necessary at this time

MEMORANDUM
City of Oregon City

DATE: 3/18/2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. PA 02 11
NAME: Holcomb Blvd. west of Wasco Acres 29 lot PUD sub-div

Storm Sewer: Yes

Existing Line Size= 12 inch None Existing

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes X No

From: Holcomb Blvd. and / or Wasco acres

To: Site

Detention and treatment required? yes

On site water resources: None known Yes X

Storm Department additional comments?: No Yes X Initial CC

It appears that a portion of this property lies within a water quality resource area overlay district

ANALYSIS AND FINDINGS

The applicant is proposing to develop a subdivision and has proposed a zone change for the property located just west of the recently completed Wasko Acres subdivision on Holcomb Boulevard in the Park Place area from R-6/MH to R-6. Applicant is also proposing to change the Comprehensive Plan Map designation from LR/MH to LR.

This minor zone change from R-6/MH to R-6 results in a worst case 8 additional lots that will not create significant changes in any utility or street requirements. Same holds true for the Comprehensive Plan Map Amendment from LR/MH to LR.

Therefore, Staff recommends approval of the proposed zone change and Comprehensive Plan map change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 16-inch water main in Holcomb Boulevard and existing 8-inch water mains at the two stub streets coming out of Wasko Acres subdivision.

Future development of this property will require connecting to the 16-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

SANITARY SEWER.

There are existing 8-inch sanitary sewer mains in Holcomb Boulevard and in the two street stubs from Wasko Acres for the applicant to connect extensions throughout the subdivision, if appropriate based on topography.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to the Livesay Creek which drains to the Abernethy Creek, an anadromous salmon -bearing stream. The site is also located within a Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will require storm water detention. Continuation and joint use of certain existing Wasko Acres stormwater facilities may be appropriate.

DEDICATIONS AND EASEMENTS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 64 to 114 feet. Currently, Holcomb Boulevard appears to have a 60-foot wide ROW along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 42 to 54 feet. Currently, these two local streets have ROW widths of 50 feet.

Future development of this property will require dedication of ROW along Holcomb Boulevard. Future dedication of ROW within the subdivision is standard.

STREETS.

Holcomb Boulevard is a Clackamas County Road and is classified as an Arterial. It is classified as a Minor Arterial Street in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, Holcomb Boulevard appears to have a 36-foot wide pavement width along the project site's frontage.

The two local streets stubbed out of Wasko Acres are classified as Local Streets in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, these two local streets have pavement widths of 32 feet.

Future development of this property will require half street improvements along the site frontage with Holcomb Boulevard to meet City requirements and continuation of the two local streets throughout the subdivision to include possible stubs to adjacent properties.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by Group Mackenzie and dated September 6, 2002, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself. The study based traffic generation on the proposed use, a 30-unit subdivision. The eight additional homes associated with the proposed Comprehensive Plan Map amendment and Zone Change does not represent a significant amount of increased traffic.

Conditions:

None



DAVID EVANS
AND ASSOCIATES INC.

April 1, 2003

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

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
TRACEY HEIGHTS SUBDIVISION – ZC 02-03 PZ 03-01**

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 Group Mackenzie for the proposed Tracey Heights Subdivision Development located in Oregon City approximately 700 feet west of the Holcomb Road and Winston Drive intersection. The material is dated September 6, 2002.

The TIS describes the current development proposal to build a 30-unit (29 proposed, 1 existing) subdivision of single-family detached homes. Access from the proposed site would be provided to Holcomb Boulevard via Winston Drive and existing local streets within the Wasco Acres subdivision. The project would involve extension of Smithfield Drive and the addition of one north-south street stub.

Overall Findings

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.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, it will magnify the need for intersection improvements at the signalized intersections of Redland Road at Cascade Highway and Abernethy Road/Holcomb Boulevard at Redland Road. Both intersections are expected to fail to meet City and ODOT operational standards by year 2008.

Additionally, increased growth is expected to magnify the need for a center-two-way-left-turn lane along Holcomb Boulevard. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

Exhibits 2e

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 dated August 2002 and accurately reflected prevailing intersection lane configurations and traffic control. The applicant reviewed existing study area crash history as is customary and relevant to TIAs.
2. ***Background conditions*** – In developing year 2003 and 2008 background traffic levels without the project, the applicant calculated a five percent per year compound growth rate based on 1994 and 2020 model output from Metro. However they then applied the five- percent compound growth rate as a linear growth rate. This process underestimated the background traffic volumes. This type of error is not expected to alter the findings for this study but should be corrected by the applicant for future TIAs.

The applicant appropriately reviewed relevant planning documents and accounted for planned improvements within the 2003 and 2008 analysis period. The applicant accounted for in-process traffic associated with Oaktree Terrace, Barlow Crest, Barlow Crest 2, Wasco Acres and Trailview Estates using ITE's trip generation rates.

3. ***Trip Generation/Distribution/Assignment*** – The applicant appropriately used ITE's trip generation equations 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*** – The proposed project gains access to Holcomb Boulevard via Winston Drive. The applicant has appropriately established adequate site distance at the intersection of Winston Drive and Holcomb Boulevard. Where the proposed project establishes new local road intersections, such intersections need to provide adequate sight distance per AASHTO guidelines. The applicant needs to discuss the standards and ensure they are met.
5. ***Signal and turn Lane Warrants*** – The applicant adequately analyzed 2003 and 2008 signal warrants for the intersection of Holcomb Boulevard and Winston Drive. A signal at this intersection is not warranted by 2008.

In establishing minor street (Winston Drive) traffic volumes for use in evaluating warrants, the applicant applied a 50-percent reduction in minor street right-turn volumes. However, no justification was given for the reduction. Winston Drive is a shared lane approach. In reviewing the applicant's traffic counts, the proportion of right turns on Winston Drive is generally 10 percent. Thus, the large share of left turns that experience greater delay in making their movement will affect right turns. Thus, no right-turn reduction is warranted.

The applicant adequately analyzed the right-turn lane and left-turn lane warrants at the intersection of Holcomb Boulevard and Winston Drive. A left-turn lane is not warranted. A right-turn lane is warranted during PM peak hour operations under all analyzed scenarios. The applicant is not recommending a right-turn lane based on the assumption that the warrant will only be met during a few hours of the day, the fact that adequate capacity is available on Holcomb Boulevard, and that the proposed project adds a low volume of site generated traffic to the movement. Because the right turn operates effectively under all scenarios and no safety history exists to indicate that a right-turn lane is needed at this time, DEA concurs that a right-turn lane is not required at this time. The applicant clearly adds traffic to the right turn movement, and may be asked to participate in the future to fund a right-turn lane when deemed necessary.

The Holcomb Road corridor is undergoing and expected to continue to undergo significant development. The applicant presented that Metro's travel demand model reflects 5 percent compound growth through 2020. As this growth occurs, increased traffic will lead to increased accidents and in all likelihood eventually to the need for a center-two-way-left-turn lane. Such a lane is identified as "optional" under the City's minor arterial street standard. Such an improvement is not identified in the City's TSP as far as I can tell. Left-turn lanes are warranted at spot locations today and the number of locations meeting warrants will increase as development occurs. The City is encouraged to plan for this type of improvement and consider whether to begin asking developers for right-of-way dedication as development occurs.

6. ***Traffic Operations*** – The applicant indicates that the two stop-controlled intersections on Holcomb Boulevard at Oaktree Terrace and Winston Drive meet City standards with operations of LOS C or better during all analysis scenarios.

The signalized intersection at Redland Road and Cascade Highway and the signalized intersections at Abernethy Road/Holcomb Boulevard and Redland Road meet Oregon City and ODOT operational standards in year 2003. By 2008 both intersections fail to meet operational standards during part of the day with and without site development. This development, in conjunction with significant growth in the area, is degrading operations at these two key intersections. This development does not trigger special off-site mitigation. Due to expected continued growth in this part of Oregon City, the City and ODOT should consider the timing and extent of improvements to relieve congestion along this corridor.

7. ***Queuing*** – The applicant did not report any queuing results for area intersections. A brief overview of their operations results suggests that area queuing will not be a significant issue.
8. ***Mitigation*** – The applicant has not identified the need for any off-site mitigation. DEA does not recommend any off-site mitigation
9. ***Site Plan Review*** – The applicant's site plan indicates that sidewalks will be provided within the development and along the Holcomb Boulevard frontage. In addition a bicycle/pedestrian and emergency vehicle accessway linking the development to Holcomb Boulevard will be provided. The applicant should assure that removable posts or some other impedance is used to prevent unauthorized vehicles

Mr. Tony Konkol
PZ03-01
Page 4

from using the accessway. Accessways should also be hard surfaced, properly lit, fenced, and ADA compliant.

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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**TRACEY HEIGHTS
29 LOT SUBDIVISION
APPLICATION**

OREGON CITY, OREGON

Prepared for:

Pacific Western Homes, Inc.
5530 NE 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

Prepared by:

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, Oregon
Phone (503) 636-4005
fax (503) 636-4015

Revised
January 29, 2003

Exhibit

3

TRACEY HEIGHTS 29 LOT SUBDIVISION

APPLICANT

Pacific Western Homes, Inc.
Mr. Chet Antonsen
Mr. Tom Skaar
5530 N.E. 122nd Avenue, Suite A
Portland, Oregon 97230
Phone (503) 252-3745
Fax (503) 252-8799

APPLICANTS REPRESENTATIVE

Pinnacle Engineering
Mr. James Stormo P.E.
17757 Kelok Road
Lake Oswego, Oregon 97034
Phone (503) 636-4005
Fax (503) 636-4015

LOCATION & LEGAL DESCRIPTION

Tax Lots 1900 and 1902
Partition Plat PP 1994-61
Section 28 T2S R2E

SITE AREA

Approximately 9.23 acres

ZONING

R6/MH

APPROVAL CRITERIA

City of Oregon City Zoning Code

APPLICANT'S REQUESTED APPLICATION

Preliminary Plat for 29 lot Subdivision
Zone Change
Geotechnical Review
Traffic Impact Study Review
6 Minor Variances
Water Resource Review

This report will provide background information about the site and the proposed development. It will also address the provisions of the City of Oregon City's Zoning Code applicable to a 29 lot subdivision.

PROJECT SUMMARY

This application requests approval for a twenty nine (29)-lot subdivision of the subject site. The proposed lot and street layout as depicted on the attached preliminary plat submitted with this application. All twenty nine (29) lots proposed by this application will have frontage and take access onto a dedicated public right-of-way. The applicant is proposing two public alleys within the site that will provide driveway access to lots that have frontage along Holcomb Blvd. The applicant is also requesting a zone change to eliminate the MH designation from the property. The lots being created satisfy the requested designation R-6 zone requirement for a minimum lot size of 6,000 square feet. One (1) request for minor variances to lot width is also being requested.

PHYSICAL FEATURES

The parcel of land involved in this application is located on the south side of Holcomb Blvd., west of the Wasko Acres Subdivision and east of Oak Tree Terrace. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage that are to remain. There are no known natural hazards or wetlands on the subject site.

SURROUNDING LAND USE

The parcels to the east of the site are single-family residential lots zoned R-6M11. The site is bordered on the west by larger undeveloped parcels zoned R10. The site is bordered on the north by Holcomb Blvd. The parcels bordering the south of the site are zoned FU10.

FINDINGS

This application involves re-configuring the subject site into a total of twenty nine (29) separate lots of record. The subject site consists of Tax Lots 1900 and 1902 of Clackamas County Assessor's Map 2S-2E-28, is zoned R-6 and totals approximately 9.23 acres in size.

The following chapters and sections of the City of Oregon City Zoning Code are applicable to this preliminary subdivision plat application based upon: (i) existing conditions present upon and surrounding the subject site, (ii) requirements conveyed by Oregon City staff during the pre-application meeting held for this project on November 13, 2002, and (iii) a review of Title 16 & Title 17 of the City of Oregon City's Zoning Code.

TITLE 17 -ZONING

CHAPTER 17.12 R-6 SINGLE FAMILY DWELLING DISTRICT

17.12.020 Permitted Uses

17.12.040 Dimensional Standards

APPLICANT'S RESPONSE:

As per the applicable provisions of these sections, this application involves the subject site proposed under the R-6 zoning designation. This application proposes to create single-family detached dwelling lots, a permitted use in the R-6 district. There are no conditional uses proposed through this application. As depicted on Exhibit A, the preliminary plat, all twenty nine (29) lots being created through this application satisfy the minimum square footage area requirements and the average lot width and lot depth requirements for the R-6 district with the exception of lot 9. A minor variance for lot width is being requested for this lot. Detached single family residences can be sited on each of the twenty nine (29) lots being created satisfying the height and setback requirements of the R-6 zone. At the maximum density levels permitted through Section 17.06.070, the total maximum dwelling units for the subject site is calculated as follows:

$$(9.23 \text{ Acres})(7.3 \text{ Units/Acre}) = \underline{67.4 \text{ Units}}$$

This application proposes a total of twenty nine (29) lots. Due to the steep slopes present upon the subject site and the existence of the water resource overlay on the property, further division of the subject site is not likely to occur. The creation of twenty nine (29) lots is within the maximum density allowed for the subject site. All of the lots (with the exception of the lot widths for lot 9) meet the dimensional requirements of this section.

CHAPTER 17.44 UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT

APPLICANT'S RESPONSE:

The subject site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site, and has an average overall slope of 10 percent. A geotechnical investigation of the subject site has been conducted to address the issues related to unstable soils and hillside constraint, please see the enclosed report provided by Geotech Solutions.

CHAPTER 17.47 EROSION CONTROL

APPLICANT'S RESPONSE:

An Erosion Control Plan for the subject site, satisfying the provisions of this section, will be submitted at the time final engineering plans are prepared for the public street and utility design and prior to final plat approval.

CHAPTER 17.49 WR WATER RESOURCES OVERLAY DISTRICT

17.49.010 Purpose

APPLICANT'S RESPONSE:

The purpose of the overlay district is to conserve and protect inventoried wetlands, water courses, and associated natural resource and water resource values. By complying with the requirements of this chapter, the proposed zone change and subdivision application support the purpose of this section. The applicant has submitted with this application a water resource report delineating the limits of the vegetative corridor.

17.4.050 *Water Quality Resource Area Standards*

APPLICANT'S RESPONSE:

The applicant retained the services of Environmental Technology Consultants to prepare a Water Resource Report to determine the extent of the resource area and the width of the vegetated corridor. The report was prepared to address the information set forth in this section. A copy of the report has been attached with this application. The vegetative corridor has been depicted on the site dimension plan shown on Exhibit "A" - sheet 1 of 4.

17.49.060 *Subdivisions and Partitions*

APPLICANT'S RESPONSE:

The applicant has prepared a report in order to determine the location of the vegetative corridor. The delineated vegetative corridor has been shown on the preliminary site plan. A majority of the vegetative corridor has been contained within Tract "A", a common open space tract. However, a small portion of the vegetative corridor is being shown on private lots (along the rear lot line of lots 1 through 4). The small area of vegetative corridor located within private lots is proposed to be located within a protective easement which is intended to prohibit any building activity within the corridor. The applicant feels that excluding the vegetative corridor area from these lots will create a hardship in that it will limit the land available for a suitable building envelope. Creating a protective easement satisfies the purpose of the code to protect the slope and resource area.

17.49.070 *Density Transfers*

APPLICANT'S RESPONSE:

The applicant is not requesting a density transfer nor does the applicant wish to apply for a planned unit development. Therefore, this section is not applicable.

CHAPTER 17.50 *ADMINISTRATION AND PROCEDURES*

17.50.030 *Summary of the City's decision making processes*

APPLICANT'S RESPONSE:

As per the applicable provisions of this section, this application for a twenty nine (29) lot subdivision is a Type II decision and therefore subject to the review and approval process outlined within the provisions of this section.

Chapter 17.50.050 *Pre-application conference and neighborhood meeting*

APPLICANT'S RESPONSE:

Per the applicable provisions of this section, a pre-application meeting was held with city staff on November 13, 2002. The subject site is located within the Park Place Neighborhood Association. The applicants representative met with Mr. Ralph Kiefer and Mrs. Lois Kiefer of the Park Place Neighborhood Association on Friday December 13th, 2002 (see attached letter from Mr. Kiefer dated December 13, 2002). A full sized set of plans were reviewed and a project overview was given to Mr. and Mrs. Kiefer. Both Mr. and Mrs. Kiefer indicated they would support the application as well as the requested zone change.

17.60.020

*Variances - Grounds*APPLICANT'S RESPONSE:

The width of the parcel does not allow for 6 lots to be developed at the standard width of 60 feet. Requiring the applicant to adhere to the 60 feet requirement would eliminate a lot from the site plan.

The variance would not cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.

The circumstances for requesting this variance are not self imposed. The applicant is required by the City to extend an existing street (Smithfield Drive) along its current alignment and extend to the western property line of the site. Orientating lots along the south side of Smithfield Drive as shown on the preliminary plat utilizes the property to the fullest. Unfortunately, the width of the parcel is not wide enough to accommodate 6 lots. The existence of the Water Resource area also places a constraint on the property that would otherwise not exist.

Due to the existing street configuration and width of the parcel, no practical alternatives exist that would accomplish the same purpose and not require a variance.

The variance is the minimum necessary to alleviate the hardship. Also, the variance conforms to the comprehensive plan and the intent of the ordinance being varied. Approving the variance also maximizes density within the site, which is also encouraged by the City.

17.60.030

*Variances - Procedures*APPLICANT'S RESPONSE:

The applicant is requesting a minor variance to the required lot width of 60 feet as required by the zoning code. A minor variance to the required lot width is defined as a variance of less than or equal to 10% of the required dimension. The applicant is requesting this minor variance for the lot widths of lot 9. A summary of the required lot width, requested lot width, and percent of the variance.

<i>Lot</i>	<i>Required Width (Feet)</i>	<i>Requested Width (Feet)</i>	<i>% of variance from the standard</i>
9	60.0	55.00	8.33%

As shown above, the percent of variance is less than 10% as required by a minor variance.

In lieu of placing a burden of the variance on numerous lots, the applicant has chosen to reduce the total number of variances to one lot.

TITLE 16 -SUBDIVISIONS

CH 16.08 SUBDIVISIONS -PROCESS AND STANDARDS

16.08.020 *Pre-application conference required*

APPLICANT'S RESPONSE:

On satisfaction of the above provisions of this chapter, this twenty nine (29) lot preliminary subdivision application was discussed at two pre-application meetings with Oregon City staff. The first meeting was held on April 2, 2002 and the second meeting was held on November 13, 2002.

16.08.040 *Preliminary subdivision plat --required plans.*

APPLICANT'S RESPONSE:

The applicant has submitted with this application a preliminary plat plan package shown as Exhibit A,. The plan package consist of a preliminary site dimension plan, a preliminary sanitary sewer and water plan, a preliminary grading and storm drainage plan, and a preliminary tree removal plan. The plans show existing topography, existing utilities, existing trees, and other information depicting the applicable information found within this section.

The applicant has also submitted a detailed traffic study prepared by a professional transportation engineer licensed in the State of Oregon.

16.08.050 *Preliminary subdivision plat --narrative statement*

APPLICANT'S RESPONSE:

The applicant has submitted a detailed narrative to address the criteria shown within this section. Included is a discussion on how the project meets various code criteria as well as a summary on how existing services will be extended to service the needs of the project.

As to the provision of public services, they will be provided as follows:

Water

There is an existing 8" public water line located within Smithfield Drive that terminates at the eastern edge of the property. There is also an existing 8" water line at the southern terminus of Cattle Drive. An existing 8-inch water line also exist within Holcomb Blvd. The existing water system surrounding the property contain adequate capacity to serve the subject site. New public water lines, valves, fire hydrants, and services will be constructed to serve each of the twenty nine (29) lots being created, as shown on the preliminary water plan (Exhibit A - sheet 2 of 4),

Sanitary Sewer

An existing sanitary sewer line exist within Smithfield Drive at the eastern boundary of the project site. An existing sanitary sewer line also exist at the southern terminus of Cattle Drive. However, neither of these sewer lines have adequate depth to serve the needs of the proposed development. An existing sanitary sewer line located within Holcomb Blvd. does have adequate capacity and depth to serve the needs of the project. Therefore, a new public sanitary sewer line will be extended from Holcomb Blvd. through the site to serve the proposed lots. The new sanitary sewer system will be located in both public sewer easements and dedicated public right-of-way. Each proposed lot will be serviced with a sewer lateral and individual service connections in the approximate locations depicted on preliminary sewer plan (Exhibit A - sheet 2 of 4).

Storm Sewer and Storm Water Drainage

As depicted on Exhibit A, the topography of the subject site slopes from a lot point in the southwest corner of the site to high point in the northeast corner of the site. After discussions with Oregon City Engineering staff, the storm water will be collected within a new storm drain system and routed to a storm water quality/detention pond located within Tract "A". The applicant has attached to this application a preliminary storm water drainage report and calculations (see Exhibit B). The extension of Cattle Drive is proposed to drain to the storm system located within the Wasko Acres project. The storm water from lots 1 through 4 are proposed to drain directly to Tract "A". The storm water from lots 18 through 21 will be directed to a proposed storm system within Holcomb Blvd. The proposed detention pond has been over-sized to account for the drainage from the lots that are not discharging their storm water to the pond.

Traffic and Transportation

The frontage created by the dedicated public right-of-ways, as well as the creation of the two public alleys, will provide adequate access for the twenty nine (29) lots created through this proposed subdivision.

Schools, Fire and Police

Fire and police services are provided by the City of Oregon City within the incorporated city limits. The subject site is within the city limits. No school capacity issues have been raised to date with regard to this application. In addition to the existing residence, each of the twenty eight (28) new parcels being created will pay property taxes contributing towards the budgets of each of these public services.

CHAPTER 16.12 MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.020 *Street Design -Generally*

APPLICANT'S RESPONSE:

As depicted on Exhibit A (sheet 1 of 4), the preliminary plat, two dedicated public streets and two public alleys are proposed to serve the subject site. These new public right-of-way's will provide access to each of the twenty eight (28) lots being created as well as the existing house and garage that will remain on lot 19 within the subject site. The proposed streets take into consideration the varying topography of the subject site, existing street patterns, and protection of the water resource area. The street system as shown provides adequate access for the proposed lots depicted on the preliminary plat.

16.12.030 *Street Design -Minimum Right-of- Way*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the local street proposed by this application is design to City standards. The street system consist of both public streets and public alleys. The public streets will maintain a right of way width of 53 feet. The street section consist of a 32 foot wide pavement area with 5 foot planters and 5 foot sidewalks along both sides of the street. The public alleys will maintain a right of way width of 20 feet and pavement width of 16 feet. The proposed street is located within the R-6 zoning designation, which is an LDR designation, and meets the requirements of the provisions of Section 16.20.060 addressed herein below. The applicant also proposes to dedicate 10 feet along Holcomb Blvd. and construct frontage improvements along the property that abuts Holcomb Blvd. The improvements will include widening the pavement to width of 32.0 feet from center line. This pavement width will accommodate half of a center turn lane (6 feet), a through lane (12 feet), a bike lane (6 feet), parking lane (8 feet), and 7 foot sidewalk with tree wells. These street sections were given to the applicant at the pre-application meeting held on November 13th, 2002.

16.12.040 *Street Design -Reserve Strips*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are two reserve strips proposed by this subdivision application. The first reserve strip is located at the western terminus of the new Smithfield Drive at the western edge of the site. The second reserve strip is located at the southern terminus of the new Cattle Drive extension at the southeastern corner of the site.

16.12.050 *Street Design -Alignment*

APPLICANT'S RESPONSE:

The provisions of this section do not apply to local streets or public alleys. This application proposes construction of both local public streets and public alleys. Therefore, the provisions of this section are not applicable. Prior to final plat approval, engineered drawings will be provided to the City of Oregon City for engineering approval of the public streets and public alleys.

16.12.060 *Street Design -Constrained Local Streets and/or Rights-of- Way*

APPLICANT'S RESPONSE:

No constrained streets are proposed within this project. Therefore, the provisions of this section are not applicable.

16.12.070 *Street Design -Intersection Angles*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, connection of the proposed local east-west street (Smithfield Drive) with the proposed local north-south street (Tracey Court) will be at an angle of approximately 90 degrees. This connection will be designed providing a minimum of 25 foot return radius along the proposed curb line.

16.12.080 *Street Design -Additional Right-of- Way*

APPLICANT'S RESPONSE:

This application for division of the subject site proposes a 10 foot dedication of additional right-of-way along the frontage of the property with Holcomb Blvd. The amount of required dedication was given to the applicant by City staff at the time of pre-application meeting.

16.12.090 *Street Design -Half Street*

APPLICANT'S RESPONSE:

This application does not propose any half-street improvements. Therefore, the provisions of this section are not applicable.

16.12.100 *Street Design - Cul-de-Sac*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there is one cul-de-sac proposed by this application. The use of a cul-de-sac is avoidable because the City does not want a connection made to Holcomb Blvd from this site. The length of the cul-de-sac is less than 350 feet as shown on Exhibit A. The proposed cul-de-sac will have a right-of-way radius of 55.5 feet. This radius provides

adequate right of way to accommodate pavement, curb, planter strip and sidewalk.

16.12.110 *Street Design -Private Street*

APPLICANT'S RESPONSE:

No private streets are proposed within this project. Therefore, the provisions of this section are not applicable.

16.12.120 *Street Design -Street Names*

APPLICANT'S RESPONSE:

This application proposes the construction of three public right-of-way's to serve the subject site. Two streets are an extension of existing public right of ways (Smithfield Drive and Cattle Drive). The third new street is a cul-de-sac that has been tentatively named Tracey Court. Prior to final plat, a the name will be finalized with the City.

16.12.130 *Street Design -Grades and Curves*

APPLICANT'S RESPONSE:

As shown on Exhibit A, the proposed streets meet the City's requirement for curves and grades. Engineered drawings of the proposed public streets and public alleys will be submitted to the City for approval prior to final plat. The review process will ensure that the streets are designed in satisfaction of the City's Street Design Standards and Specifications. The applicant is proposing a small angle point of approximately 8 degrees at the point Smithfield Drive will connect to the end of the existing street located within Wasko Acres at the eastern edge of the site.

16.12.140 *Street Design -Access Control*

APPLICANT'S RESPONSE:

The provisions of this section outline requirements that may be required for sites abutting an arterial street. Holcomb Blvd. is classified as a minor arterial by the City's Street Classification System. The pre-application notes and conference summary specify that half street improvements will be required along Holcomb Blvd. The half street improvements will include pavement widening to 32 feet from centerline and a 7 foot sidewalk width tree wells.

16.12.150 *Street Design -Pedestrian & Bicycle Safety*

APPLICANT'S RESPONSE:

The provisions of this section discuss the authority of the decision-maker to require that the design of proposed streets be done in such a way to discourage non-local traffic. There have been no discussions with staff to date requiring special consideration be given to the local street design in an effort to discourage non-local automobile traffic.

16.12.160 *Street Design -Alleys*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are two public alleys proposed for this application. Each alley will have a right of way width of 20 feet and a paved width of 16 feet.

16.12.170 *Street Design - Transit*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the proposed public streets being proposed through this subdivision application will not have the capacity to serve as a transit street. The nearest transit service is provided by Tri-Met along South Holcomb Boulevard that abuts the project site.

16.12.180 *Street Design - Planter Strips*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, this application proposes construction of streets with a 53 foot side right-of-way. This right of way width will allow for the construction of a 5 foot planter adjacent to the curb along both sides of the street. No planter strips or sidewalks are proposed for the public alleys. A planter strip is not proposed along the frontage of Holcomb Blvd. The proposed sidewalk located along Holcomb Blvd. will contain tree wells to accommodate the installation of street trees.

16.12.190 *Blocks- Generally 16.12.200 Blocks- Length 16.12.210 Blocks- Width*

16.12.220 *Blocks- Pedestrian and Bicycle Access*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are no blocks proposed by this twenty nine (29)-lot subdivision application. Therefore, the provisions of this section are not applicable.

16.12.230 *Building sites*

APPLICANT'S RESPONSE:

This application proposes a twenty nine (29)-lot subdivision of the subject site resulting in the creation of twenty eight (28) new single-family residential lots and a reconfiguration of an existing residence (Lot 19 contains the existing single-family dwelling and garage that will remain). All twenty nine (29) lots comply with the lot area requirements of the R-6 zoning designation.

16.12.240 *Building site -frontage width requirement*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, all of the proposed twenty nine (29) lots will have at least 20 feet of frontage onto the proposed public right-of-way other than an alley.

Lots 18 through 21 have frontage along Holcomb Blvd. However, Holcomb Blvd, will not serve as the access point to these lots. Public Alleys are proposed to provide adequate driveway access to these lots as well as lots 17, and 22. Lots 24 and 25 are proposed flag lots. Both lot 24 and lot 25 have 20 feet of frontage along a public right of way (Tracey Court).

16.12.250 *Building site -through lots*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, there are four lots that have frontage along Holcomb Blvd. These lots could be considered a through lot. Since Holcomb Blvd. is classified as a minor arterial, the applicant is proposing to access these lots via a public alley. The use of an alley in this situation is encouraged within the code as stated in section 16.12.250.

16.12.260 *Building site -lot and parcel side lines*

APPLICANT'S RESPONSE:

As depicted on Exhibit A, the preliminary plat, the side lot lines being proposed run at right angles to the street upon which they face as far as is practicable in satisfaction of the provisions of this section.

16.12.270 *Building site -solar access*

APPLICANT'S RESPONSE:

As depicted on the preliminary plat, each of the twenty nine (29) lots proposed by this subdivision application contain sufficient lot area to provide solar access to each potential structure.

16.12.280 *Building site -grading*

APPLICANT'S RESPONSE:

In satisfaction of the provisions of this section, all future grading completed for building sites, not shown on the preliminary grading plan, shall conform to the various applicable requirements listed in this section. Review of building site-grading and erosion control plans will be fulfilled through the building plan review process.

16.12.290 *Building site -setbacks and building location*

APPLICANT'S RESPONSE:

The provisions of this section apply to lots fronting on collector or minor arterial streets. Holcomb Blvd. is classified as a minor arterial street. As depicted on the preliminary plat submitted with this application, Lots 18 through 21 have frontage along Holcomb Blvd. The garages for these lots will access from a public alley and will be located a minimum distance of 5.0 feet from the right of way of the public alley.

As stated previously, these lots will have vehicular access from two public alleys located adjacent to the lots.

16.12.300 *Building site -division of lots*

APPLICANT'S RESPONSE:

The total square footage of the subject site is approximately 9.23 acres in size. Under the R-6 zoning designation, the subject site would have the potential for division into approximately sixty seven (67) separate lots. However, due to the slopes present upon the subject site and the existence of a Water Resource Overlay on the site, division further than the proposed twenty nine (29) lots will not be possible.

16.12.310 *Building site -protection of trees*

APPLICANT'S RESPONSE:

In satisfaction of the provisions of this section, all trees greater than six (6) inches will be preserved where practicable outside the building envelopes, streets/utilities areas, utility easements, detention pond, and driveways of the twenty nine (29) lots being created through this application. The applicant has submitted a tree removal plan with this application, see Exhibit A - sheet 4 of 4.

16.12.320 *Easements*

APPLICANT'S RESPONSE:

As per the applicable provisions of this section, utility easements will be provided as necessary based upon final engineering plans. The applicant is proposed a 15 foot public sanitary sewer easement along the rear of lots 17 and 18 and along the side lot line of lots 16 and 17. Another 15 foot wide sanitary sewer easement is proposed along the eastern edge of Tract "A" and along the eastern lot line of lot 4. A 15 foot wide public storm sewer easement is proposed between lots 7 and 8. The applicant is also proposing a private ten (10) foot sanitary sewer easement across lot 21 in order to install a private sewer lateral to serve lot 20.

16.12.330 *Water Resources*

APPLICANT'S RESPONSE:

There is a water resource area located upon the subject site. Therefore, the provisions of section 17.49 have been addressed within this application narrative.

16.12.340 *Minimum Improvements -Procedures*

APPLICANT'S RESPONSE:

The provisions of this section apply to improvements proposed for construction. The improvements proposed for construction upon the subject site in relation to the proposed twenty nine (29)-lot subdivision will be approved through the final plat approval process and will be inspected by the City at the time of construction. Therefore, the provisions of this section are not applicable at this time.

16.12.350 *Minimum Improvements -Public Facilities*

APPLICANT'S RESPONSE:

This application request approval to subdivide the subject site into a total of twenty nine (29) separate lots of record. Under Title 16, public facilities improvements shall comply with these provisions as follows:

A. Transportation System

As depicted on the preliminary plat, this application proposes the dedication of three public right-of-ways and two public alleys. These proposed local streets will provide access to all of the lots within the proposed subdivision as well as serving as future access to the properties adjacent to the subject site to the south and west.

B. Storm Water Drainage System

As depicted on Exhibit A, the storm water drainage from the site will be collected and routed to a storm water detention/water quality pond located within Tract "A".

C. Sanitary Sewer System

There is an existing sanitary sewer line located within Holcomb Blvd. that will be extended into the site to provide sanitary sewer service to the project. This new sewer line will serve the development of the subject site via individual service laterals and individual service connections in the approximate locations depicted on Exhibit A, the preliminary plat submitted with this application.

D. Water System

There are two water lines that are stubbed to the property; One is located at the western end of Smithfield Drive and another at the southern end of Cattle Drive. New 8-inch water lines will be extended into the site to serve the needs of the development. Individual water lines, meters and services will be constructed to serve each of the twenty nine (29) lots being created.

E. Sidewalks

As depicted on the preliminary plat submitted with this application, the construction of sidewalks are included in the typical street section.

F. Bicycle Routes

A bike lane is being proposed along Holcomb Blvd. The applicant is not proposing construction of a bicycle lanes or bicycle route for the proposed on-site public streets or public alleys.

G. Street Name Signs and Traffic Control Devices

Per the provisions of this section, any street name signs required by the City, to be paid for by the applicant as well as any traffic control devices to be designed as directed by the City Engineer. These provisions will be satisfied by the applicant through the final plat approval process.

H. Street Lights

The provisions of this section require placement of street lights in conformance with all City regulations. The placement of street lights upon the subject site will be determined during final plat review.

I. Street Trees

The provisions of Chapter 12.08 -Street Trees determines the planting requirements for street trees along all street frontages. The location of street trees will be done at the time of building permit for the individual lots.

J. Bench Marks

The placement of a bench mark within the boundaries of the proposed subdivision will be determined during the final plat approval process.

K. Other

The under-grounding of electrical lines will be accomplished as a result of the approval of this subdivision application.

L. Over-sizing of Facilities

The design of the facilities and improvements that will be provided in conjunction with the approval of this application will be determined at the time of the final plat approval process. Therefore, the provisions of this section are not applicable at this time.

M. Erosion Control Plan -Mitigation

Erosion and sediment control plans will be submitted for approval as part of the final plat review process. Therefore, the provisions of this section are not applicable at this time.

APPLICANT'S RESPONSE:

The provisions of this section address the establishment of streets, private or public, within proposed developments. As depicted on the preliminary plat submitted with this application, all streets proposed are to be public right of ways or public alleys. No private streets are proposed.

APPLICANT'S RESPONSE:

Construction of public improvements proposed upon the preliminary plat submitted with this application will be completed after approval of the final plat. The applicant will guarantee completion of the construction of the proposed improvements. This guarantee will be in compliance with the provisions of subsection 'C' of this section.

Supplemental Information for Zone Change

SUMMARY:

The applicant is proposing to change the zoning within the project to eliminate the MH overlay. The applicant proposes to keep the zoning as R6. The following information discusses the applicability and compliance with the Chapter 17.68 of the Zoning Ordinance

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.020 Criteria

APPLICANT'S RESPONSE:

The applicant proposes to construct "stick built" single family detached dwellings on the site. The applicant does not wish to install manufactured housing within this project. The dimensional requirements of the MH overlay does not lend itself in creating lots that are suitable for "stick built" single family detached dwelling units. The requested zone change is simply requesting to eliminate the MH overlay. The applicant wishes to retain the R6 designation. Therefore, maximum density, will not be changed. The application proposes to construct smaller lots within a low density residential area, which is encouraged by the City. The project is also providing land use opportunities within the City and the Urban Growth Boundary to accommodate the anticipated population increase, as encouraged by the City. The Oregon City Comprehensive Plan also encourages development on vacant buildable land within the City where urban facilities and services are available or can be provided. This application satisfies this goal. Therefore, the proposed zone change is consistent with the goals and policies of the comprehensive plan.

Adequate public facilities and services exist, or can be extended, to serve the use of the proposed zone change. As described throughout this narrative, existing services (storm, sanitary, water, streets, power, etc.) can be extended throughout the site to adequately serve the needs of the proposed development.

Streets can be extended into the site that can adequately serve the needs of the development. The applicant also proposes to provide for future extension of Smithfield Drive to the west for a future connection to Oak Tree Terrace. Therefore, the land use is consistent with the level of service of the transportation system serving the property.

Overall, the proposal meets the applicable requirements required for a zone change.

Conclusion

This application seeks approval for a subdivision of the subject site into twenty nine (29) individual lots of record. As proposed, this twenty nine (29)-lot subdivision application satisfies the City of Oregon City's Zoning Code standards and criteria applicable to an R-6 designated property. Lot 19 will retain the existing single-family detached dwelling as well as the garage that is located within Lot 19. Lots 1 through 18, and 20 through 29 are of a size and shape that will allow development of single-family detached dwellings while satisfying the R-6 designation's setback requirements. Based upon compliance with all applicable review criteria, as addressed herein above, the applicant requests the City of Oregon City approve this application for a twenty nine (29) lot subdivision, request for six (6) minor variances, and a request for a zone change, as depicted on the preliminary plat provided with this submittal.



February 7, 2003

Tony Konkol
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

RE: Tracey Heights Subdivision - Oregon City, Oregon
Plan Map Amendment

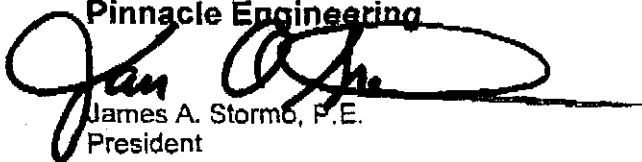
Tony:

I have attached to this letter a narrative describing our request for a Plan Map Amendment for this site.

I also spoke with Mike Baker of David Evans & Associates regarding the traffic analysis for this project and in particular with regards to the Plan Map Amendment. Mike informed me that he did not believe that any additional information with regards to the traffic study was necessary for this application since all we were requesting was the removal of the MH designation.

If you have any questions regarding any of the attached information, please feel free to give me a call at (503) 636-4005. Thank you.

Sincerely,
Pinnacle Engineering



James A. Stormo, P.E.
President

cc Chet Antonsen, Pacific Western Homes, Inc.
Tom Skaar, Pacific Western Homes, Inc.

I. EXECUTIVE SUMMARY

This transportation impact analysis (TIA) has been prepared for the proposed Holcomb Boulevard subdivision, to be located on the south side of Holcomb Boulevard between Oaktree Terrace and Winston Drive. The site will be developed by Pacific Western Homes and will include 30 single-family units, 29 proposed units and one existing unit. Trip generation calculations were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition. The subdivision will generate 21 AM peak hour trips and 30 PM peak hour trips, based on ITE rates for Land Use Code 210, Single-Family Detached Housing.

The site will access Holcomb Boulevard using an extension of Winston Drive which is being constructed with development of the Wasco Acres subdivision. Holcomb Boulevard is classified as a minor arterial and is located inside of the UGB. Sight distances of 500 feet to the west and east of Winston Drive along Holcomb Boulevard are available. Both distances exceed County sight distance standards of 350 feet.

Future years of analysis for the study area intersections include year 2003, when full buildout of the site is proposed, and year 2008, as required by the City of Oregon City. The future year volumes for the development are an overestimate because of the use of the EMME/2 model to project background growth. The Holcomb Boulevard Subdivision site is included as residential in the EMME/2 model and a portion of the new trips would be included in the background growth. In 2003, Cascade Highway at Redland Road is expected to operate at a two-hour v/c of 0.91 during the PM peak hour. In 2008, the intersections of Cascade Highway at Redland Road and Abernethy Road/Holcomb Boulevard at Redland Road will operate at levels of service "E" during the PM Peak hour, with v/c of 1.00 or greater without or with the development of this subdivision. Development of the Holcomb Boulevard subdivision will not worsen this future year v/c; thus mitigation is not required.

The City of Oregon City included the Cascade Highway at Redland Road intersection in their "Highway 213 Corridor Study" and identified that this analysis should include evaluation of this intersection, but mitigation will not be required or requested.

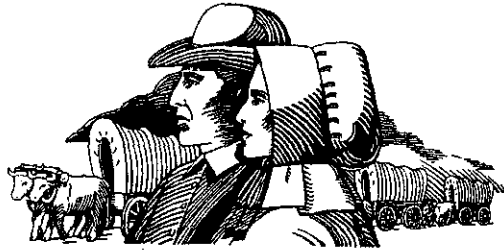
Exhibit 5

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



FILE NO.: WR 02-18

Complete: February 12, 2003
120-Day: June 5, 2003

APPLICATION TYPE: Type III

HEARING DATE: April 14, 2003
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Pacific Western Homes, Inc.
Tom Skaar
5530 NE 122nd Avenue, Ste. A
Portland, Oregon 97230

REPRESENTATIVE: Pinnacle Engineering
James Stormo
17757 Kelok Road
Lake Oswego, Oregon 97034
Environmental Technology Consultants
1924 Broadway, Suite A
Vancouver, WA 98663

REQUEST: The applicant is requesting a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.I.1.

LOCATION: South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902).

REVIEWER: Tony Konkol, Associate Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Approval with conditions

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

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

I. BACKGROUND

The applicant is requesting a water resource determination (Exhibit 2) for a parcel of approximately 8.81 acres and vegetated corridor width reduction due to slopes in excess of 25% slope (Exhibits 3 and 4). The site is located on the south side of Holcomb Boulevard approximately 200 feet east of Oak Tree Terrace. The property is currently vacant and it appears that timber was harvested from the property in the recent past. The parcel is identified as Clackamas County Tax Assessor Map 2S-2E-28AD tax lot 4300.

This site is located in the Clackamas Heights area at an elevation of approximately 410 feet on the west flank of a low butte with a maximum elevation of 570 feet. The site slopes are generally east to west at approximately 5%. The Clackamas River to the north and Abernethy Creek to the south are deeply dissected into the surrounding landscape. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25% to 30%.

The applicant has submitted concurrent applications on the subject site for the approval of a 29-lot subdivision (File TP 02-07), an Administrative Variance to the Lot Width of proposed lot 9 (File VR 02-15), both of which are Type II Land Use Decisions, as well as a Zone Change (File ZC 02-04) from R-6 Single-Family/Manufactured Housing to R-6 Single-Family and a Comprehensive Plan Map Amendment (PZ 03-01) from Low Density Residential/Manufactured Housing to Low Density Residential, both of which are a Type IV Land Use Decision. The topography of the site slopes from a low point in the southwest corner of the site to a high point in the northeast corner of the site with an overall average slope of approximately 10%. Existing vegetation consists primarily of mature trees scattered over the subject site. The northern half of the subject site contains an existing single-family detached dwelling and garage.

The Comprehensive Plan designation for the two parcels is "LR/MH" Low Density Residential/Manufactured Home, which allows the existing zoning for the property, which is R-6/MH Single-Family Dwelling District/Manufactured Housing. The applicant is requesting an amendment of the comprehensive plan to Low Density Residential and rezoning the property to R-6 Single-Family.

II. BASIC FACTS:

A. Location and Current Use

The subject site, south of Holcomb Boulevard and east of Oak Tree Terrace, is located on a parcel zoned R-6/MH Single-Family Residential. One parcel associated with the proposed development, which is not located in the Water Resource Overlay District, is at 14812 South Holcomb Boulevard and identified as Clackamas Map 2-2E-28AD, Tax Lot 4200 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1900). The second parcel, which is the subject of the Water Resource Review, does not have a site address and is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300 (Previously identified as Clackamas Map 2-2E-28A, Tax Lot 1902) (Exhibit 1). 14812 South Holcomb Boulevard is developed with a single-family residence and tax lot 4300 is vacant.

B. Surrounding Land Uses

The development directly to the east is identified as the Wasko Acres subdivision and has a LR/MH Low Density/Manufactured Home Land Use designation and is zoned R-6/MH Single-Family Residential.

South of the subject site are two parcels currently outside the Oregon City city limits. The County parcels are designated LR: Low Density Residential.

Directly west of the subject site are six parcels with the LR: Low Density Residential Land Use designation and zoned R-10 Single-Family Residential.

On the north side of Holcomb Boulevard is a property that is currently outside the Oregon City city limits. The County parcel is designated LR: Low Density Residential on the Oregon City Comprehensive Plan.

C. Public Comment

Notice of the public hearings for the proposed Water Resource determination was mailed to property owners within 300 feet of the subject site on February 18, 2003. The notice was advertised in the Clackamas Review on February 26, 2003 and the subject site was posted on February 21, 2003. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (Exhibit 5a), the Oregon City Director of Public Safety (Exhibit 5b), and the Oregon City Engineering Department (Exhibit 5c). The comments have been incorporated into the staff report.

D. Overlay District Zoning. The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District covering a majority of the site.

III. DECISION-MAKING CRITERIA

****The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over the southern half of Tax Lot 4300.****

CONSISTENCY CRITERIA

Oregon City Comprehensive Plan

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

Municipal Code

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT
Chapter 17.50 ADMINISTRATION AND PROCEDURES

Oregon City Comprehensive Plan

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

Natural Resources and Hazards Goals and Policies

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

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

Description of Water Resources, Rivers and Creeks

1. Abernathy Creek and tributaries:

Description: This resource is approximately 80-/+ miles long. From its confluence with the Willamette River to the tributaries in the Park Place area and the Redland Road area this creek runs through many diverse areas. Along the creek area much of the resource is confined to the stream corridor. Zoning ranges from commercial at the I-205 area, light industrial along 17th street to single family zoning in Park Place and rural residential zoning along Redland Road. The creek is in a pipe as it goes under I-205. In the older section of the first level neighborhood area buildings (residence, Krueger Lumber Company and the county buildings) are built close to the edge of a high bank. The county has completed some stream bank stabilization adjacent to their facilities. The diversity of the vegetation is good. The vegetation along the creek consists of evergreen and deciduous trees, blackberries, ferns, and grasses. There is a great deal of cover for small animal life and deer have been observed within the city limits.

Potential Impacts: Water runoff from paved areas and other pollutants such as oil from cars could be a problem. Removal of perimeter vegetation could also be a potential problem. New construction in any of the areas of the creek should have a setback of 25-30 feet, no structure or non-native vegetation should be constructed or introduced into the transition area. Water runoff problems can be minimized through the requirements of the state plumbing code. Uses allowed within the various zoning districts can be allowed without impacting the resource, provided that transition boundaries and setback requirements are met.

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 applicant has proposed to develop a 29-lot subdivision, stormwater detention, and a stormwater outfall on a tax lot within the Water Resource Overlay District. The stormwater outfall will be located within the vegetated corridor. The proposed development can meet the intent of the comprehensive plan for the protection of this water resource by complying with the attached conditions of approvals.

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT

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 site has been identified as having a water quality feature (stream) on the site. The applicant submitted a Water Resource Report, which was prepared by Richard Bublitz of Environmental Technology Consultants and dated October 16, 2002 (Exhibit 2). The report indicates that the waterway on site is jurisdictional water regulated by local, state, and federal regulations. The applicant has also requested a vegetated corridor reduction of 25 feet, representing approximately 5,605 square feet, along the east side of

the vegetated corridor due to slopes in excess of 25% as permitted under section 17.49.050.I.1 of the Oregon City Municipal Code (Exhibit 4).

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 and Water Management Map identifies the Water Quality Resource Area Overlay District over the southern portion of Tax Lot 4300. A stream feature, which is a first-order stream that ultimately flows into Abernathy Creek, has been identified on the tax lot.

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; however, the stream is not indicated on the Local Wetland Inventory.

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: Environmental Technology Consultants was contracted to perform the water resource investigation by Pinnacle Engineering, the agent for the applicant. The field investigation was performed on October 11, 2002. An initial reconnaissance for the purpose of submitting a proposal was performed on April 3, 2002. The submitted report provides the information required under OCMC 17.49.050.G(1-6), which is the assessment phase of the water resource investigation. As of the date of this report, it was uncertain whether impacts would be necessary within the Water Quality Resource Area, so no additional information was provided under OCMC 17.49.050.G(7-12).

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 tax lot 4300 is within the Water Quality Resource Area. The applicant has indicated that the resource is jurisdictional water. The applicant has proposed to develop a 29-lot subdivision, stormwater detention, and a stormwater outfall on a tax lot within the Water Resource Overlay District. The stormwater outfall will be located within the Water Quality Resource Area, thus 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.

Findings: The applicant has not requested a determination that development of the site will not occur within the delineated Water Quality Resource Area.

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.

Findings: The applicant has not indicated that approval from any other governmental jurisdiction has been applied for nor received. The applicant shall receive the necessary approvals prior to development of the site.

The applicant can meet this requirement by complying with Condition of Approval 1.

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)
<i>Anadromous fish-bearing streams</i>	<i>Any slope</i>	• Edge of bankfull flow	200 feet
<i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i>	<i>< 25 percent</i>	• Edge of bankfull flow	15 feet
<i>All other protected water features</i>	<i>< 25 percent</i>	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		200 feet
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		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, Exhibit 2, which identifies the water resource crossing the site as an intermittent stream. The Water Resource Report indicates that based on the topographic information, it was determined that the majority of the adjacent slopes surrounding the stream are greater than 25%, and therefore the stream does not meet the classification of "Intermittent streams with slopes less than 25% and which drain less than 100 acres". Therefore the stream falls into the default category of "All other Protected Water Features".

<i>All other protected water features</i>	<i>< 25 percent</i>	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		200 feet
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		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.

The applicant has proposed a 50-foot to 200-foot wide vegetated buffer (Exhibit 2, Figure 3 of 5) area along the intermittent stream depending on the steepness of the adjacent slopes. Staff concurs with the applicants findings concerning width of the vegetated buffer (Water Quality Resource Area).

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 proposed a new stormwater pre-treatment facility within the Water Quality Resource Area, which does not fit under the permitted use categories.

D. Uses Under Prescribed Conditions.

- 1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.*
- 2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.*
- 3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.*

Findings: The applicant has proposed a new stormwater pre-treatment facility within the Water Quality Resource Area, which does not fit under the prescribed conditions category.

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:

- 1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;*
- 2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;*
- 3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;*
- 4. New public or private utility facility construction;*
- 5. Walkways and bike paths (see subsection (H)(5) of this section);*
- 6. New stormwater pre-treatment facilities (see subsection (H)(6));*
- 7. Widening an existing road adjacent to or running parallel to a water quality resource area;*
- 8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.*

Findings: The applicant submitted a proposed site layout that includes item number 6, a new stormwater pre-treatment facility. The applicant has proposed to place an outfall percolation pipe from the storm pond into the vegetated corridor. 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: No prohibited uses are proposed.

G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.

- 1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.*

Findings: The applicant has provided a topographic map of the site showing the delineation of the water quality resource area. The map is Figure 3 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2).

- 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 applicant has provided the location of all existing natural features and is included as Figures 1 of 5 and 2 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2). The applicant has not proposed to remove any trees within the delineated water resource area. The applicant has proposed to place an outfall pipe from the stormwater pond into the water resource area, but it appears the installation of this pipe will not require the removal of any trees.

- 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 2) revealed the spring and stream within the project site. The delineation was completed by a professional wetland scientist from Environmental Technology Consultants.

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

Findings: The location of nuisance plants are shown on Figure 5 of 5 included in the water resource report from Environmental Technology Consultants (Exhibit 2).

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

Findings: The applicant has indicated that the vegetated corridor was generally a fairly mature second growth forest in a natural condition. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area. Even through this area generally lacked a canopy, the remainder of the Vegetated Corridor had a fairly complete canopy cover of mature trees. With the percentages listed above, the vegetated corridor meets the criteria of a "good existing corridor" in accordance with Table 2 of OCMC 17.49.

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

Findings: The applicant has indicated that the overall character of the Vegetated Corridor is that the total average tree coverage is approximately 65%; shrub coverage in the understory of the tree canopy averaged approximately 50%; and groundcover totaled approximately 80%. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area.

- 7. An analysis of the impacts the proposed development may have on the water quality resource area. This discussion shall take into account relevant natural features and characteristics of the water quality resource area, including hydrology, soils, bank stability, slopes of lands abutting the water resources, hazards of flooding, large trees and*

wooded features. The discussion shall identify fish and wildlife resources that utilize or inhabit the impact area in the course of a year and the impact of the proposed development on water resource values;

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 2. The applicant shall provide an analysis of the impacts associated with the proposed stormwater outfall within the Water Quality Resource Area.

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 has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 3. The applicant shall provide an analysis of the impacts associated with the proposed stormwater outfall within the Water Quality Resource Area.

9. An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 4. The applicant shall provide measures that feasibly can be taken to reduce or mitigate the impact of the stormwater outfall within the Water Quality Resource Area.

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 applicant can meet this requirement by complying with Condition of Approval 5. The water resource report shall be prepared by one or more qualified professionals.

11. Alternatives analysis demonstrating that:

- a. No practicable alternatives to the requested development exist that will not disturb the water quality resource area,*
- b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,*
- c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,*
- d. It will be consistent with a water quality resource area mitigation plan,*

- e. *An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,*
- f. *For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:*
 - i. *Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed, and*
 - ii. *If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation, and*
 - iii. *Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable;*

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant can meet this requirement by complying with Condition of Approval 6. The applicant shall provide an alternative analysis for the proposed stormwater outfall within the Water Quality Resource Area.

12. A water quality resource area mitigation plan shall be prepared by a registered professional engineer, landscape architect, biologist, or other person trained or certified to determine that the vegetated corridor meets the requirements of Table 17.49-2 and shall contain the following information:

- a. *A description of adverse impacts that will be caused as a result of development,*
- b. *An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,*
- c. *A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,*
- d. *A map showing where the specific mitigation activities will occur,*
- e. *A maintenance program assuring plant survival for a minimum of three years,*
- f. *An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in anadromous fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.*

Findings: The applicant has indicated that at the time of the report it was unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc., within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

The applicant has proposed draining the developed part of the site into a detention/water quality pond system. The detention system is located at the northeastern end of the intermittent stream. The detention system is proposed to discharge through a level spreader to the intermittent stream. Mitigation measures for impacts caused by the development within the Water Quality Resource Area were not addressed in the report. The Water Resources Report will have to be revised to show impacts to the buffer area and mitigation for the impacts.

The Oregon City Engineering Department indicated that the mitigation plan for the vegetated corridor area should incorporate the removal of non-native species and replanting the area with non-nuisance plants from the Oregon City native plant list in accordance with section 17.49.H(3) of the Oregon City Municipal Code.

As part of the mitigation plan, the replacement area for the area of encroachment of the stormwater facility and Water Quality Resource Area shall be prepared as a deed restriction and recorded to protect the replacement area and Water Quality Resource Area in perpetuity.

The applicant can comply with this criterion by complying with Conditions of Approval 7, 8, and 13.

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 shall include restoration and maintenance in accordance with the mitigation plan (item 12 above) and specifications in Table 17.49-2 (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 per Condition of Approval 12. These protections shall remain throughout the construction process.

- 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: Revegetation is required per the Landscape/Mitigation Plan. Removal of nuisance plants is a requirement of the mitigation plan, including revegetating areas where the contours would be disturbed. Revegetation of Oregon City native plant materials will take place by the end of the next planting season. The applicant shall implement the city approved plan of Condition of Approval 7.

- 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: Work boundaries and clearing limits will be clearly flagged and trees will be protected and not used to anchor or stabilize the work equipment per Condition of Approval 12. These protections shall remain throughout the construction process.

5. Walkways and bike paths:

a. A gravel, earthen, tree bark product, or equivalent walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of fifty percent of the trail may be within thirty feet of the protected water feature.

b. A paved walkway or bike path shall not be constructed closer than ten feet from the boundary of the protected water feature. For any paved walkway or bike path, the width of the water quality resource area must be increased by a distance equal to the width of the paved path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of twenty-five percent of the trail may be within thirty feet of the protected water feature; and

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

Findings: The applicant has not proposed walkways or bike paths within the water resource area, this standard is not applicable.

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).*
- b. The area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property.*
- 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.*
- 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 proposed to locate an outfall percolation pipe from the stormwater pond into the vegetated corridor. The pipe appears to be in excess of 25 feet inside the vegetated corridor, which does not meet the development standards of Section 17.49.H.6(a) above. The applicant can meet this criterion by complying with Condition of Approval 9, which prohibits the placement of the percolation pipe in excess of 25 feet into the vegetated corridor.

The applicant has not submitted information concerning the area of encroachment. The applicant can meet this criterion by complying with Condition of Approval 10, requiring the applicant to replace the area of encroachment in compliance with Section 17.49.H.6(b).

The applicant has proposed to collect stormwater associated with the development on-site. The treatment facility shall be reviewed and approved by the city engineer during the subdivision review for the subject site.

The applicant has not submitted information indicating that the water quality resource area will not be subject to a significant negative impact as a result of changes to existing hydrologic connections. The applicant can meet this criterion by complying with Condition of Approval 14.

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).*
- 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: The applicant has not proposed additions, alterations, rehabilitation, or replacement of lawful structures within the water resource area, this standard is not applicable.

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 shall prepare an alternative analysis to determine if off-site mitigation is required. This will be addressed by meeting Condition of Approval 6.

- 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:*

Findings: A vegetated corridor width reduction under section 1 below has been requested for the southeast section (along proposed lots 2-4) of the water quality resource area (Exhibit 3).

- 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: Figure 3 of 5 of the water resource report (Exhibit 2) indicates the areas where the slopes are in excess of 25% and are 150 feet or less from the delineated water feature. Exhibit 4 depicts the proposed reduction of the vegetated corridor from 50 feet to 25 feet.

The applicant has provided a Slope Stability report, prepared by Geotech Solutions, Inc. and dated January 17, 2003, indicating that the slopes along the back of Lots 1-4 are stable and exhibit no signs of instability (Exhibit 3). Provided the recommendations presented in our geotechnical report are followed, reducing the setback from the buffer for construction of the proposed lots will not increase the risk of instability of these slopes. The applicant can meet this criterion by complying with condition of approval 15, which requires the applicant to implement the recommendations presented in the geotechnical report provided by Geotech Solutions, Inc. and dated December 27, 2002 (Exhibit 7).

The proposed reduction is not supported by the slope analysis submitted by Environmental Technology Consultants, Figure 3 of 5 for proposed Lot 2 (Exhibit 2). It appears that the 25% slope exceeds 150 feet from the water feature for approximately 45 feet in a south to north direction along the west (rear) lot line of proposed lot number 2, thus the vegetative corridor reduction would not be applicable for this section as the slope is in excess of 150 feet from the water feature. The applicant can meet this criterion by complying with Condition of Approval 11, which requires the applicant to reconcile the slope analysis with the proposed vegetated corridor width reduction.

- 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 resource does not contain anadromous fish.

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.

(E) 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 02-61, on November 13, 2002 (Exhibit 6) 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 one-hundred-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 December 17, 2002. The City deemed the application complete on February 5, 2003.

(d) 17.50.090 Public notices.

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

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 February 18, 2003. The application was advertised in the Clackamas Review on February 26, 2003 and the property was posted on February 21, 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)

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 February 18, 2003. The application was advertised in the Clackamas Review on February 26, 2003 and the property was posted on February 21, 2003.

(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 will impose 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 §1(part), 1998)

Findings: Performance guarantees are not required as performance is based on permit issuance or certificates of occupancy.

Conclusion and Decision

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

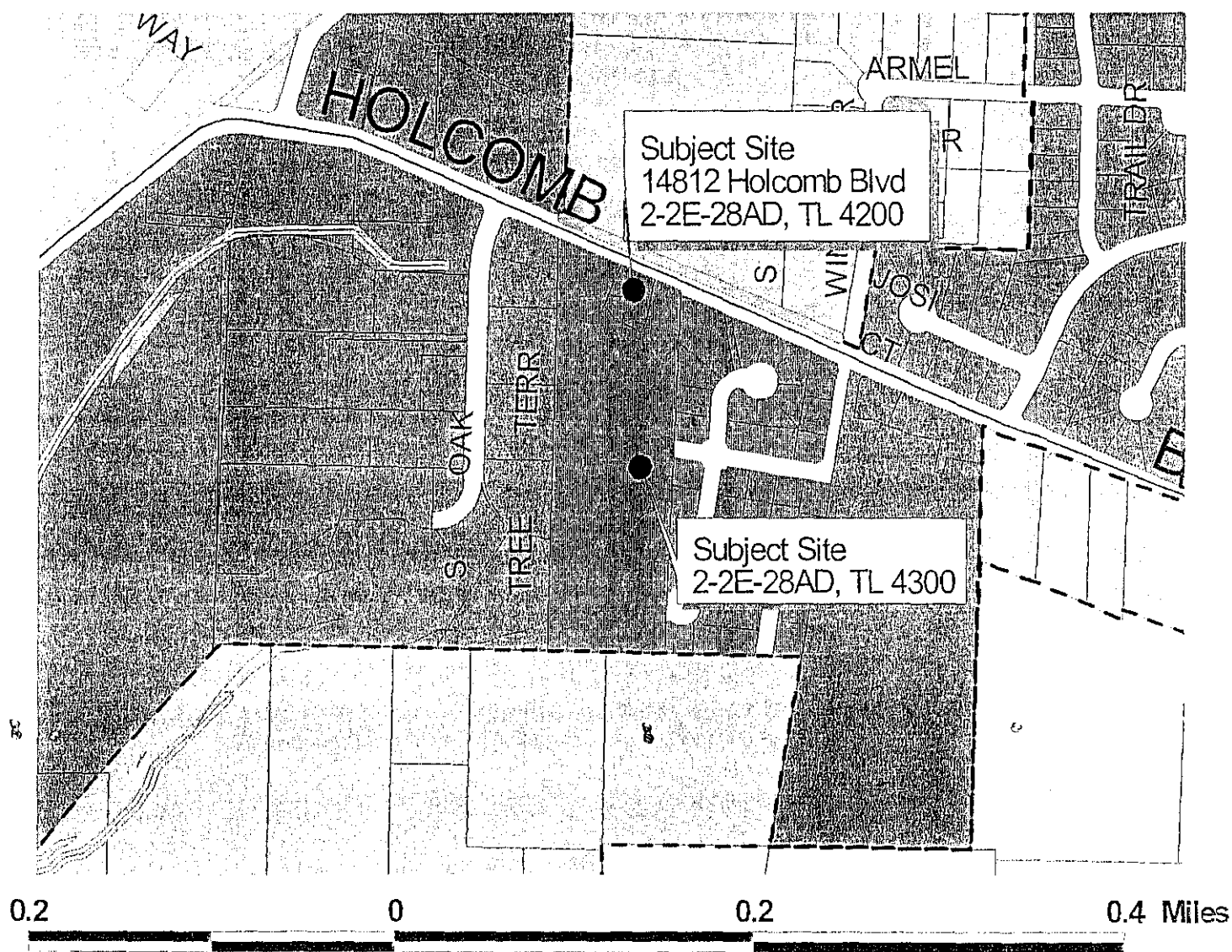
Exhibits:

1. Site Map
2. Environmental Technology Consultants Report dated October 16, 2002
3. Memo from Geotechnical Solutions Services dated January 17, 2003
4. Proposed Subdivision Layout and Vegetated Corridor Reduction.
5.
 - a. Park Place Neighborhood Association
 - b. Public Safety
 - c. Oregon City Engineering Department
6. Pre-application (On File)
7. Geotech Solutions, Inc.; December 27, 2002 (On File)

CONDITIONS OF APPROVAL:

1. Division of State Lands concurrence with the wetland delineation shall be provided by the applicant to the City prior to the issuance of a grading permit for the site.
2. The applicant shall provide an analysis of the impacts the proposed development within the water quality resource area may have on the water quality resource area. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
3. The applicant shall provide an analysis of the impacts the proposed development within the water quality resource area will have on the water quality of affected water resources in accordance with section 17.49.G.8. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
4. The applicant shall provide an analysis of measures that can be taken to reduce or mitigate the impacts of the proposed development within the water quality resource area in accordance with section 17.49.G.9. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
5. The water resource report shall be prepared by a qualified professional.
6. The applicant shall provide an alternative analysis in accordance with section 17.49.G.11. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
7. The applicant shall provide a water quality resource area mitigation plan in accordance with section 17.49.G.12. The analysis shall be approved by the City prior to the issuance of a grading permit for the site.
8. The applicant shall incorporate the removal of non-native species and replanting the area with non-nuisance plants from the Oregon City native plant list into the mitigation plan.
9. The applicant shall not extend the storm pond outfall pipe more than 25 feet into the water quality resource area.
10. The applicant shall replace the area of encroachment of the storm pond outfall pipe in accordance with section 17.49.H.6(b).
11. The applicant shall reconcile the proposed vegetative corridor width reduction with the slope analysis submitted by Environmental Technology Consultants (Exhibit 2). The vegetated corridor reduction shall not reduce the buffer area to 25 feet unless the break in the 25% slope is less than 150 feet from the intermittent stream.
12. The Water Quality Resource Area boundary (including replacement area for the stormwater outfall pipe encroachment), work boundaries, and clearing limits shall be clearly flagged and trees shall be properly protected and not used to anchor or stabilize the work equipment. These limit lines and protections shall be in place prior to the issuance of any permit for site work and shall remain in place throughout the construction process.
13. Deed restrictions shall be prepared and recorded describing the location of the water quality resource area, including the replacement area for the stormwater outfall pipe encroachment. The deed shall protect the water quality resource area and replacement area in perpetuity. Copy of the recorded deed shall be provided to the City of Oregon City prior to issuance of the certificate for final occupancy.
14. The applicant shall provide information indicating that the water quality resource area will not be subject to a significant negative impact as a result of changes to existing hydrologic connections in accordance with section 17.49.H.6(d).
15. The applicant shall implement the recommendations presented in the geotechnical report provided by Geotech Solutions, Inc. and dated December 27, 2002 (Exhibit 7).

WR 02-18



WATER RESOURCES REPORT

FOR

**TAX LOT 1902, HOLCOMB BOULEVARD;
OREGON CITY, OREGON**

PREPARED FOR

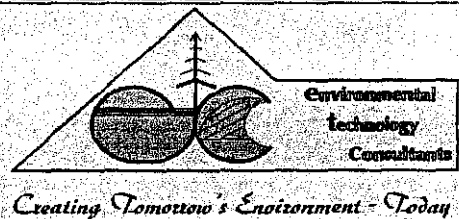
**PINNACLE ENGINEERING ASSOCIATES
17757 KELOK ROAD
LAKE OSWEGO, OR 97034**

October 16, 2002



Environmental Technology Consultants

A Division of Stsui Enterprises, Inc. (an Oregon Corporation)



www.envirotechcons.com

1924 Broadway, Suite A Vancouver, WA 98660
Phone: (360) 696-4403 FAX: (360) 696-4089

Exhibit 2

WATER RESOURCES REPORT

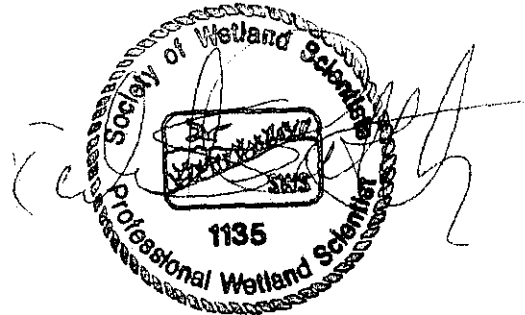
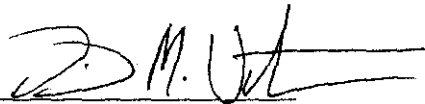
For

Tax Lot 1902, Section 28A, T2S, R2E, W.M.
(Holcomb Boulevard)
Oregon City, Oregon

Prepared for:
Pinnacle Engineering Associates
17757 Kelok Road
Lake Oswego, OR 97034

October 16, 2002

Evaluated by:



Environmental Technology Consultants
1924 Broadway, Suite A Vancouver, WA 98663
(360) 696-4403 FAX (360)696-4089
E-mail: etc@teleport.com

PROJECT, SITE DATA, AND EVALUATION SUMMARY

Site: Tax Lot 1902, Holcomb Boulevard; Oregon City, Oregon

ETC Project Number: EVA-02-023

Project Staff: David Waterman, Richard Bublitz

Applicant: Pacific Western Homes
5526 SE 122nd Avenue
Portland, OR 97230
(503) 252-3745

Owner: David & Carolyn Williams
5740 SE Byron Drive
Milwaukie, OR 97267
(503) 659-8595

Site Location: The site is located in Oregon City, Oregon, on the south side of Holcomb Boulevard approximately 200' east of Oak Tree Terrace. Legal description: TL 1902, Section 28A, T2S, R2E, W.M. Lat: 45°22'13" Lon: 122°33'46".

Acreage: 8.8 acres

Topography: The site is located in the Clackamas Heights area at an elevation of approximately 410' on the west flank of a low butte with maximum elevation 570'. Site slopes are generally east to west at approximately 5%. The Clackamas River to the north and Abernethy Creek to the south are deeply dissected into the surrounding landscape. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25 to 30%.

Land Use History: The property is currently vacant. It appears that timber was harvested from the property in the recent past. Timber usage is the only evident historic usage of the site, although agricultural usage is also probable.

Adjacent Usage: The property adjacent to the east is a recently developed medium density single family residential subdivision. To the north and west are older lower density residences. To the south is vacant forested property.

Waterways: A first-order stream that ultimately flows into Abernethy Creek begins onsite and is aligned in a general northeast to southwest direction.

Floodway: None

LWI Map Reference: City of Oregon City Local Wetland Inventory T2S R2E Section 28

Other Wetland Determinations: None

Determination: The waterway onsite is a jurisdictional water regulated by local, state, and federal regulations.

Wetland Classes: R4SB1/3 (Riverine, Intermittent, Streambed, Cobble/Gravel and Mud)

Introduction:

The subject property consists of one 8.8-acre parcel in Oregon City, Oregon with the following legal description: TL 1902, Section 18A, T2S, R2E, WM. The City of Oregon City Water Quality and Flood Management Areas Map (Exhibit A, Ordinance 99-1013) shows a protected water feature and an associated vegetated corridor in the southern portion of 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.

Environmental Technology Consultants was contracted to perform the water resource investigation by Pinnacle Engineering, agent for the applicant. The field investigation was performed on October 11, 2002. An initial reconnaissance for the purpose of submitting a proposal was performed on April 3, 2002. This report provides the information required under OCMC 17.49.050.G(1-6), which is the assessment phase of the water resource investigation. As of the date of this report, it was uncertain whether impacts would be necessary within the Water Quality Resource Area, so no additional information was provided under OCMC 17.49.050.G(7-12).

Protected Water Feature Assessment:

The "Protected Water Feature" is a first-order stream with its origin on the subject property. The bottom of the ravine was generally scoured to gravel and cobble at the surface. Flow width varied from a narrowly incised channel to a wider sheet flow regime with minimal to no incision present. This marginal condition is typical of areas at the upper end of drainage corridors. During the field investigation, we also briefly investigated the waterway where it continued offsite to the west to approximately 400' offsite. The channel became much more defined the further downstream we investigated. As shown on Figure 2 of 5 in Appendix B, data was recorded at numerous points along the drainageway. The following information was recorded at each of the locations. (Note that the soil pits were generally limited in depth due to the difficulty in penetrating deeper due to dense angular rock in the soil profile.)

Data Point 1: Small collection pool fed by spring on slope just above; water at 1" depth; appears to be infiltrating at this point, as outlet not producing surface water; soil pit dug to 6" in pool; soil with distinct common ped surface concentrations (a hydric soil indicator).

Data Point 2: Poorly defined channel, 9" wide, very narrowly incised; grown over with *Rubus ursinus* (Trailing Blackberry), but not rooting in channel; soil pit dug to 12" through large angular rock; no water; soil between 10YR3/2 and 10YR3/1 with no concentrations (non-hydric)

Data Point 3: Well-defined bank on north; bank on south less distinct but present; had to clean out dense leaves and debris before channel became evident; channel 36" wide, scoured down to rock; soil from 0 to 7" 10YR3/2 silt loam; from 7 to 9" mixed 10YR3/2 and 10YR4/4.

Data Point 4: Broader concavity at base of ravine, approximately 8' wide; no well-defined banks; rocks cover surface, moss growing on rocks the only vegetation rooting in this area; a very narrow, barely incised flow path can be discerned among the rocks in the middle of this area; soil 10YR3/1 to 8" (low chroma hydric indicator); just below data point, drainage goes back into a narrow, more well-defined channel; just below data point, groundwater very nearly re-surfacing (saturated to surface) at a break in the profile.

Data Point 5: Channel much more defined; 22" wide and 4" deep; soil is 10YR3/1 (low chroma hydric indicator) with heavy iron concentrations on surface of the angular rocks in profile.

Data Point 6: Channel evident; 24" wide and 4" deep; scoured to rock; soil nearly identical to Data Point 5.

The definition of a stream as provided in the OCMC 17.49 is as follows: "Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales." This generally follows the guidelines used by the US Army Corps of Engineers and the Oregon Division of State Lands that a stream is defined by the presence of a bed and banks.

With the intent of describing where the head of the stream actually begins, the following discussion describes the character of the low point of the concavity (the area of surface water concentration) starting at the east property line and moving toward the west property line. Starting near the east property line, the concavity is fairly broad (no ravine character) and no incised banks were identified along the low point of the concavity. Approximately 150' downstream along this alignment the profile drops steeply into the defined ravine. This steep drop was an area where rock was exposed along the face of the slope, and the steep cut indicates an area of historically much greater hydrologic influence in the form of scour. The spring identified along the face of this steep cut is further evidence of the change in hydrologic influence starting at this point. Data Point 1 was taken near the base of this steep cut in the flow alignment. Moving downstream, Data Points 2 through 4 were areas with marginal stream characteristics, with an incised channel intermittently occurring through the flow alignment. Data Points 5 and 6 had more defined stream channel characteristics.

Although the stream character is marginal between Data Points 1 and 4, the start of the hydrologic influence for the drainage corridor is clearly where the spring was identified on the steep cut slope near Data Point 1. With the majority of the downstream portion of the drainage corridor below the spring meeting the definition of a stream, along with the evidence of a distinct change in hydrologic influence, we concluded that the jurisdictional waterway begins at the spring and continues to the southwest from that point.

The onsite portion of the stream is classified as intermittent, as it was not flowing during the October site investigation and the character of the channel does not otherwise indicate perennial flows during normal years. The spring at the upper end of the waterway was producing a trickle of water, but this was infiltrating at the collection pool described in Data Point 1, and this appears to be the normal summer condition. Further evidence of the intermittent nature of this stream is that the entire stream system downstream of the subject property down to where it enters Abernethy Creek is identified as intermittent on the USGS quadrangle map.

The first-order stream on the subject property flows offsite and joins with another small stream approximately 0.4 miles southwest of the subject property. The second-order stream is identified as Tour Creek on the Oregon City Water Quality Resource Areas map, although the USGS quadrangle does not identify it as a named creek. Tour Creek flows into Abernethy Creek. Data exists that fish utilize Abernethy Creek from <http://www.streamnet.org/>. (This site obtains data directly from the Oregon Department of Fish and Wildlife as well as other sources.) The fish distribution map shows Tour Creek as not being utilized by fish. It appears from the fish distribution map, as well as from the USGS map, that at the lower end of Tour Creek just north of Redland Road, the stream may not be in an open channel, and this may be a fish barrier. This is further substantiated by the fact that Newell Creek, which enters Abernethy Creek from the south almost directly across the stream from Tour Creek, has fish utilization in the lower portion of the stream. Although the data suggests a fish barrier, we did not field confirm this. Regardless of this, even if fish could enter Tour Creek, it is extremely unlikely that they would migrate all the way upstream to the subject property due to the steep slopes and very poor habitat conditions in the channel on the subject property. We have concluded that anadromous fish do not utilize the subject property stream.

Slopes adjacent to the subject property stream were generally greater than 25%. A topographic survey was performed on the subject property by G & L Land Surveying, Inc. as shown on Figure 1 of 5 in

Appendix B. We performed a slope analysis from the topographic survey, to identify those areas with slopes greater than 25%, and these are hatched as shown on Figure 3 of 5. Only one area of the stream had adjacent slopes less than 25%, and this was on the north side of the stream in the west portion of the site.

Protected Water Feature Classification / Vegetated Corridor Width Determination

We have concluded that the stream is not utilized by anadromous fish and therefore does not meet the classification of "Anadromous fish-bearing streams" in accordance with Table 1 of OCMC 17.49. Based on the topographic information, we have also determined that the majority of the adjacent slopes surrounding the stream are greater than 25%, and therefore the stream does not meet the classification of "Intermittent streams with slopes less than 25% and which drain less than 100 acres". Therefore the stream falls into the default category of "All other Protected Water Features".

In determining the width of the vegetated corridor, the key consideration was slope. In accordance with Table 1 of OCMC 17.49, in the small portion where the adjacent slope was less than 25% in the first 50' (a net measurement of total vertical distance / horizontal distance), the vegetated corridor width was limited to 50'. Net slope measurements in this area are shown on Figure 3 of 5. Otherwise the vegetated corridor width was established by determining the limits of the 25% slope and then offsetting that line by 50'. This criterion established the majority of the vegetated corridor width. Where the steep slope area exceeded a distance of 150' from the stream, the maximum vegetated corridor width was established at 200'. The location of the jurisdictional waters and the associated Vegetated Corridor are shown on Figure 3 of 5.

Assessment of Vegetated Corridor

The vegetated corridor was generally a fairly mature second growth forest in a natural condition. Several photographs are included in Appendix B that show the character of the vegetated corridor. The following list identifies the plant species present, along with demarcating which were dominants.

Stratum	Scientific Name	Common Name	Dominant
Tree	<i>Acer macrophyllum</i>	Bigleaf Maple	X
	<i>Pseudotsuga menziesii</i>	Douglasfir	X
	<i>Quercus garryana</i>	Oregon White Oak	X
	<i>Alnus rubra</i>	Red Alder	
	<i>Salix scoulerana</i>	Scouler's Willow	
	<i>Prunus virginiana</i>	Chokecherry	
Shrub	<i>Acer circinatum</i>	Vine Maple	X
	<i>Corylus cornuta</i>	Hazel	X
	<i>Oemleria cerasiformis</i>	Indian Plum	
	<i>Symphoricarpos albus</i>	Snowberry	
	<i>Ilex opaca</i>	English Holly	
	<i>Holodiscus discolor</i>	Oceanspray	
	<i>Rhamnus purshiana</i>	Cascara Buckthorn	
	<i>Rhus diversiloba</i>	Poison Ivy	
	<i>Rubus discolor</i>	Himalayan Blackberry	
Ground-Cover	<i>Polystichum munitum</i>	Sword Fern	X
	<i>Rubus ursinus</i>	Trailing Blackberry	X
	<i>Gaultheria shallon</i>	Salal	X
	<i>Vancouveria hexandra</i>	Inside-out Plant	
	<i>Hedera helix</i>	English Ivy	
	<i>Carex deweyana</i>	Short-scale Sedge	

The vegetation association as described in the above table comprises the primary plant association within the Vegetated Corridor. This association is defined as *Pseudotsuga-Quercus-Acer/Corylus-Acer* on the attached Figure 5 of 5 in Appendix B. Several noxious invasive plant species were identified in this association: *Rubus discolor*, *Hedera helix* (English Ivy), and *Ilex opaca* (English Holly). These species were sparse throughout this primarily native association.

Only a few relatively small patches within the Vegetated Corridor had a different association than that described above. This other association is identified as *Rubus* Thicket on Figure 5, and was characterized by dominance of *Rubus discolor* in the understory, changing the general character of the plant association.

The overall character of the Vegetated Corridor is that the total average tree coverage is approximately 65%; shrub coverage in the understory of the tree canopy averaged approximately 50%; and groundcover totaled approximately 80%. One area along the lower portion of the stream was generally lacking a tree canopy, but native shrub species covered nearly 100% of this area (the same species that were present in the understory of the remainder of the forest.) Even though this area generally lacked a canopy, the remainder of the Vegetated Corridor had a fairly complete canopy cover of mature trees. With the percentages listed above, the vegetated corridor meets the criteria of a "good existing corridor" in accordance with Table 2 of OCMC 17.49.

Other Characterization of the Water Quality Resource Area

In accordance with 17.49.050.G(1), a topographic survey map is included as Figure 1 in Appendix B.

In accordance with 17.49.050.G(2), the location of all existing natural features, including all trees of a caliper greater than 6" diameter (see Figures 1 and 5) , springs, seeps, and outcroppings of rock (see Figure 2) are provided in Appendix B.

In accordance with 17.49.050.G(3), we performed a wetland determination for the subject property. We did not identify any areas beyond the stream/spring described above that met wetland criteria. Our wetland determination is described in greater detail in Appendix A.

In accordance with 17.49.050.G(4) the locations of nuisance plants are shown on Figure 5. No other debris was identified within the Water Quality Resource Area.

Uses within the Water Quality Resource Area

At this stage of the development process, it is unknown whether any activity will be required in the Water Quality Resource Area. In the event that ongoing design results in proposed activities such as utility crossings, paths, etc. within the Water Quality Resource Area, an impact analysis, alternatives analysis, and mitigation plan as per 17.49.050.G(7-12) will be required as an addendum to this report.

Appendix A

Narrative for Wetland Determination on Subject Property

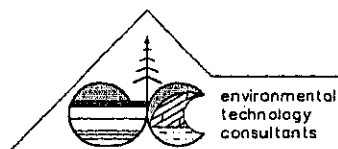
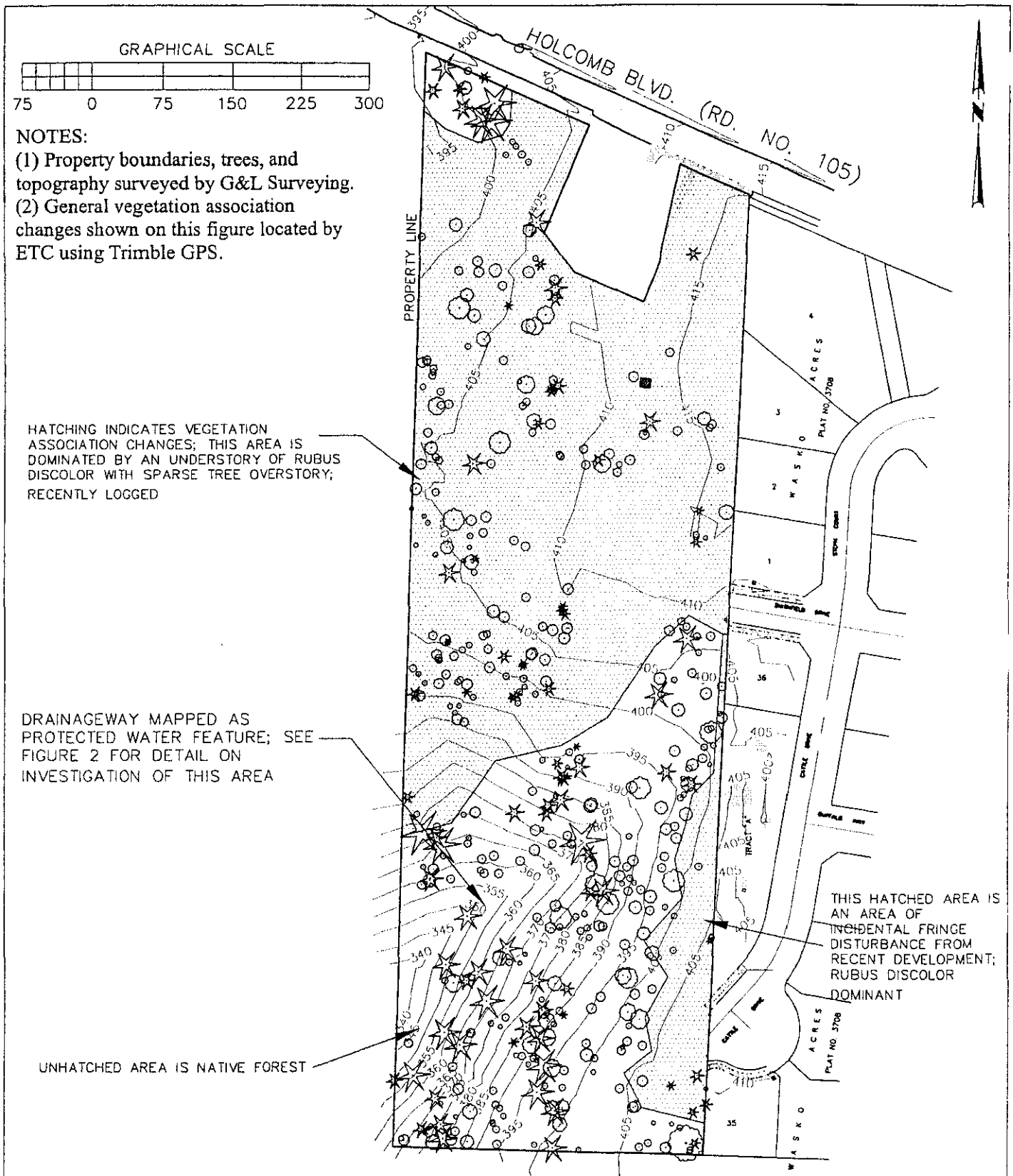
Results of Wetland Determination for Tax Lot 1902, Holcomb Boulevard:

This investigation was carried out in accordance with the guidelines set forth in the *Corps of Engineers Wetland Delineation Manual* (Technical Report Y-87-1, 1987), herein referred to as the '87 Manual. A meander survey of the property was performed, with the purpose of identifying any areas that had the potential to meet the three necessary criteria of wetlands. Some constraint on the meander survey was a dense thicket of *Rubus discolor* (Himalayan Blackberry, FACU) that was present in the understory throughout the north portion of the site. Surveyors had cut a fairly extensive network of paths through this area, and our investigation was limited to areas visible from these paths. The vegetation and hydrology characteristics identified throughout the site beyond the stream corridor described in this report indicated that no other portion of the site had the potential to meet the three criteria of wetlands. The strongest evidence was the vegetation. Several sparse *Alnus rubra* (Red Alder, FAC) and *Salix scoulerana* (Scouler's Willow, FAC) were identified in non-dominant percentages on the slopes adjacent to the stream, but no trees, shrubs, or herbs identified on the site were wetter than FAC. The dominant trees throughout were typical of upland forests: *Quercus garryana* (Oregon White Oak, UPL), *Pseudotsuga menziesii* (Douglasfir, FACU), and *Acer macrophyllum* (Bigleaf Maple, FACU). The dense thicket of *Rubus discolor* (Himalayan Blackberry, FACU) among sparse non-hydrophytic trees was clearly a non-hydrophytic association. With no vegetation associations meeting the hydrophytic vegetation criteria (>50% of dominant species FAC or wetter), we concluded that no wetlands were present. No plots were warranted on the site beyond the stream corridor, being that the characteristics throughout were obviously non-wetland.

As indicated in the report, the spring/stream system that was investigated is a jurisdictional waterway regulated by the US Army Corps of Engineers, the Oregon Division of State Lands, and the City of Oregon City.

Appendix B

Site Overview Map
ETC Stream Investigation Map
Vegetated Corridor Basis Map
Vegetated Corridor (in relation to total site)
Vegetation Associations Map
Site Vicinity Map
Plat Map
Physical Setting
Water Quality and Flood Management Areas Map
SCS Soil Survey
Oregon City Local Wetland Inventory
Site Photographs



SITE OVERVIEW MAP

TAX LOT 1902; HOLCOMB BLVD.

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

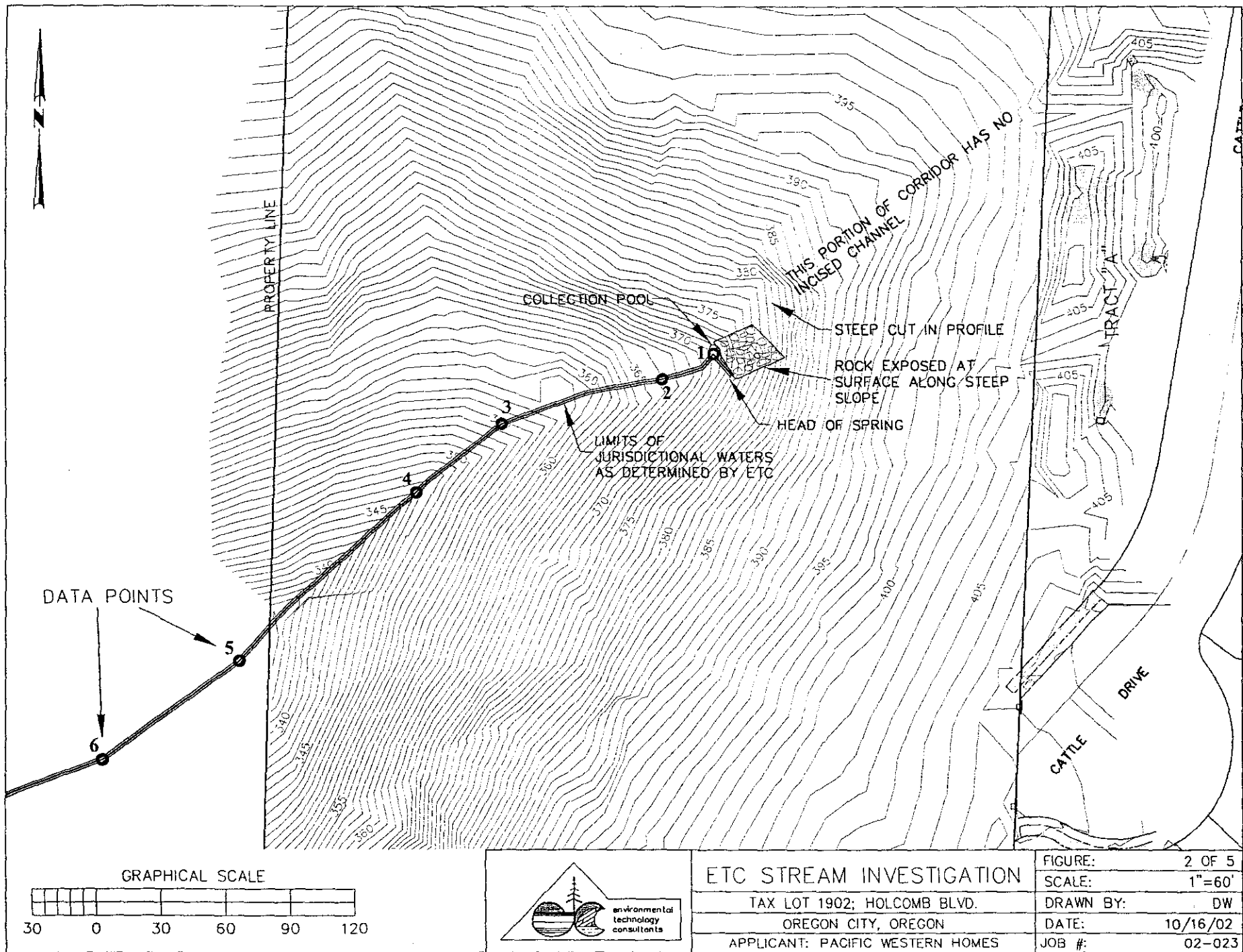
FIGURE: 1 OF 5

SCALE: 1"=150'

DRAWN BY: DW

DATE: 10/15/02

JOB #: 02-023



ETC STREAM INVESTIGATION

TAX LOT 1902; HOLCOMB BLVD.

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

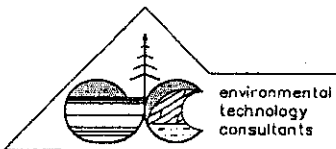
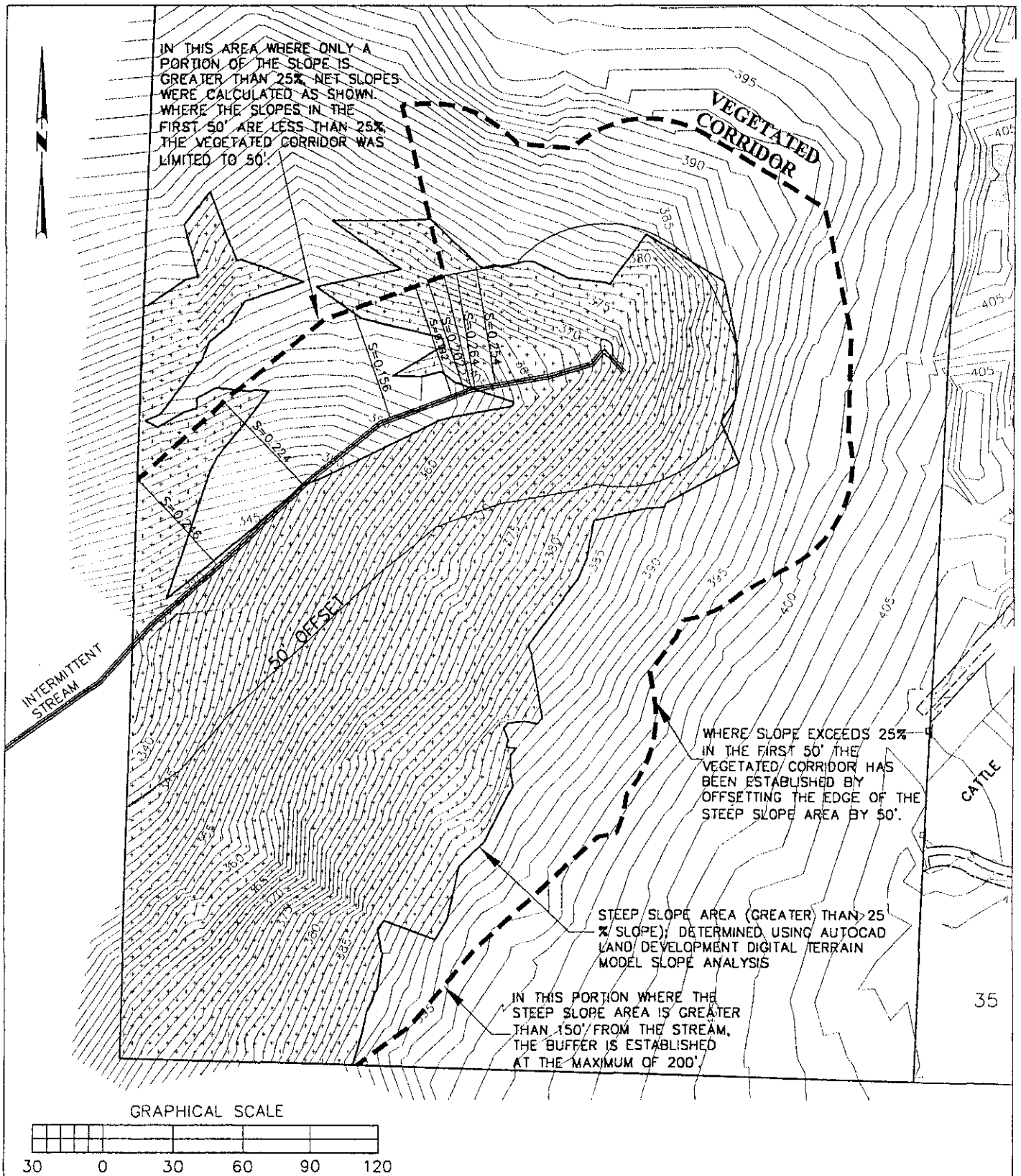
FIGURE: 2 OF 5

SCALE: 1"=60'

DRAWN BY: DW

DATE: 10/16/02

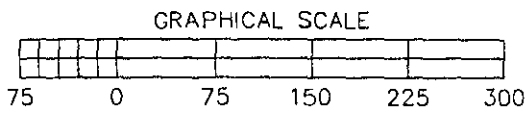
JOB #: 02-023



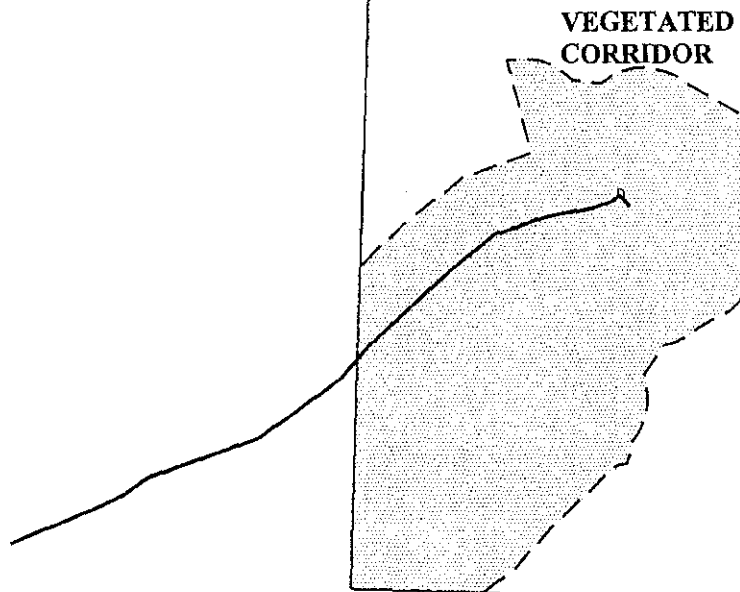
VEGETATED CORRIDOR BASIS

TAX LOT 1902; HOLCOMB BLVD
OREGON CITY, OREGON
APPLICANT: PACIFIC WESTERN HOMES

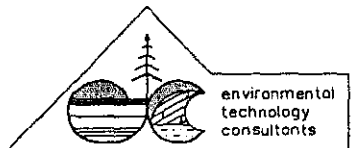
FIGURE:	3 OF 5
SCALE:	1"=60'
DRAWN BY:	DW
DATE:	10/14/02
JOB #:	02-023



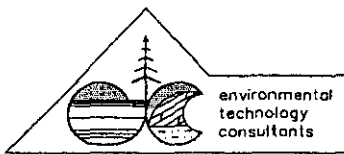
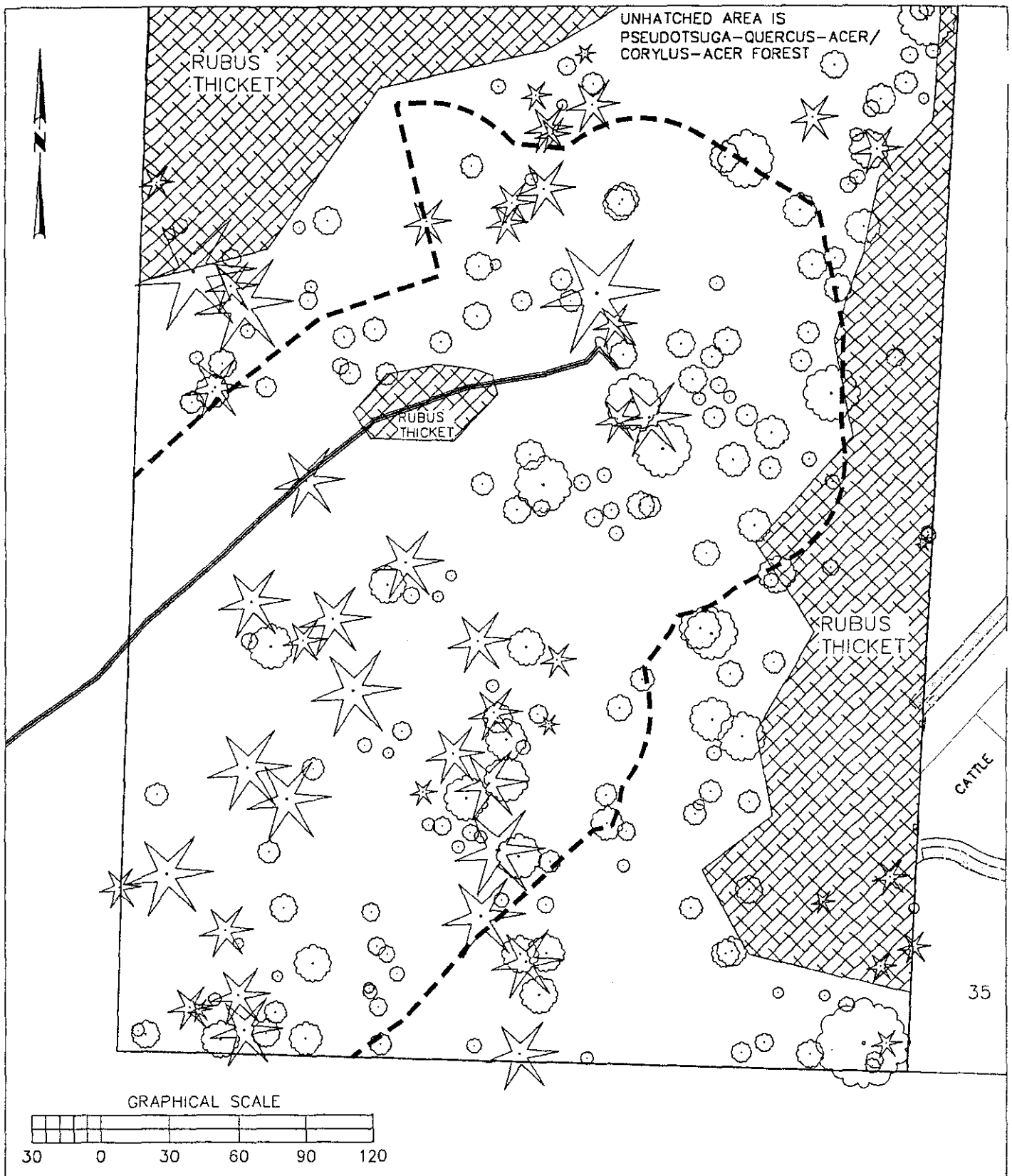
HOLCOMB BLVD. (RD. NO. 105)



TRACT "A"
ACRES
PLAT NO. 3708
WASKO
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2
1
ACRES
PLAT NO. 3708
WASKO



VEGETATED CORRIDOR		FIGURE:	4 OF 5
IN RELATION TO TOTAL SITE		SCALE:	1"=150'
TAX LOT 1902; HOLCOMB BLVD.		DRAWN BY:	DW
OREGON CITY, OREGON		DATE:	10/16/02
APPLICANT: PACIFIC WESTERN HOMES		JOB #:	02-023



VEGETATION ASSOCIATIONS

TAX LOT 1902; HOLCOMB BLVD

OREGON CITY, OREGON

APPLICANT: PACIFIC WESTERN HOMES

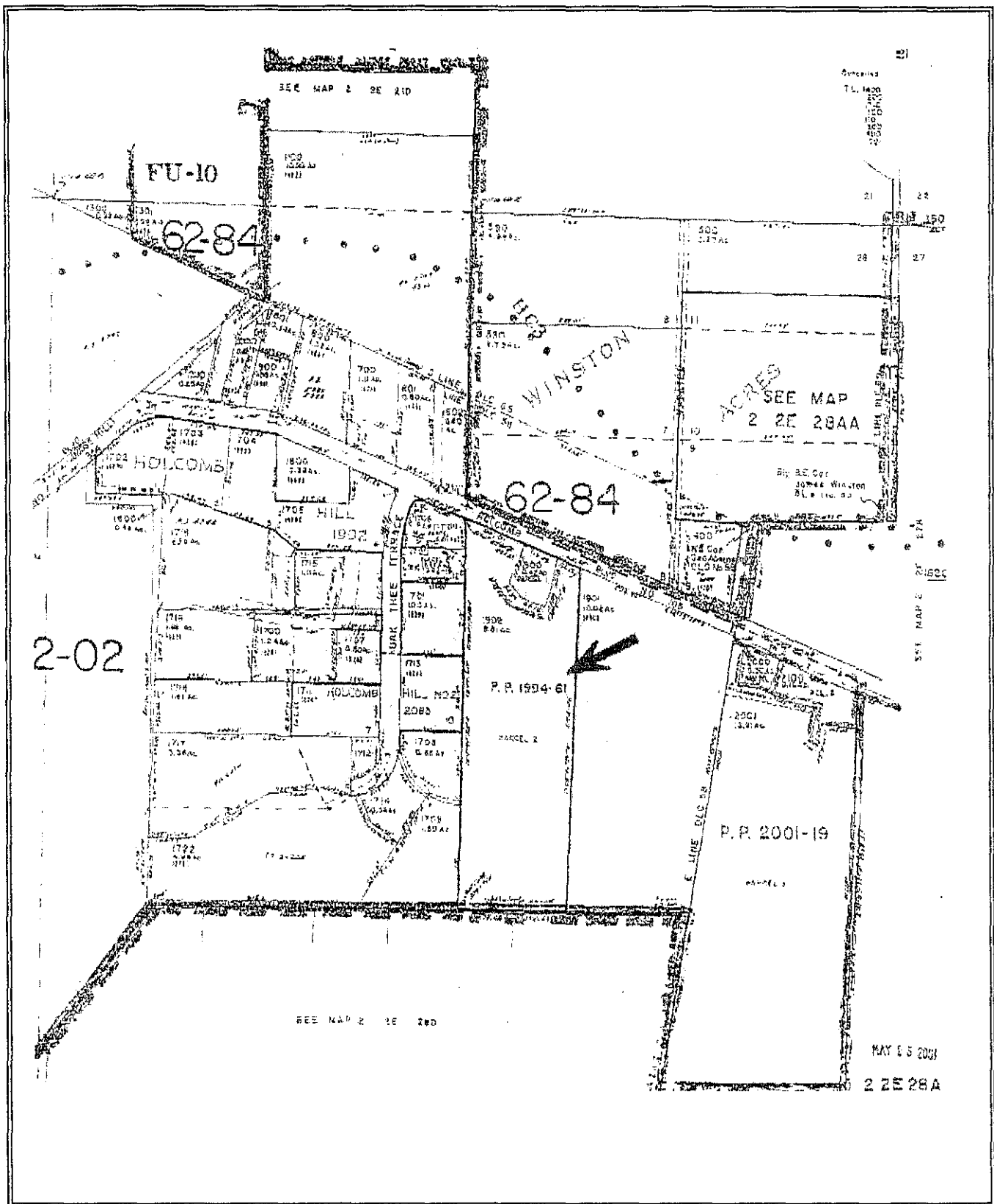
FIGURE: 5 OF 5

SCALE: 1"=60'

DRAWN BY: DW

DATE: 10/16/02

JOB #: 02-023

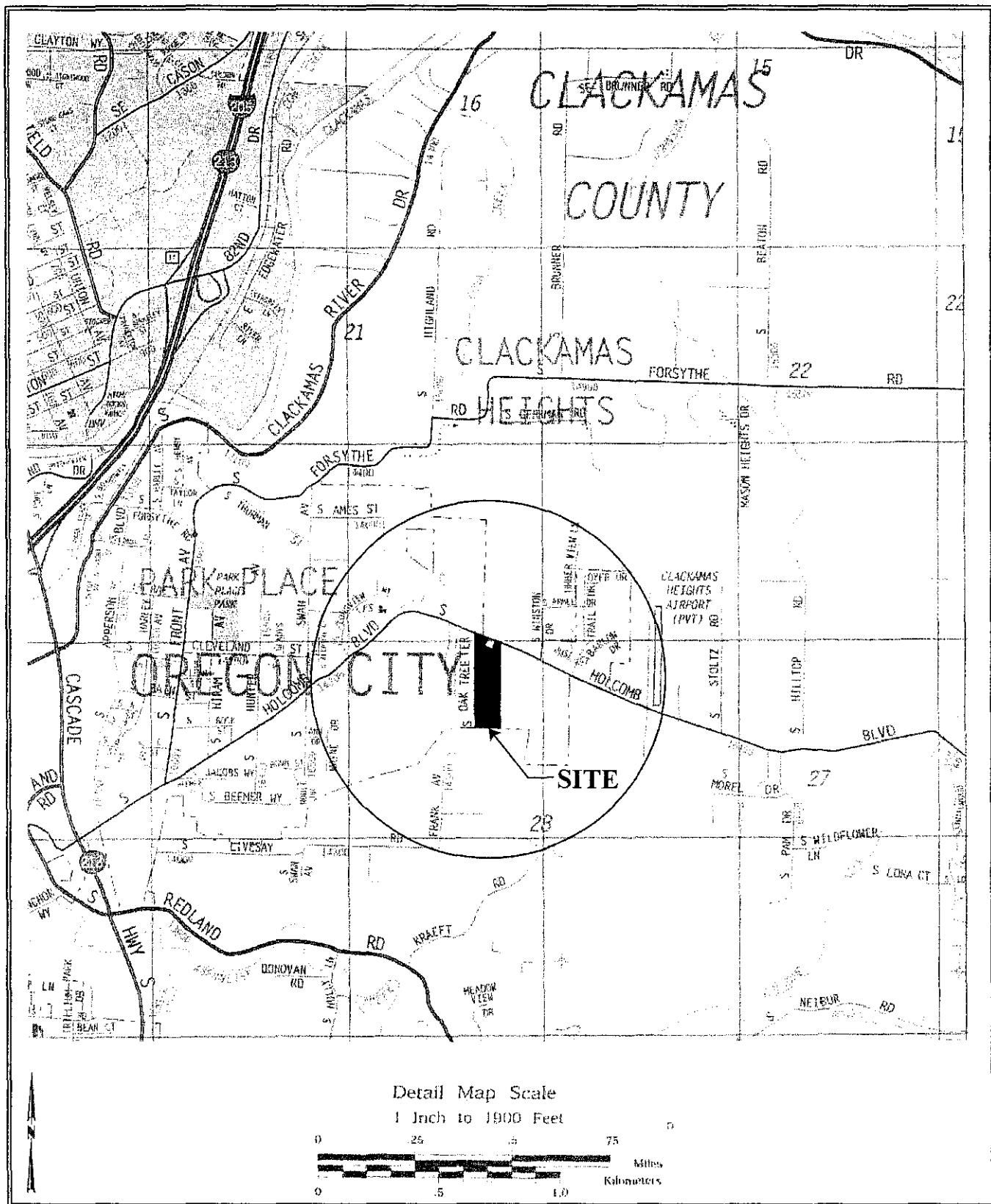


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PLAT MAP

Source: First American Title Co.

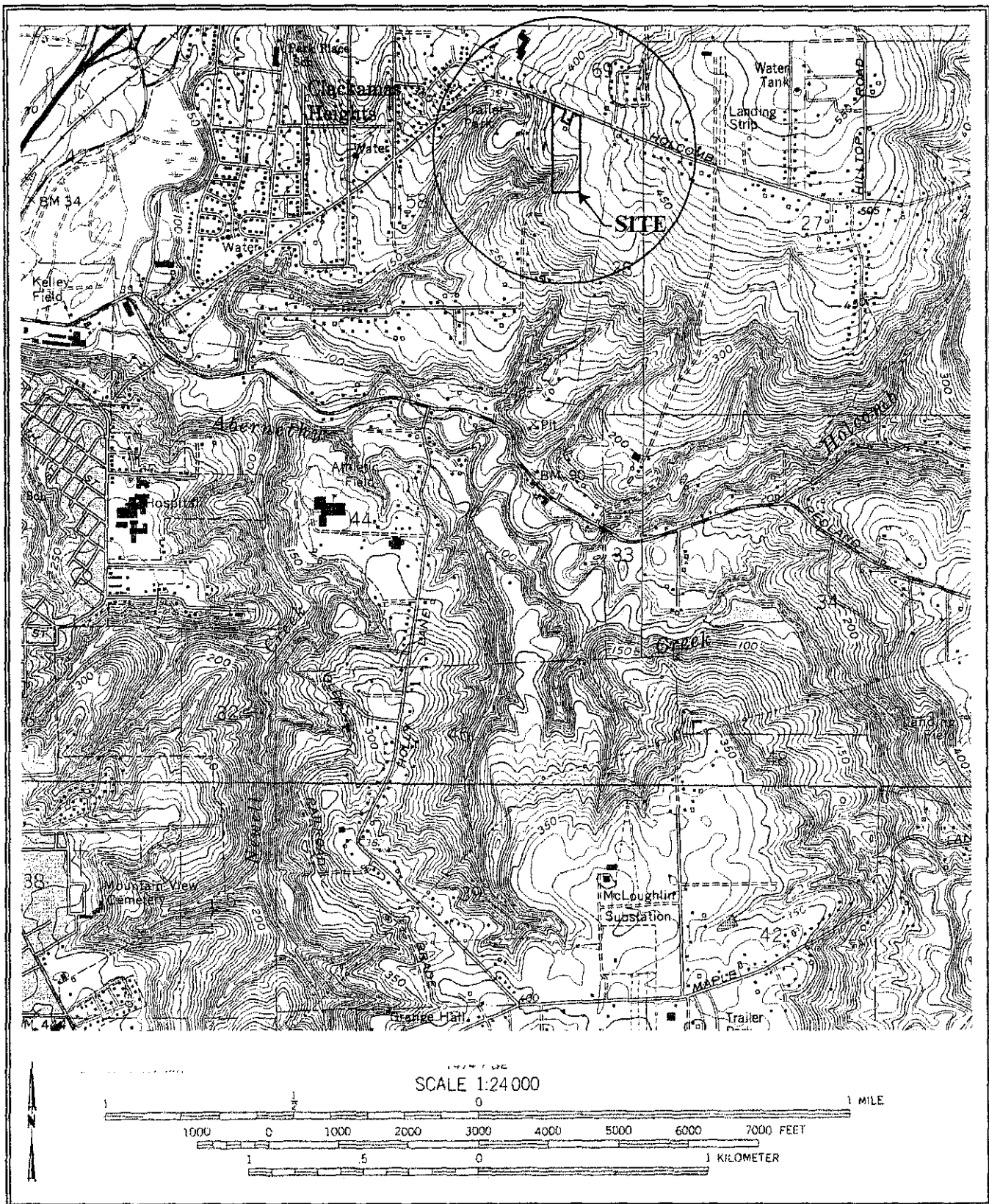
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



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SITE VICINITY MAP
Source: Thomas Brothers, 1999

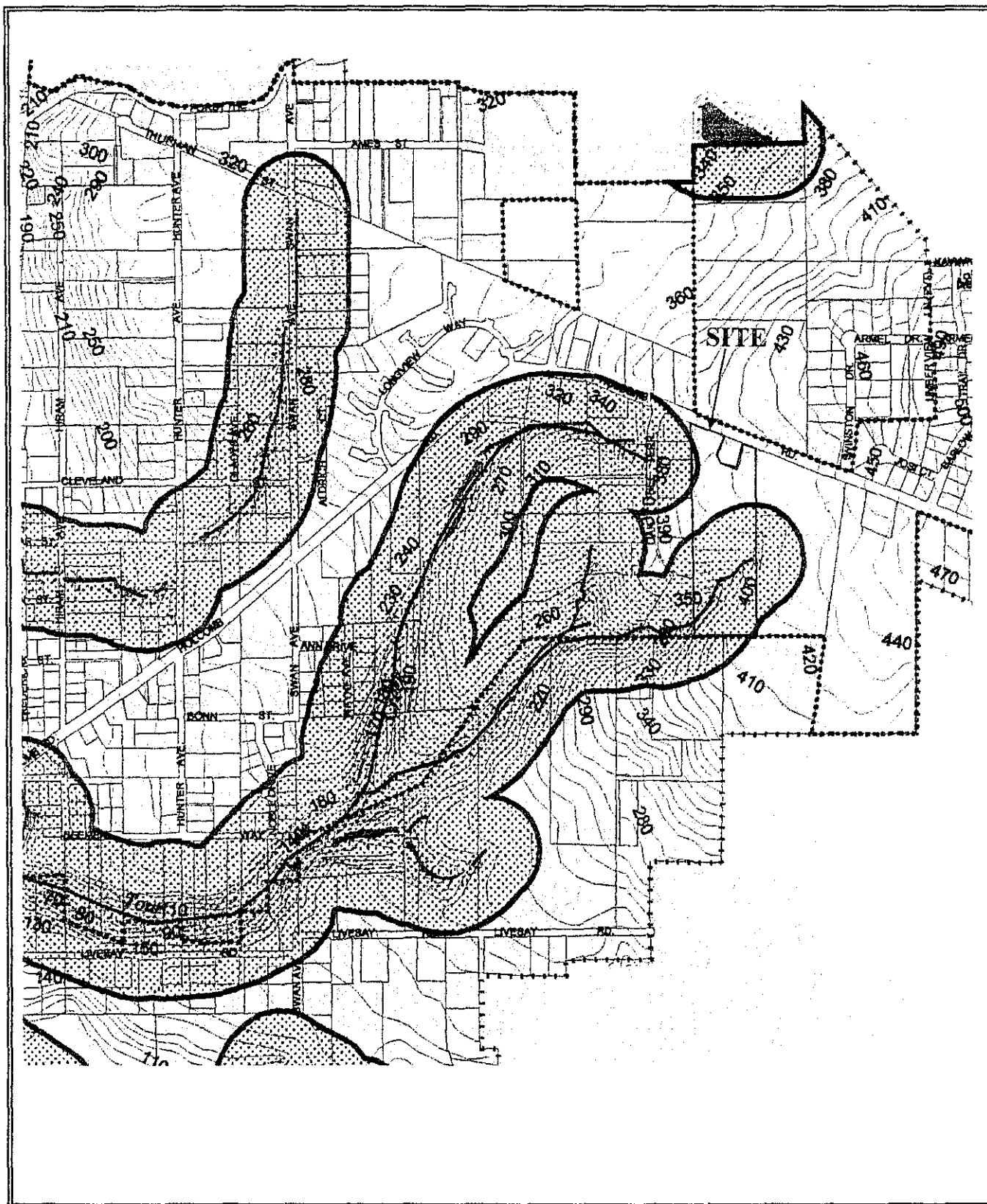
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



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PHYSICAL SETTING
Oregon City Quadrangle
USGS 7.5 Minute Series 1961 (rev. 1984)

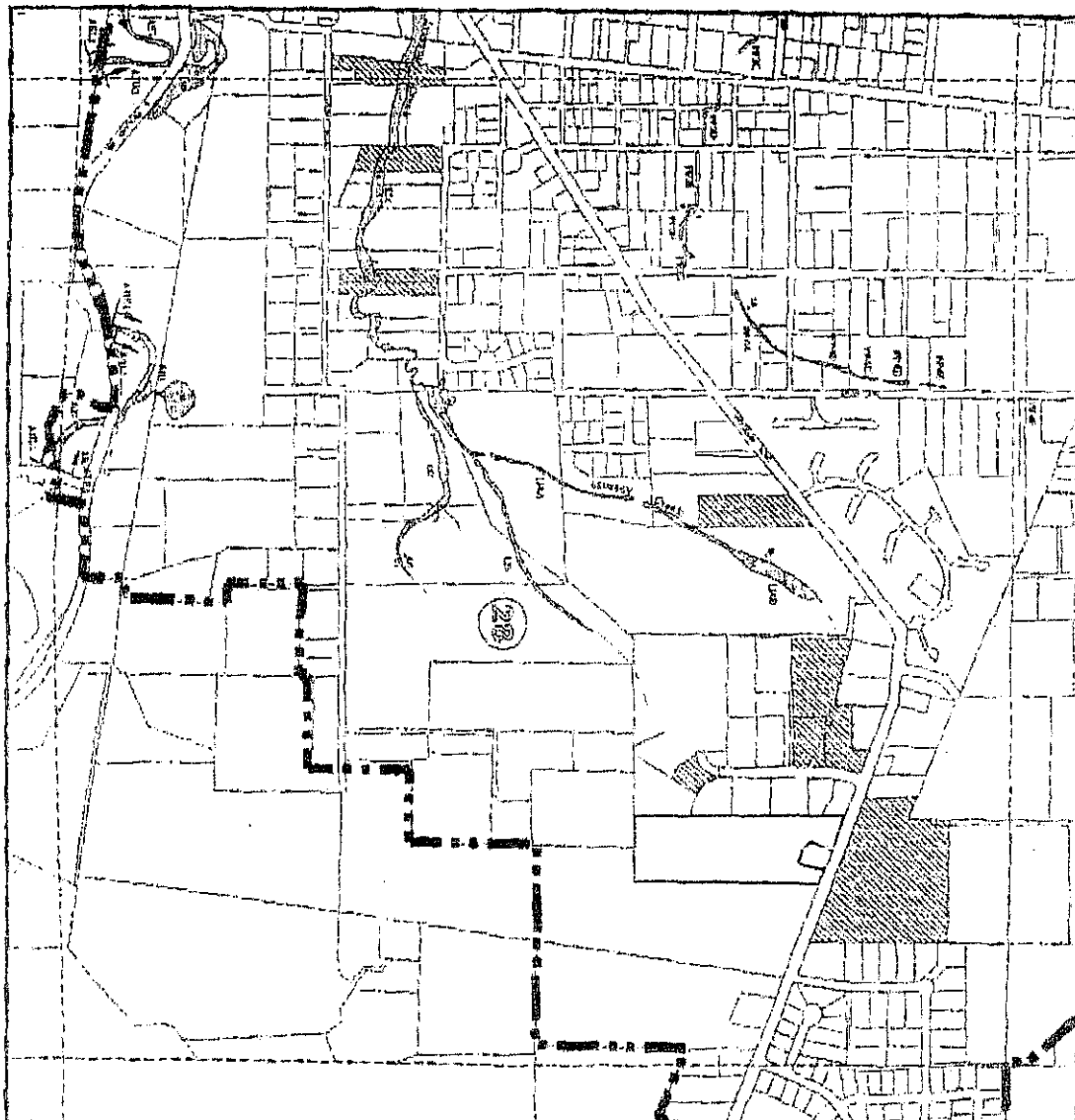
Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



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WATER QUALITY AND FLOOD
MANAGEMENT AREAS MAP
City of Oregon City

Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



T 2S R 2E Section 28

CITY OF OREGON CITY LOCAL WETLAND INVENTORY

LEGEND

- Urban Growth Boundary
- Wetland
- Wetland label
- Operation label
- Sample site
- USL LTR wetland
- USL DSL label
- Wetland wetland
- Site street and stream
- Shaded

Wetland survey



DATE: JUNE 1989

This map is a preliminary map. It is not intended to be used for legal purposes. It is intended to be used for informational purposes only. It is not intended to be used for legal purposes. It is intended to be used for informational purposes only.

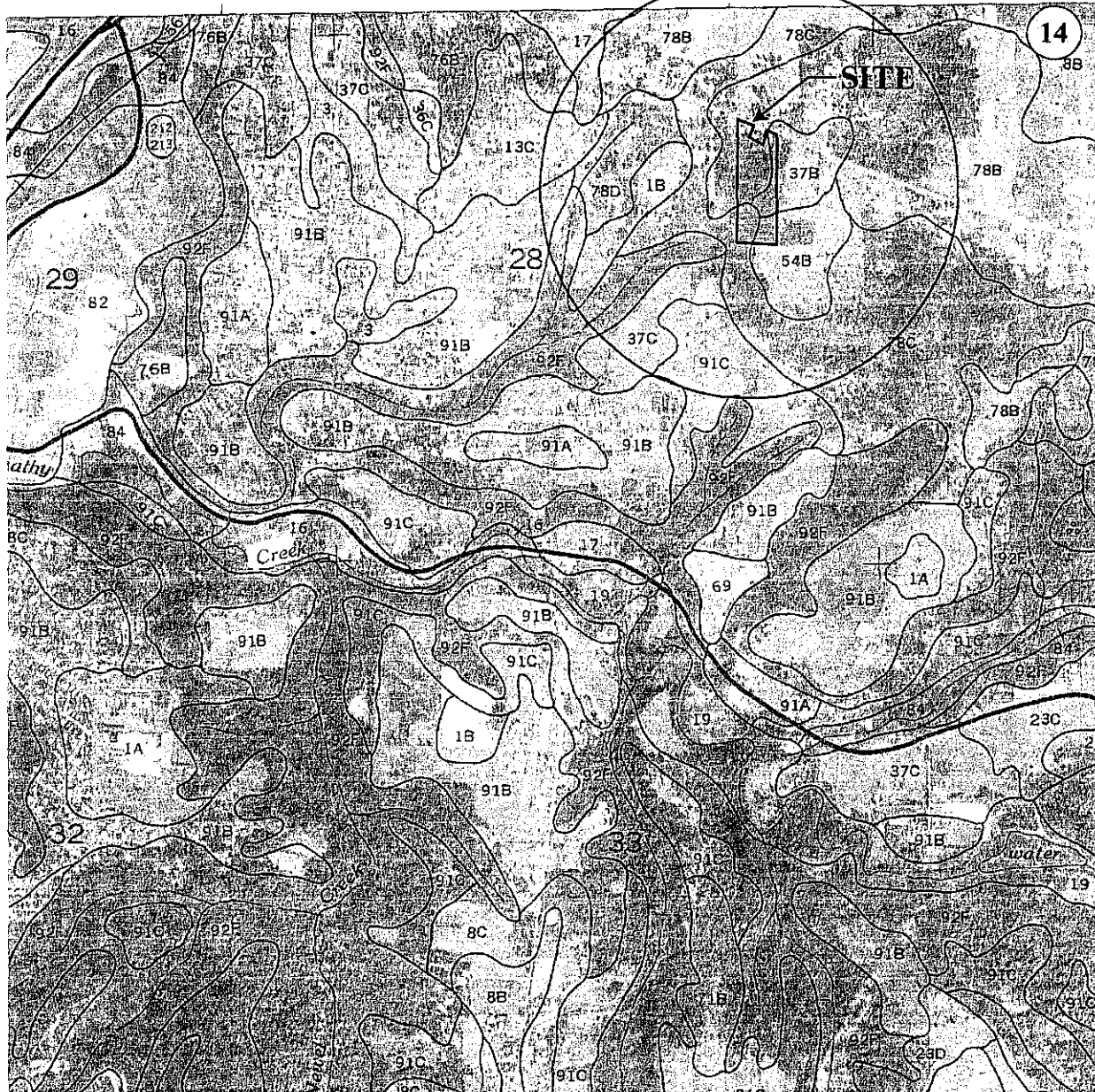
City of Oregon City
320 WEST 2ND STREET
OREGON CITY, OREGON 97030

SHAPIRO

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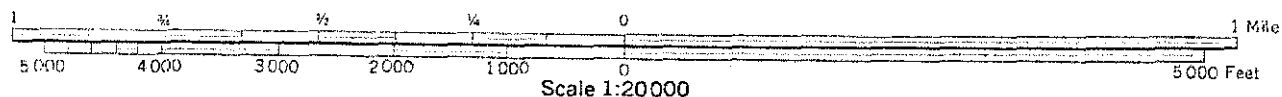
LOCAL WETLAND INVENTORY
Source: City of Oregon City

Subject Property:
Tax Lot 1902; Holcomb Boulevard
Oregon City, Oregon



LEGEND (SCS Sheet 14)

Map unit 37: Helvetia silt loam (non-hydric)
 Map unit 54: Laurelwood silt loam (non-hydric)
 Map unit 78: Saum silt loam (non-hydric)



environmental technology consultants

SCS SOIL SURVEY Map
 Source: Soil Conservation Service, 1985

Subject Property:
 Tax Lot 1902; Holcomb Boulevard
 Oregon City, Oregon



Photo 1

A typical view of the marginal stream character onsite. Near the machete the stream is narrow and indistinct, then further down it becomes more defined. Leaves and debris, along with overhanging vegetation obscured the location of the incised channel in many areas. Once surface flows starts during the rainy season, we expect the stream channel will be much more evident.

Photo 2

A typical view of the fairly mature native forest association on the slopes in the vegetated corridor. This photo was taken in the area south of the stream.



Photo 3

Another typical view of the forested association in the vegetated corridor.



Photo 4

A typical view of the north portion of the site that appeared to have been logged in the recent past. Sparse trees were present throughout, but the vegetation community was characterized by the dense thicket of *Rubus discolor* (Himalayan Blackberry).

**Gentech
Solutions Inc.**

January 17, 2003

Pinnacle-02-09-cms

Pinnacle Engineering
17757 Kelok Road
Lake Oswego, OR 97034
jamesstormo@attbi.com

Attention: Jim Stormo

**GEOTECHNICAL ENGINEERING SERVICES
Tracey Heights Subdivision - Lots 1-4 Slope Stability**

As authorized, we appreciate the opportunity to present this letter documenting the condition of the slopes and subsequent stability along the back of Lots 1 through 4 where lots extend into the proposed water resource buffer. The purpose of our additional work was to evaluate site topography and qualitatively evaluate slope stability in the aforementioned area.

Surface Conditions

The site is located south of Holcomb Boulevard between Wasco Acres and Holcomb Hill subdivisions in Oregon City, Oregon. Undeveloped property borders the site to the south. The site topography generally slopes down to the west and towards the drainage that encompasses approximately 2.5 acres in the southwest corner of the site. This is consistent with the topography of Lots 1 through 4 which slope down to the northwest at between 10H:1V near the planned road and 4.5H:1V along the back of the proposed lots.

We completed a reconnaissance of the area in question to observe site topography and surface features that may indicate recent or historic instability of the slopes leading to the drainage (located at the southwest corner of the site). The area is covered with both evergreen and deciduous trees, grass, and brush. Several two-foot diameter and larger fir trees show no signs of overcorrected growth. No seeps or springs were observed during our explorations or our reconnaissance. There is no evidence of recent instability such as fresh soil scarps, ground cracks, ground surface off-sets, or soft, wet surficial soil.

Subsurface Conditions

The site was explored on December 20, 2002 and documented in our geotechnical report dated December 27, 2002. Geology maps (DOGAMI Bulletin 99) of the area indicate the site is underlain by Weathered Boring Lava (WBL) over the Troutdale Formation (TF). The WBL consists of silt and clay with occasional basalt cobbles and boulders and generally becomes less weathered at depth. The sedimentary TF in this area consists predominantly of fine silt and clay with lenses containing sand and gravel.

CONCLUSIONS AND RECOMMENDATIONS

Based on our observations and evaluation, the slopes along the back of Lots 1 through 4 are stable and exhibit no signs of instability. Provided the recommendations presented in our geotechnical report are followed, reducing the setback from the buffer for construction on the proposed lots will not increase the risk of instability of these slopes.

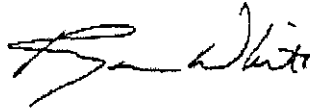
< >

January 17, 2003

Pinnacle-02-09-cms

We appreciate the opportunity to work with you on this project and look forward to our continued involvement. If you have any questions, please do not hesitate to call.

Sincerely,



Ryan White, PE
Project Engineer

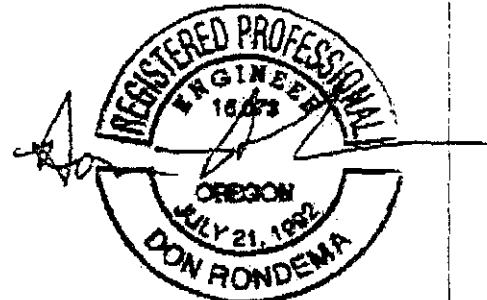


RENEWAL DATE: 6/2004



Don Rondema, MS, PE
Principal

Email Only



Expires 12/31/04



TRACEY HEIGHTS
SITE DIMENSION & STREET TREE PLAN
PACIFIC WESTERN HOMES, INC.
 5530 N.E. 122nd AVENUE, SUITE A, PORTLAND, OR 97230 PHONE (503) 252-3745

PROJECT NO.
PAC029

DATE: 7-23-03
 DRAWN: J. L. STORNO
 DESIGNED: J. L. STORNO
 CHECKED: J. STORNO

SHEET 1 of 4

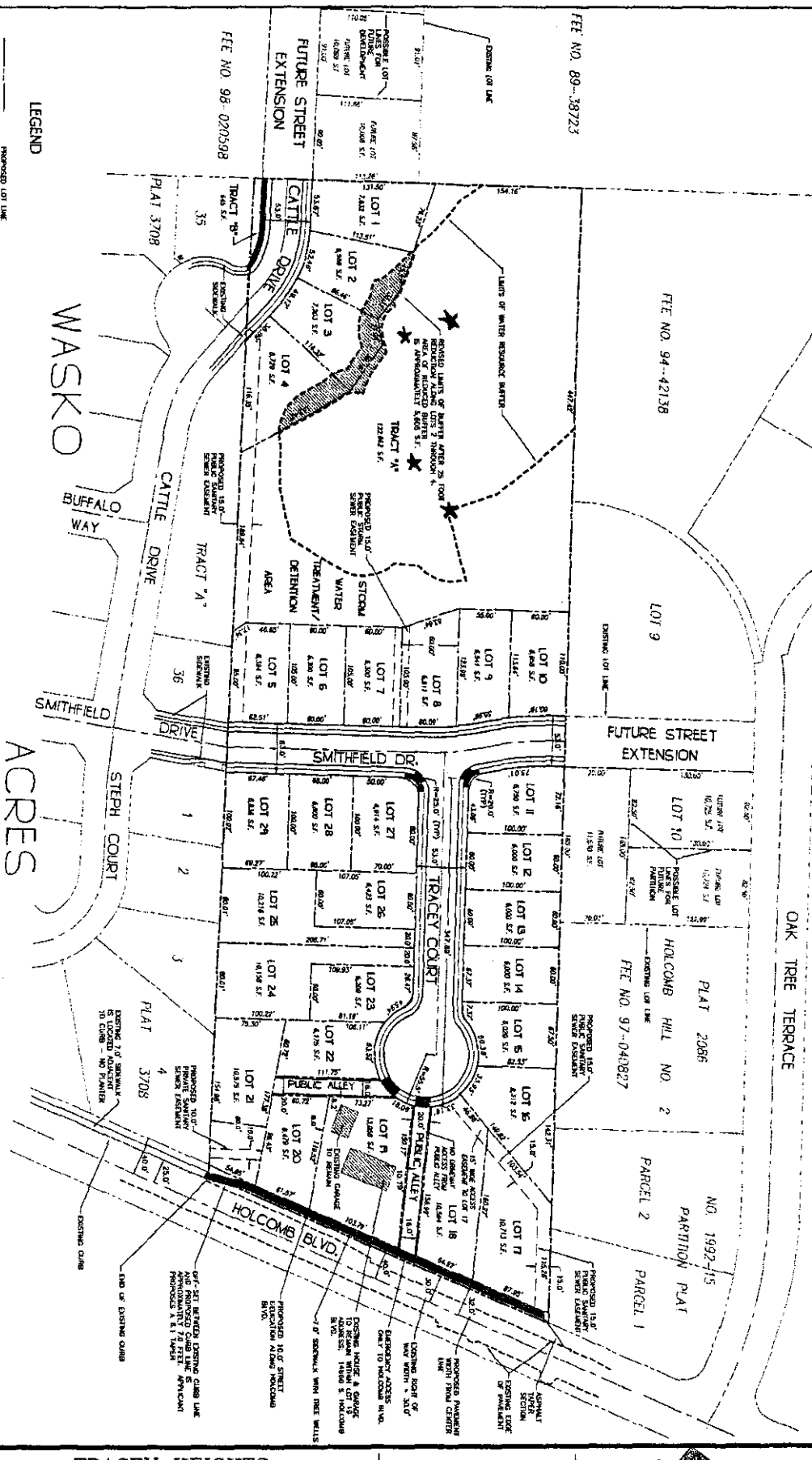
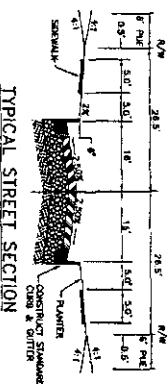
- LEGEND**
- PROPOSED LOT LINE
 - EXISTING PROPERTY LINE
 - SITE BOUNDARY
 - PROPOSED CURB LINE
 - EXISTING CURB LINE
 - SEWER & PAVES TO BE CONSTRUCTED AT THE TIME OF SITE IMPROVEMENTS
 - EXISTING EDGE OF PARKWAY
 - FUTURE POSSIBLE LOT LINE

LEGAL DESCRIPTION

LOT 1000 AND 1001
 IN THE NW 1/4 SECTION 28, T25N, R2E, W4E,
 CLATSOP COUNTY, OREGON
 SITE SIZE APPROXIMATELY = 8.23 ACRES

SHEET INDEX

1. SITE DIMENSION PLAN
2. PROPOSED SANITARY SEWER & WATER PLAN
3. SITE GRADING & STORM DRAINAGE PLAN
4. TREE REMOVAL PLAN



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
February 18, 2003

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ ENGINEERING MANAGER *RMS*
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR *RMS*
- ☒ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☒ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☐ Mike Baker @ DEA

MAIL-OUT DISTRIBUTION

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

RETURN COMMENTS TO:

COMMENTS DUE BY: **March 19, 2003**

Tony Konkol
Planning Division

HEARING DATE: April 14, 2003 (Type III)
HEARING BODY: Staff Review: ___ PC: X CC: ___

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Water Resource determination and vegetated corridor width
reduction in accordance with Section 17.49.050.I.1 of the
OCMC. (Related files include PZ 03-01, ZC 02-04, TP 02-07
and VR 02-15)
Map # 2S-2E-28AD, Tax Lot 4300.

LOCATION:

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.

X

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:

03 MAR 18 PM 4:23

RECEIVED
CITY OF OREGON CITY

Signed
Title

Ralph W. Kiefer 3-18-03
Chair, PPNA Land Use Committee

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

Exhibit 5a

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

February 18, 2003

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ ENGINEERING MANAGER *RLS*
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR *RLS*
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☐ Mike Baker @ DEA

MAIL-OUT DISTRIBUTION

- ☒ CICC
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Planning Division

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HEARING BODY: Staff Review: ☐ PC: ☒ CC: ☐

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
Tony Konkol, Associate Planner
Tom Skaar / Jim Stormo
Water Resource determination and vegetated corridor width
reduction in accordance with Section 17.49.050.I.1 of the
OCMC. (Related files include PZ 03-01, ZC 02-04, TP 02-07
and VR 02-15)
Map # ~~2~~ S-2E-28AD, Tax Lot 4300.

LOCATION:

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.

- | | |
|---|--|
| <input checked="" type="checkbox"/> The proposal does not conflict with our interests. | <input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below. |
| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review: |

Signed
Title

Gordon Phares
DR. Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

Exhibit 5b

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

February 18, 2003

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RETURN COMMENTS TO:

Tony Konkol
Planning Division

COMMENTS DUE BY: March 19, 2003

HEARING DATE: April 14, 2003 (Type III)
HEARING BODY: Staff Review: ___ PC: X CC: ___

IN REFERENCE TO

FILE # & TYPE:
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APPLICANT:
REQUEST:

WR 02-18: PC Hearing 4/14/03
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conflict with our interests.

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are included.

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

see attached comments

Signed _____
Title _____

Robert Chel
ENG mgr

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERI

Exhibit 5c

ANALYSIS AND FINDINGS

The applicant has proposed to amend the comprehensive plan from LR/MH to LR, and change the zone from R-6/MH to R-6 for the property located on the south side of Holcomb Boulevard approximately 180 feet east of Oak Tree Terrace. Applicant is proposing to develop a 29-lot subdivision on the site.

Staff recommends approval of the proposed subdivision provided the following recommendations and conditions of approval are followed:

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

The site is located in the Livesay Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts from this site are significant. The site drains to a tributary of Livesay Creek. Livesay Creek drains to Abernethy Creek, which is an anadromous salmon-bearing stream. Erosion and water quality controls are critical for the development of this site.

The southern 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 water feature boundaries and determine the required vegetated corridor width between the water features boundaries and the proposed development. The vegetated corridor area is to remain undisturbed.

The applicant provided a copy of a Water Resources Report prepared by Richard Bublitz of Environmental Technology Consultants, and dated October 16, 2002. According to the report, the water resource crossing the site is an intermittent stream. Applicant has proposed providing 50-foot to 200-foot wide vegetated buffer areas along the intermittent stream depending on the steepness of the adjacent slopes. 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.

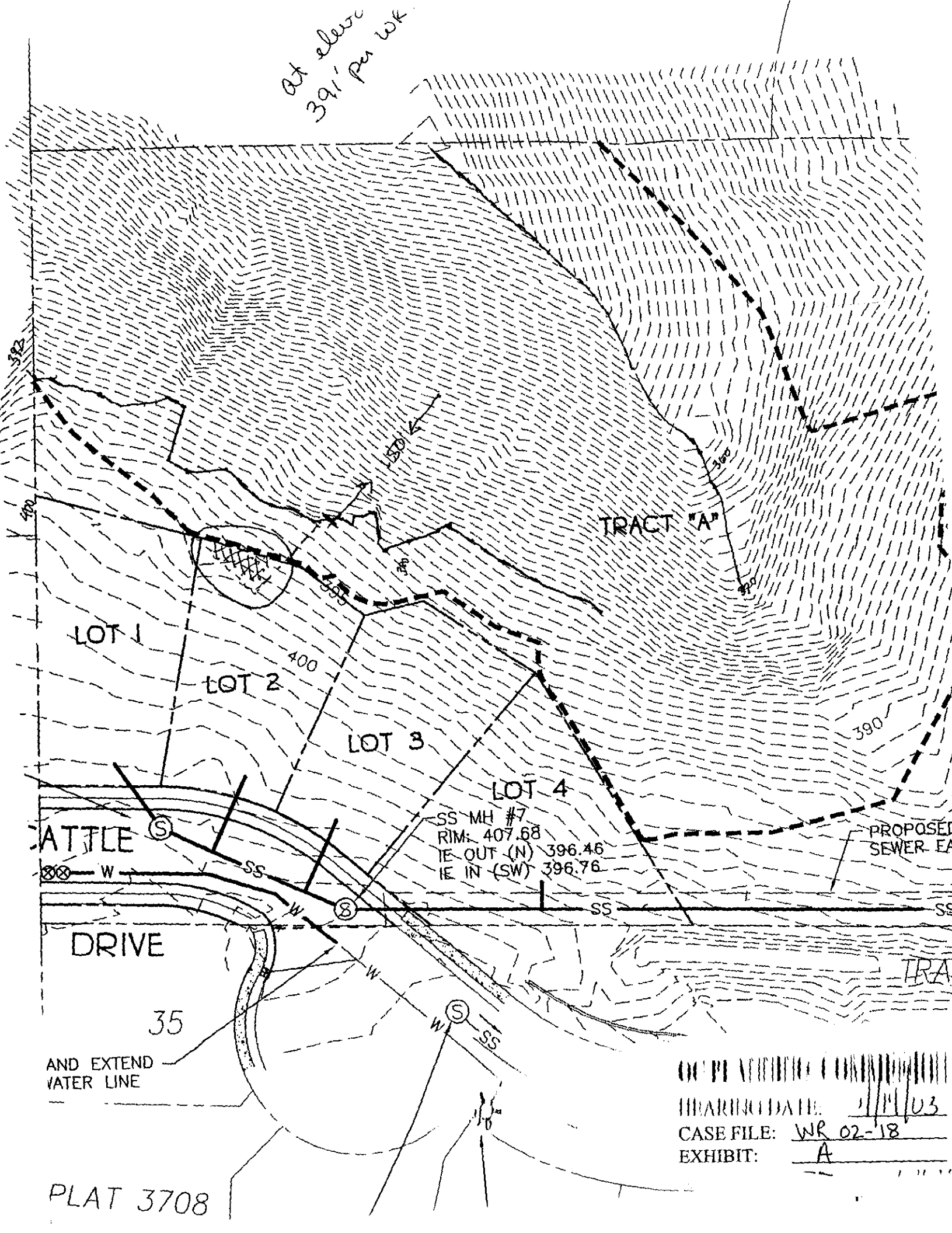
Applicant has proposed draining the developed part of the site into a detention/water quality pond system. The detention system is located at the northeastern end of the intermittent stream. The detention system is proposed to discharge through a level spreader to the intermittent stream. Mitigation measures for impacts caused by the development of the site were not addressed in the report. Applicant has proposed reductions in vegetated corridor width at lots 2, 3, and 4, and construction of storm facilities in the buffer area. The Water Resources Report will have to be revised to show impacts to buffer area and mitigation for the impacts.

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

Conditions:

1. Developer shall revise Water Resources Report to address impacts from, and mitigation for the proposed development in the vegetated corridor. Report shall be submitted to the City for review and approval.

at elev
391' per wk



PLAT 3708

HEARING DATE: 11/1/03
CASE FILE: WR 02-18
EXHIBIT: A

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
April 14, 2003**

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

Commissioner Dan Lajoie

1. CALL TO ORDER

Chair Carter called the meeting to order at 7:03 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES

None.

4. HEARINGS:

Chair Carter explained that all of the hearings on the agenda were quasi-judicial in nature and that all three requests were by the same applicant, Tom Skaar/Pacific Western Homes. They consisted of a request for an amendment to the Comprehensive Plan, a zone change request, and a water resource hearing.

PZ 03-01 (Quasi-Judicial Amendment to the Comprehensive Plan Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for an amendment to the Comprehensive Plan for 9.23 acres from Low Density Residential/Manufactured Housing to Low Density Residential for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

ZC 02-04 (Quasi-Judicial Zone Change Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for a Zone Change of 9.23 acres zoned R-6 Single-Family/Manufactured Housing District to R-6 Single-Family Dwelling District for the properties identified as Map 2S-2E-28AD, Tax Lots 4200 and 4300.

Chair Carter opened the public hearing at 7:05 p.m. for the Comp Plan amendment and the zone change requests to be presented simultaneously, and gave the parameters and procedures for these hearings. She asked if any commissioners had had any ex parte contacts, had visited the site, or had any bias relating to these applications. She noted that she had attempted to visit the site but couldn't see much. There were no challenges against the Planning Commission or any individual members to hear these applications.

Tony Konkol gave the staff report, identifying the applicant and the site addresses and explaining that one request was for a Comprehensive Plan change from LR/MH – Low Density Residential/Manufactured Housing to LR – Low Density Residential, as well as a zone change from R-6 MH – Manufactured Housing Single-Family to R-6 – Single Family. These are Type IV land use applications, of which a denial can be presented by the Planning Commission (PC) or a recommendation for approval can be submitted to the City Commission, for which a hearing has been noticed.

In addition, there was a concurrent application on the agenda for a water resource review for the subject site as well as a subdivision application for a 29-lot R-6 subdivision on this site and a variance to the lot width of one of the proposed lots. The subdivision and variance are Type II administrative decisions, and the water resource is a Type III.

(Full copies of the applications, staff report, and related documents are available for review in the public record.)

Chair Carter asked why this particular variance is Type II and is handled at staff level rather than coming to the PC for a lot variance. **Konkol** said under 17.60 (the Variance Code), there are five situations in which an administrative variance can be done at the staff level Type II. One is a lot width reduction of less than 5%, as in this case.

Konkol said the site is located just south of Holcomb Boulevard and east of Oak Tree Terrace. Directly east of the parcel is the Wasko Acres subdivision, which is currently being developed and is zoned R-6 MH. To the west are six parcels with a Comp Plan designation of Low Density Residential that are zoned R-10, Single-family. Directly south of the site are two parcels outside of the city limits that are Low Density Residential in the Comp Plan and are still under the county designation of FU-10. Directly north of the site is Holcomb Boulevard and north of that is a parcel also outside of the city limits with Low Density Residential and an FU-10 zoning designation in Clackamas County.

Proper notice of this hearing was done with letters to property owners within 300 feet of the property site, notice at the property site, notice in the paper, and the staff report being made available seven days prior to this hearing. Comments were received from the Park Place Neighborhood Association and the Oregon City Director of Public Safety, both of which indicated that the zone change and the Comp Plan amendment do not conflict with any of their interests. Comments were also received from Oregon City Public Works, the Oregon City Engineer, and David Evans & Associates, which does the contract work for the City for traffic. Those comments have been incorporated into the staff report.

The applicant is proposing to change the Comp Plan from Low Density Residential/Manufactured Housing to Low Density Residential R-6. There is only one zoning designation with the R6 MH, which allows 6.4 dwelling units per acre. The applicant has requested to change the Comp Plan to Low Density Residential and a zoning designation under that of R-6, which allows up to 7.3 dwelling units per acres. So this is an increase of .9 dwelling units per acre, or roughly 8 homes over the 9.23 acres.

When looking at a public need for the zone change and amendment, this would allow for a variety of housing units at a different range of prices than what currently exists in Park Place. It is currently Low Density Residential and is predominantly R-10 in this area of Park Place. This would allow a different size of housing units in this area of Park Place. Further, it was determined by the traffic engineer that this increase of eight houses was not significant enough to warrant a new traffic study for this site under the worst-case scenario.

Konkol said the Low Density Residential/Manufactured Housing Comp Plan designation and the zoning designation came about approximately 10 or 11 years ago when manufactured housing was designated by the State as an affordable housing type. Most jurisdictions allowed manufactured housing in all their residential dwelling zones. Oregon City decided to create their own zone and allow them only in certain areas. After going through the process of identifying properties and giving them the Comp Plan designation and the zoning designation, State law changed. Now we allow manufactured homes in almost every residential dwelling area in the city except in the Canemah and McLoughlin neighborhoods.

Therefore, the idea behind the manufactured housing overlay and the Comp Plan and zoning designation has become outdated and just has not been updated yet. This zoning designation of Manufactured Housing does not require only manufactured housing. Stick-built, detached housing is allowed in this zone under the Comp Plan and this zoning designation.

The applicant is asking for this change because of the 20-foot height limitation that is placed on the R-6 MH zone that restricts the height of the building, which restricts the type of housing that can be placed therein.

Regarding adverse affects associated with these proposed changes, **Konkol** noted the following:

- Community facilities (sewer and water) are stubbed to the property and can be extended through the site.
- A natural water resource has been identified on the property. By implementing the Water Resource Code, we are implementing the goals and policies of the Comp Plan for the protection of these water resources.
- All adjacent properties are zoned Low Density Residential in the Comp Plan, which allows for R-6, R-8, and R-10. Wasko Acres directly to the east is zoned R-6 MH, which allows 6,800 square foot lots. The applicant is requesting R-6, which allows 6,000 square foot lots, so it would be compatible.
- Regarding the transportation system and impacts, with or without this development the intersections at Holcomb and 213 and at Holcomb, Redland, and Abernethy will be failing by the year 2008 with the projections used for their calculations. However, as stated earlier, the eight additional houses do not warrant a new traffic study for this site. Any Conditions of Approval (COA'S) that would be associated with the proposed development of the site would be implemented at the subdivision level and staff has indicated that a non-remonstrance agreement with the City might be applicable in this situation. The traffic study done by David Evans and Associates for the proposed subdivision did not find that the amount of development proposed on this site warrants off-site mitigation (intersection improvements) at this time. There would be half-street improvements associated with this development along Holcomb Boulevard, and all the interior streets would be designed to City standards. Holcomb Boulevard would be designed with a typical half-street improvement, including pavement, curb, gutter, street trees, and sidewalk.
- Regarding housing, **Konkol** reiterated that this would allow a variety of housing in Park Place to allow a combination of R-6, R-6 MH, and R-10 types of housing and a variety of prices and ranges.
- Regarding natural resources, the site is not on any natural resource areas identified on the Comp Plan but it is in the Water Resource Overlay District, for which a water resource review is applicable. The property is also in a wet soils and high water table which, through a geo-tech investigation at the subdivision design level, would be addressed for appropriate remedies and actions to be taken for development on a high water table.
- There is bus service close to the site, although it stops at the Clackamas County Housing Authority to the west of the site along Holcomb and does not go all the way down to the site.
- The Parks Master Plan does not call for any more pocket parks due to maintenance and upkeep costs, but it does identify a goal of protecting stream corridors, etc., which could be done through the water resource review and the protection that would implemented through that as the site is developed.

In conclusion, **Konkol** said staff is proposing a change from R-6 MH to R-6. He reiterated that, if the site were completely developed at its maximum, it would include eight additional housing units. He also said the main reason for this is to remove the 20-foot maximum building height to allow traditional stick-built houses to be built on the property. Therefore, staff recommends that the Comprehensive Plan designation

change from LR MH to LR and the zone change from R-6 MH to R-6 be recommended for approval to the City Commission without any conditions.

Mengelberg asked if the slope issues on the site are what are causing the developer to want the height restrictions removed or if parts of the site are impaired because of the stream setbacks and the slope issues, so that they need to maximize density by going upward.

Konkol said he didn't think that was the issue, but he would defer that question to the applicant.

Mengelberg asked if the manufactured housing development within the City is meeting the State requirements.

Konkol said he didn't know regarding affordable housing, but he knows it is allowed in every zone. Also included in the Comp Plan is the idea that protection of our existing housing stock allows for a great way to provide affordable housing because it is cheaper to move into an existing house than to build a new one.

When **Mengelberg** asked if there is any State requirement that we have a certain percentage of manufactured housing or if we just need to provide the opportunity, **Konkol** said it is the latter.

Powell asked if Holcomb is still a county road, and what the current condition is in that area. Specifically, he wanted to know if a half-street improvement on one side would be a major problem on the other side (not that he was expecting anyone to improve both sides, he said).

Konkol said he didn't think it would make things any worse. He said we would get a half-street plus 10 feet on the other side of the center-line if the road is in bad shape. So, for the frontage of this property, brand new road would be built where applicable if deemed necessary by the City Engineers at the time the sewer cut in the street was created, or appropriate improvements would be determined.

When **Powell** asked if the County is planning any maintenance on that road at this point, **Konkol** said no.

Mengelberg asked if the County considers it a local street, and **Konkol** said it is a minor arterial.

Chair Carter asked if would be reasonable to assume that it would match up with Wasko Acres and be uniform throughout that section, and **Drentlaw** said yes, noting that it would be built to City standards.

Powell said he was really trying to look long-term to avoid a similar situation to that in South End, where half-street improvements were made and then very shortly thereafter the County dug it up to do their work, after which the half-street improvements on the other side were never finished.

Drentlaw said we're just trying to get what we can as development occurs, and **Chair Carter** said this is an ongoing problem until the rules are changed because improvements are currently done increment by increment, which is obviously not the most desirable.

Applicant **Tom Skaar**, Pacific Western Homes, Inc., 5530 NE 122nd Avenue, Suite A, Portland, Oregon, said the height limitation is one issue. The other major issue is the lot dimension requirements that are part of R-6/MH because they were designed to ensure that manufactured homes were placed on lots with the long access parallel to the street. Therefore, there are minimum lot width standards in that designation that don't work very well in terms of higher density single-family (6,000-foot lots). It is very hard to develop any density in terms of developing a 6,800 square foot lot subdivision with 80-foot wide lots.

In addition, this site is severely constrained by the water resource property that is part of it. As a result, they will only get to develop about 60% of the total land area. Therefore, to get the kind of density that makes this kind of subdivision economically feasible, they need to get away from the 80-foot wide lots and get to an R-6 designation instead.

Mengelberg referred to staff's comments about a variety of housing types and asked if those would primarily be single-family houses with different sizes and different price points, or if there would also condos and townhouses.

Skaar said it is their expectation that these would all be single-family detached dwellings, not condos and townhouses, with price ranges likely between \$190,000 and \$260,000 and square footages from 1,600 square feet up to perhaps 2,400 square feet.

Chair Carter asked if there would be a variety of lot sizes or if there might be \$260,000 homes on 6,000 square feet.

Skaar said mostly the latter, although there are a few larger lots. He said today's market is such that the home-buying public has gotten used to 6,000 square foot lots, and in some cases even smaller than that. For instance, he said in some cases in Portland they are building \$250,000 houses on 4,000-foot lots and not meeting any market resistance to speak of because that is all that is available.

Chair Carter said the PC has talked in the past about trying to preserve the rural feeling, and she had overlooked a couple of questions of staff. She then asked staff if Wasko Acres was R-10 at the time of the original application.

Konkol said no. He said they have a Comp Plan of LR/MH as well as a zoning designation of R-6 MH.

Chair Carter asked how they could be building two-story houses if they are zoned MH, assuming that the height restriction is one-story.

Konkol said the height restriction is 20 feet, which is measured halfway between the peak of the roof and the eave of the roof. He said he hasn't done a plan check on the housing type at Wasko Acres but he could look into that, although he would think they are meeting Code.

Chair Carter asked the applicant what they are building that would be more than two stories or 20 feet high.

Skaar said they are not building anything to be more than two stories, and he reiterated that the issue for the applicant is not so much height as the lot dimension requirements.

Mengelberg asked how people would primarily access Holcomb, specifically, would they be using the public alley that is drawn between lots 18 and 19 or would they be coming up Smithfield Drive?

Skaar said they would be coming through Wasko Acres and up Smithfield Drive. The alley, in fact, provides no access other than emergency services access.

Orzen asked if the alley is large enough for fire/emergency vehicles to access, and **Skaar** said according to the Fire Department, yes. It is meant just a secondary straight-through access in the unlikely event that Smithfield Drive was blocked off by a catastrophe and there was no other access available to that portion of the subdivision.

Chair Carter noted that if it is there, the people will use it, but **Skaar** said it would be gated off with some sort of a barrier.

When **Powell** asked if the other public alley is for access to lot 20 and the existing house, **Skaar** said it is for access to the existing house and/or its garage and for access to lots 20 and 21.

Chair Carter asked what the proposal is for the small piece of land between lots 20 and 21, and **Skaar** said that is a proposed 10-foot private sanitary sewer easement.

Drentlaw clarified that the Planning staff has not yet reviewed the subdivision plan and that much of this discussion was getting into subdivision plan questions, but this hearing is only for zoning. **Chair Carter** said okay, but it helps to understand the reasons behind the request.

In conclusion, **Skaar** said the applicant was in agreement with staff's conclusion and respectfully requested recommendation for approval by the Planning Commission to the City Commission.

Chair Carter said she was a little confused because Manufactured Housing lots are 6,800 square feet but she thought R-6 lots for single-family dwelling units, which are 6,000 square feet, would be larger.

Konkol said the MH lots are actually bigger basically because they are wider.

Skaar noted that there has been talk of getting rid of the MH designation citywide for many years and he thinks it is in process to occur sometime soon.

Moving to public testimony, **Mark Wetzel** 16200 S. Oaktree Terrace, said his property backs up directly to the one-acre site at the proposed development. He said he and his neighbors are already having a problem with the positive rise that happens just east of Oaktree Terrace because it is kind of a blind rise. In particular, they are concerned about busses, traffic, etc., and he noted that this was addressed once before during the development of property at the end of the street.

Drentlaw said a condition was placed on that developer to bring that hill down to meet City site distance requirements between Oaktree and Holcomb.

Wetzel said that adding more traffic makes it more of an issue because it is a country road with no speed limit signs and people travel it pretty fast until they go around the corner at Oak Bend. He said the residents are particularly concerned about children waiting for the bus in the morning.

Wetzel said another issue is the water drainage. He said a water reservoir is being built uphill from them because many of the current residents are still on wells. The concern is that a lot of the water that currently goes directly into the forest might be diverted, and he asked if any research was done about the possibility of their wells going dry.

Chair Carter said that question would probably be more appropriate for the water resource portion of this application.

Wetzel referred to the comment that there were no plans for a park, but he said some children currently play in that area. The concern is that there are no parks designated for the area but he conceded that if there is a corridor for the water area, that would probably provide enough space for kids to play.

Finally, he said the area currently is forested and has a good rural feel to it. He said they are concerned about having such density from the development backing right up to their lots and he said it would be nice to keep some of the full-grown maples and oaks that are there today.

Chair Carter said these are some good points that the PC has discussed in the past, but the PC must always come back to the constraints they must work within. She said everyone would like a perfect world, but piece-meal development never results in the highest desirable use. In fact, our laws give the property owner the right to do what they want with their property and often people work alone rather than creating a plan with neighbors that might make a better overall situation.

She agreed that the road issue is a really big issue, but the County owns the road. She said it is her understanding that the City would take the road from the city down except that the County would have to give maintenance money to bring the road up to City standards, which the County doesn't have the money for, nor does the City have the money to make the improvements on the road. She suggested that the Park Place Neighborhood Association might want to get together and come up with some kind of a plan to tax the people who are using the road to accomplish the needed improvements.

Chair Carter asked staff if this particular development would have to be accountable in any manner towards the burden that was put on the last applicant to smooth out that hump.

Konkol said the hump is in front of the applicant's property and any conditions of approval would be determined at the subdivision review.

Drentlaw said they will also be looking at participation of other subdivisions as they come in.

There was no applicant rebuttal.

The public hearing was closed at 7:45 p.m.

In deliberations, **Orzen** complimented staff on the preparation of the packets, particularly noting the organization and conciseness of information. She said it appears to be an easy zone change request and although there are some concerns about the development of large parcels, there is no easy fix. Therefore, she was in favor of these requests.

Powell said he had seen and heard the comment on the traffic study, but he was interested about the traffic through the neighborhood. He said they just had a cul-de-sac issue on South End and, even though they weren't talking about design at this point, he said it was hard to make a decision when there was no information about the traffic study itself (for the whole area, not just this subdivision), even though he understands that eight additional houses is not a major addition.

Konkol said the traffic study was provided by the applicant and reviewed by our Traffic Engineer. There was adequate sight distance from the entryway in and out of Wasko Acres onto Holcomb. He said he could find the trips per day that would be generated if that would help, but he didn't believe that it warranted a right-turn lane into the subdivision, and the subdivision did not warrant off-site impacts other than its frontage.

Powell said he understood that Park Place didn't have an issue with this, but he didn't want someone complaining later about the increased traffic causing problems.

Konkol then read from the traffic report that "The subdivision will generate 21 a.m. peak hour trips and 30 p.m. peak hour trips based on single-family detached housing...Site distance of 500 feet to the west and

east...both distances exceeding City standards...." He noted that only stop signs at Holcomb were required. He said he could see that eventually there would be a connection from the Wasko Acres subdivision through this subdivision, most likely, connecting to the Oaktree Terrace. At that point, he said further study would need to be done for the turn out of Oaktree.

Powell said he understands that the affordable housing requirement needs to be met, but he thinks that can be done without the MH designation, so he would vote to get rid of it.

Powell said again that he understood that Park Place had looked through this application and had no issues, but he asked if Konkol could present such information in the future.

Mengelberg agreed that the application seems reasonable. The site size isn't significantly smaller or bigger than the surrounding uses. She said, though, that she is sensitive to the neighbors' concerns and encouraged staff to look at these at the Site Plan and Design Review stage, particularly considering the comments about preserving larger trees for slope stabilization and stormwater drainage. She encouraged them to look at ways to make the open space accessible for the neighborhood since parks will not be provided. She also suggested they look at the well impacts of the development. With that said, she said she was comfortable with the applications.

Orzen moved to forward the proposed Comprehensive Plan amendment, PZ-03-01 and the zone change request, ZC-02-04, with a recommendation of approval to the City Commission for a public hearing on a date certain of May 7th, 2003. **Mengelberg** seconded the motion, and it passed unanimously.

WR 02-18 (Quasi-Judicial Zone Change Hearing), Tom Skaar/Pacific Western Homes, Inc.; Request for a Water Resource determination and reduction of the vegetated corridor in accordance with Section 17.49.050.I of the Oregon City Municipal Code for the property identified as Map 2S-2E-28AD, Tax Lot 4300.

Konkol gave the staff report, saying that the applicant is requesting a water resource determination and reduction of a vegetated corridor. He said this is a Type III land use decision, of which the Planning Commission's decision is the final decision unless it is appealed to the City Commission within 10 days.

(Full copies of the applications, staff report, and related documents are available for review in the public record. **Drentlaw** noted that water resource requests are normally seen by staff but since the applicant is asking for a reduction, it was being brought to the PC.)

Konkol said the subject site is located south of Holcomb Boulevard but does not have a site address. However, it is identified as Clackamas Map 2-2E-28AD, Tax Lot 4300. It is approximately 8.81 acres, and the applicant has requested a vegetated corridor width reduction due to slopes in excess of 25% on the property. The site is located in the Clackamas Heights area at an elevation of approximately 410 feet. The site slopes are generally east to west at approximately 5-10%. A small waterway in the southern portion of the site has cut a fairly deep ravine with adjacent slopes typically at 25-30%.

The neighboring parcels, as described in the earlier hearing this evening, are all zoned Low Density Residential except for Wasko Acres to the east, which is Low Density Residential/Manufactured Housing.

The applicant provided the City with a water resource report which was prepared by Richard Bublitz of Environmental Technologies and dated Oct. 16, 2002 (Exhibit 2 in the staff report). The findings of that report agreed that this is a jurisdictional waterway on the site. It is a first order stream that enters Abernethy Creek. Under the Oregon City Code for designating what type of features need to be protected, this has been

identified as a water resource crossing the site as an intermittent stream. It indicates that a majority of the surrounding slopes are greater than 25%. Therefore, the stream does not meet the classification of "intermittent stream with slopes less than 25% and with terrain less than 100 acres." Thus it falls into an "all other protected water features" category. The applicant has proposed a 50-foot to 200-foot wide vegetated buffer around the intermittent stream, depending on the steepness of the adjacent slopes.

He said staff concurs with this finding of the water resource report.

Konkol said the applicant has proposed a new stormwater pre-treatment facility within the water quality resource area. Their actual storm pond for their detention and water quality is outside of the vegetated corridor. However, they are running an outfall pipe down into the vegetated corridor, which is the impact for which the applicant needs to provide additional information to determine the impacts and alternatives analysis and potential negative impacts of that outfall being placed inside the vegetated buffer.

He said the outfall is a provisional use so it is allowed, but it needs to meet Section G and H of the Oregon City Municipal Code. The consultant who prepared the report said they were not sure at the time of the report if the vegetated corridor would be impacted and that if it was, additional information, specifically as noted in Conditions of Approval (COA's) 2-7, would need to be provided to the City. It appears that the outfall pipe extends about 25 feet, if not a little more, into the vegetated corridor. He said stormwater facilities are not allowed to be more than 25 feet into the vegetated corridor, so a COA regarding this would be reviewed during the subdivision phase.

Konkol said the applicant has provided a topographic map of the site showing the water quality resource delineation, existing natural features on the site, and nuisance species that are on the site. The corridor has been identified as a good existing corridor with 65% canopy, 50% shrub, and 80% groundcover.

Konkol said the applicant has also requested a vegetated width reduction and he (Konkol) used an overhead to better show Exhibit 2, no. 3 of 5, which is the applicant's submittal to show the vegetated corridor.

Konkol outlined where the vegetated corridor would extend to, noting that some of the slopes are in excess of 25%, which means that the 50-foot vegetated corridor distance starts where the 25% slope stops. In this case, the slope is in excess of 150 feet, or the maximum vegetated corridor that can be provided, which is 200 feet. As the break in the 25-foot slope starts to occur, the distances are less than 200 feet.

When **Mengelberg** asked if the 200 feet is along the land surface or as the crow flies, **Drentlaw** said it should be measured parallel—not counting the slope but straight up and across, or as the crow flies.

Konkol then showed a visual of the actual reduction request, specifically showing how the slopes are in relation to 25% and the widths from the stream in explaining that one of the COA's addresses the issue that where the applicant is requesting the vegetative corridor with reduction does not reconcile with the existing slopes. Therefore, he entered into the record Exhibit A, which was his working document to show the stream coming in and the approximate location of where the break in the 25% slope is 150 feet or less from the stream. He said everything in one area is in excess of 150 feet, thus the exemption to reduce it is not applicable. He explained that it appears to be about 45 feet along the back side of lot 2.

Mengelberg asked if there are ways to put slope easements or restrictions on development of the lot so that the habitat and riparian areas are protected from development while still being part of the lot or if the encroachment on lot 2 is so much that it makes it unbuildable.

Konkol said he doesn't think it makes it unbuildable. He said they do lot averaging for lot depth, so he doesn't see that as an issue. He also said we do not have water resource conservation easements as an option

in the Development Code. He explained that this would be put into Tract A, which would be written out of the property description. It would not be part of the property and would not count toward the square footage of the property.

When **Chair Carter** asked how steep the dropoff is at the edge of lots 2, 3, and 4, **Konkol** said it is less than 25%, and **Drentlaw** said it is a little less than 4:1, with 1 being vertical and 4 horizontal. **Konkol** said there are development standards relating to steep slopes in excess of 35%, and this is not that steep.

Konkol said there is only one criterion applicable to this request for a vegetative reduction, which is that a geo-technical report is performed that says the slope is stable, and he said that has been provided. There is a COA that requires the applicant to follow the recommendation of the geo-technical report.

Mengelberg asked if the property owners would be prohibited from clearing that area, noting that it seems like a person would want to leave the vegetation in place to maintain stability.

Konkol said once it is put in the tract, it will be maintained as it is, so there will be no clearing. He clarified that this only applies to the small section where the reduction will not be applicable. The rest of the land along lots 2, 3, and 4 will be taken out of the vegetative corridor, after which property owners could choose to remove trees.

He said this is necessary because our Code requires all lots to be 100 feet, and this is allowed as an option in our Code.

Drentlaw noted that in the one identified area it would go from what would normally be about 200 feet down to about 175 feet to the stream.

Chair Carter asked why they would not simply get a variance to the lot size rather than doing this.

Drentlaw said it would be hard for them to meet the variance criteria in a case like this, and he reiterated that the Water Resource Code clearly specifies this as an option.

Konkol added that our normal vegetative corridor is about 50 feet, whereas this is in excess of 150 feet, and he said that was allowed to give some flexibility in cases such as this where there is such an expanse between the development and the water resource.

Chair Carter clarified for the applicant that the PC often asks lots of questions in order to get the cumulative effect, which is never an actual consideration because we are only allowed to work with the current application. It is more an attempt to try and avoid a down-the-slope disaster such as drying up the wells, as was mentioned as being a concern by some of the neighbors.

Powell asked staff what types of trees and plantings are in the area currently, and what is below those.

Mengelberg referred to Figure 5 of 5 which shows that there are maple, oak, hazelnut, and perhaps Douglas fir trees, and **Orzen** said the undergrowth is mostly native shrubs. **Konkol** concurred, saying there are a few areas of nuisance, but for the most part it is in a very natural state with native vegetation predominating.

Powell agreed with Chair Carter that his concern is whether what is below will be sufficient to maintain and not have a problem with runoff.

Konkol said their consultant categorized this as good existing corridor and that with 50% shrubs and 80% groundcover, it would be sufficient.

Mengelberg asked staff what would be the ultimate fate of Tract A. Would it be owned by the City or by the developer and left open, never to be developed?

Konkol said the applicant has multiple options. He said it will be put into a tract and a D restriction will be put on the deed protecting that area in perpetuity from development, as well as identifying it as a vegetative corridor on the plat map. It can be given to the City to maintain or the applicant can keep it. He noted that the applicant will also have to do mitigation associated with the outfall, which will also be noted on the plat to show where the mitigation is occurring and any areas that needed to be added if the areas that are impacted need to be replaced.

Mengelberg said she asked this because situations like this can cause conflict amongst the residents surrounding the area as to its usage, so it seems better to sort it out ahead of time, to which **Konkol** reiterated that there is no parks master plan nor is there a region- or city-wide trail system plan.

Chair Carter asked if the lots slope toward the detention pond which would be collecting all the neighborhood runoff.

Konkol explained that the detention pond would be higher up so they would probably over-detain above to account for the houses below.

Chair Carter asked if the space around the intermittent stream would be usable space or if it would be dangerous for kids to have access to it.

Konkol said the stream is very small. At its inception, it bubbles up out of the ground and then disappears, and then re-emerges further down the hill, and probably only has about a 6 - 8 inch stream canal, which widens as it continues downstream.

When asked if this might be something the citizens might utilize, **Konkol** said nothing like that (a possible trail system) is proposed by the applicant or the City. If the City decided to put in trails, they would work something out with the applicant after the development is in, but right now it will be a natural preserve as is with any mitigation that might occur.

Orzen asked if the detention area will work in with the stream.

Konkol explained that the detention pond will be located outside the vegetation corridor. An outflow pipe will come down to a T and spread laterally across the hillside via perforated piping. This will be stretched out over 20-25 feet.

Orzen asked if there was any other way to dissipate the water other than with a pipe.

Konkol said, per Design Code, there is landscaping associated with the wetland pond. It is limited to two sides having concrete, if necessary. He said there is no design on the storm pond yet so he didn't know yet exactly how it would look.

Orzen suggested considering something more natural, less pervious, and perhaps less costly.

Konkol then read through the list of COA's (see page 20).

Regarding a required analysis showing impacts on the water quality of affected water resources (COA 3), **Mengelberg** asked if that is where the City would investigate impacts on the neighboring wells.

Konkol said this is looking at the actual water resource itself. He said he is not quite sure how to account for the wells, admitting that they were not aware the wells existed. He said that would probably need to be a separate COA since the wells are not located inside the water resource area. He said this is looking at changing flows entering that water resource area, and it seems like this is downstream of those wells.

Chair Carter added that she wasn't sure they could put the onus on one particular developer when something like that is an impact of all development, not a single development.

Chair Carter asked what an "alternative analysis" would refer to in COA 6, and **Konkol** said it relates to putting the outfall into the vegetative corridor. (**Skaar** said if they could avoid going into the area, they would do so.)

Regarding the removal of non-native species and replanting with non-nuisance plants (COA 8), **Chair Carter** noted that planting needs to be done in the spring or the fall. **Konkol** said that timeline would be worked into the mitigation plan included in COA 7.

Mengelberg asked if that would incorporate the idea of preserving as many trees as possible, and **Konkol** said that is the intention.

Regarding COA 10, which reads, "The applicant shall replace the area of encroachment of the storm pond outfall pipe...", **Chair Carter** asked what it would be replaced with. **Konkol** said if the storm pipe spreads out and there is 75 feet of impacted area, the applicant is required to replace 75 feet somewhere on the site. Therefore, it would be a "one for one" swap.

In applicant rebuttal, **Skaar**, said he had a little concern about the conditions regarding lot 2 but he felt sure they could work those out.

Mengelberg asked about the applicant's long-term plans for the open space. **Skaar** said the current plan is to give it to the City, and **Konkol** said such dedications are usually accepted.

Orzen encouraged the applicant to save as many mature trees as possible, noting that they usually increase the value of the homes, they help increase the water quality with the protection of the tree canopy, and they can provide some screening. **Skaar** said he agreed on all counts.

When **Powell** asked if the applicant's issue with lot 2 is how it will look, **Skaar** said the original proposal was to have a conservation easement recorded on the effected area, which would have been their preference for this site as well. He said they have no problem with a prohibition against removing the vegetation in that area, but they wanted the area of the lot to be preserved so they could use it for the rear yard setback requirement as well as the required lot area of the minimum 6,000 square feet. This way they will need to build a fairly shallow house (in terms of depth) to stay out of the vegetated area.

Chair Carter asked if it would be up to the property owners to fence off the properties. **Skaar** said fences are often built for the containment of pets and children, but some people would not prefer to build fence. He affirmed that the applicant will not build the fences.

Powell said at some other time the PC needs to discuss the use of conservation easements, and **Chair Carter** agreed.

When **Orzen** asked how the water is filtered, **Skaar** said it is filtered by the pond itself as the water settles in the pond.

Kathy Hogan, 19721 S. Central Point Road, asked if there is any way to inform the property owners of those lots that abut the stream not to dump their grass clippings and other debris into the water quality area.

Orzen said one way to address such issues is through the neighborhood associations.

Hogan said, by **Skaar's** admission, he will probably have to go into the water resource area to lay the pipe and she expressed the concern that he restores any disturbed area to its original state.

Powell reminded her that **Skaar** said he wouldn't go into that area unless it was absolutely necessary.

Regarding **Hogan's** concern about the dumping, **Drentlaw** said staff is currently considering the Water Resource section of Code as well as several others to include a provision for signs that delineate the buffer area.

There was no applicant rebuttal.

The public hearing was closed at 8:40 p.m.

Orzen asked when findings of the NEMO project would come forward, which would address some of these issues.

Konkol said they are still working through the Code recommendations that NEMO produced, but there is no scheduled date yet.

Mengelberg said she was encouraged by the applicant's will to preserve trees and look at alternative ways to deal with storm drainage, and his concurrence that the COA's are generally acceptable with the exception of impacts on lot 2, which may be worked on in the Design Review phase. Therefore, she said she didn't see any problem with approving this request.

Powell concurred, saying most of his issues had been covered.

Orzen moved to approve WR-02-18 for the request for a water resource determination and reduction of the vegetated corridor with Conditions of Approval as recommended by staff. **Powell** seconded the motion, and it passed unanimously.

5. NEW BUSINESS

Drentlaw reminded the PC of the upcoming calendar, noting that the agenda for April 28th is very full; the meeting on May 12th will begin at 6:00 for Wal-Mart and several other items on that agenda; there is a work session scheduled for May 14th for discussion of the 7th Street Corridor plan and implementation; and the meeting for May 26th is cancelled because it falls on Memorial Day. He noted, however, that they may need to schedule a special meeting later that week but that will be determined closer to the date.

Drentlaw also said **Powell** had requested some PC training for quasi-judicial hearings. **Powell** said his initial request was for himself and Lajoie as new members, but it could be for everyone if they wished to participate. **Mengelberg** said it would be a good refresher for them all, and others concurred. **Drentlaw** said he would work toward such a session.

Konkol noted that PC agendas, draft minutes, approved minutes, and all staff reports are now on the Internet under "Planning Department." Also, by the end of this week, all new applications dated March 1st or later (including an address or a tax lot description) and a link to the notice that is mailed to property owners within 300 feet will be on the web site.

Chair Carter said Mayor Norris called to ask for the date of the Wal-Mart hearing so she could announce it and Chair Carter inadvertently told her it would be May 14th. She then confirmed that the Wal-Mart hearing will be on the regular meeting date of May 12th at 6:00 p.m.

Chair Carter asked again for an updated telephone list of the PC and City Commission members, which **Konkol** said he would get for her.

When asked when the next joint session would be held, staff said no date has been set yet.

Mengelberg asked when the minutes of the Wal-Mart hearings would be available so the commissioners can review them in preparation for the next hearing. **Konkol** said he is reviewing them and will try to distribute them in the next mailing.

Powell asked what staff's plans are for bringing the Comp Plan forward. **Drentlaw** said he has been meeting with our consultant and they will be putting together an additional scope of work so we can continue the process. He said it was left off at the work session level—there were no public hearings, which will be the next step. He said there are still some edits to do, some mapping, a lot of noticing requirements, and continuing work on Code amendments. In conclusion, he said hopefully this can be accomplished in a month and a half or two months.

Powell said he would like to look through those, citing a recent problem with a use in a zoned area in the McLoughlin area, and he is concerned that similar problems don't come about. He said he hopes the zoning can be changed along that corridor soon because there are a lot of empty buildings there and several citizens have asked him when this zoning will be changed.

Drentlaw said adult businesses are very hard to regulate because of freedom of speech issues so we will need to get our attorney's involvement.

Mengelberg asked if the process would be to do the Comp Plan and then to look at the zoning ordinance to make sure it is in concurrence with the newly adopted Comp Plan, particularly to make sure that if the new Comp Plan is taking a different direction, the zoning ordinance works with it.

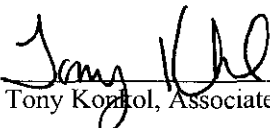
Drentlaw said staff is working on that now. He said he hopes we can get the Comp Plan and the Comp Plan Map adopted with the designations. However, he doesn't see the City initiating rezonings any time soon because it is very time consuming and gets very political when the City starts proposing things for private property owners in terms of zone changes. But he said we do want to get our Code in compliance in terms of being complimentary to our new categories.

6. ADJOURN

With no other business at hand, the meeting was adjourned at 8:55 p.m.

 8.11.03

Linda Carter, Planning Commission
Chairperson



Tony Konkol, Associate Planner