



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda Planning Commission

Monday, September 14, 2015

7:00 PM

Commission Chambers

1. Call to Order

2. Public Hearing

2a. Pavilion Park III Development Application: Zone Change file ZC 15-02 & Subdivision file TP 15-03

Attachments: [Commission Report](#)

[Updated ZC 15-02 and TP 15-03 Staff Report and Recommendation](#)

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Land Use Application Form](#)

[Exhibit 2: Application Narrative](#)

[Exhibit 2: Plans](#)

[Exhibit 2: Neighborhood Association Meeting Information](#)

[Exhibit 2: Storm Report](#)

[Exhibit 2: Transportation Analysis Letter](#)

[Exhibit 2: Receipt](#)

[Exhibit 2: Title](#)

[Exhibit 2: Information which has been Updated](#)

[Exhibit 3: Letters from John Replinger of Replinger and Associates, City Consultant](#)

[Exhibit 4: Comments from Dan Neils of 19652 McCord Road, Oregon City](#)

[Exhibit 5: Comments from Wes Rogers, Director of Operations for the Oregon City School District](#)

[Exhibit 6: Comments from Scott Archer, Community Services Director](#)

[Exhibit 7: Excerpts from Annexation file AN 14-01](#)

[Additional Information Submitted by the Applicant](#)

[Proportionality Analysis Memorandum](#)

3. Consent Agenda

3a. Approval of Planning Commission Minutes for 12/08/14, 01/12/15, 01/26/15, and 04/13/15.

Attachments: [Draft Minutes for 04.13.2015](#)

[Draft Minutes for 01.26.2015](#)

[Draft Minutes for 01.12.2015](#)

[Draft Minutes for 12.08.2014](#)

4. Community Development Director Update

5. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 15-204

Agenda Date: 9/14/2015

Status: Agenda Ready

To: Planning Commission

Agenda #: 2a.

From: Planner Laura Terway

File Type: Land Use Item

SUBJECT:

Pavilion Park III Development Application: Zone Change file ZC 15-02 & Subdivision file TP 15-03

RECOMMENDED ACTION (Motion):

Staff requests the Planning Commission review the staff report and all associated materials and recommend to approve Planning files ZC 15-02 and TP 15-03 to the City Commission with conditions.

BACKGROUND:

The applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District and a 25-Lot subdivision at 19588 McCord Road in Oregon City. The staff report has been revised since the August 24th, 2015 Planning Commission Hearing.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



TYPE IV APPLICATION STAFF REPORT AND RECOMMENDATION

September 8, 2015

FILE NUMBER: ZC 15-02: Zone Change R-10 to R-6
TP 15-03: 25-Lot Subdivision

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive
West Linn, Oregon 97068

REPRESENTATIVE: Rick Givens, Planning Consultant
18680 Sunblaze Drive
Oregon City, Oregon 97045

OWNERS: David and Diane Douglass
19588 McCord Road
Oregon City, Oregon 97045

REQUEST: The applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District and a 25-Lot subdivision.

LOCATION: 19588 McCord Road, Oregon City, Oregon 97045
Clackamas County 3-2E-07B -04100

REVIEWERS: Laura Terway, AICP, Planner
Wendy Marshall, P.E., Development Projects Manager
Matthew Palmar, EIT, Development Engineering Associate

RECOMMENDATION: Approval with Conditions.

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.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

RECOMMENDED CONDITIONS OF APPROVAL
Files ZC 15-02 and TP 15-03

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas County fire Department #1.

Prior to Issuance of a Permit associated with the Proposed Development:

1. The applicant is responsible for this project's compliance with Engineering Policy 00-01 and all applicable design standards. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. (DS)
2. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the subject property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. (Code section 17.62.050.A.22) (DS)
3. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval.
4. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. (DS)
5. Prior to starting construction the applicant shall obtain all Public Works permits including the public improvements and site grading permit, and erosion control permit. The applicant shall also participate in a pre-construction conference with Public Works. (DS)
6. The new water system will be designed with minimum 8-inch water mains throughout the site and will provide stubs with blow-offs for future extension with development of adjacent properties. The proposed 8-inch ductile iron water mains on Anita Place, Pelican Lake Place, Joseph Way, and Villard Place shall be connected to the adjacent, existing City water system on these streets per City Standards. (DS)
7. All new water services shall be constructed with individual copper water lines a minimum of 1-inch diameter in size connecting to the water main and extending to a new water meter box. (DS)
8. The applicant shall extend the existing 8-inch water main located to the northwest of the proposed development within McCord Road to the southeastern most boundary of the proposed development's frontage along McCord Road. Extension of this 8-inch water main shall include all appurtenances, such as fire hydrants and water services as needed for a complete water system. (DS)
9. NOT USED.

10. The applicant shall extend the existing 12-inch water main located at the intersection of Leland Road and Kalal Court to the southwestern most boundary of the proposed development's frontage along Leland Road to serve Lot 16 of the development. Extension of this 12-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. At time of construction plan submittal, alternative configurations may be evaluated for approval by the City Engineer. (DS)
11. NOT USED.
12. The applicant shall abandon two (2) sections of existing 4-inch water main located between Anita Place and Pelican Lake Place (located within an easement) and between Pelican Lake Place and to the northeast to the existing 8-inch water main within Joseph Way. During design, the applicant shall coordinate with City staff with regard to how to abandon these existing 4-inch water mains and sequencing of these abandonments to minimize the number of affected properties. (DS)
13. The applicant shall transfer existing water service lines currently being served off of the existing 4-inch water mains to be abandoned as a condition of approval to the proposed 8-inch water main within Joseph Way. (DS)
14. NOT USED.
15. The applicant shall locate and install fire hydrants per Clackamas Fire District No. 1's requirements (including the 8-inch and 12-inch water main extensions on McCord Road and Leland Road, respectively). (DS)
16. The new sanitary sewer system will be designed with minimum 8-inch sanitary sewer mains throughout the site, and provide stubs where needed to provide adequate service to upstream future development of adjacent properties. The pipelines shall be design and constructed using the minimum grade per the City Design Standards. (DS)
17. The applicant shall provide sanitary sewer laterals to all of the lots in the proposed development. (DS)
18. The applicant shall install an 8-inch sanitary sewer main on Joseph Way as far as determined by the City Engineer necessary to provide sanitary sewer service to Lots 10 and 11. The proposed 8-inch sanitary sewer main shall be extended in its standard utility location per City standards. The sanitary sewer service connection for Lot 11 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. (DS)
19. The applicant shall extend the proposed 8-inch sanitary sewer mains within Anita Place and Pelican Lake Place to the south to the property lines to serve future development. (DS)
20. The applicant shall install an 8-inch sanitary sewer main on Villard Place as far as determined by the City Engineer necessary to the northeast to provide sanitary sewer service to Lot 13. The sanitary sewer service connection for Lot 13 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. (DS)
21. The applicant shall extend the existing sanitary sewer system (manhole and main line) located at the intersection of Leland Road and Kalal Court to the southwestern most boundary of the proposed development's frontage along Leland Road to provide sanitary sewer service for Lot 16. The sanitary service lateral for Lot 16 shall be installed to run perpendicular to the extended 8-inch sanitary sewer main within Leland Road per City standards. The sanitary sewer service connection for Lot 16 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. The applicant will not be required to extend the sanitary sewer main on Leland Road if they can demonstrate, to the satisfaction of the City Engineer, that all upstream, undeveloped properties that abut Leland Road can be served from other locations. If this can be adequately demonstrated, the sanitary sewer lateral for Lot 16 can be located within a private sewer easement across Lot 17 and discharge into the proposed sanitary sewer system on Pelican Lake Place. (DS)

22. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The public storm water collection system shall be located in the public right-of-way, and shall consist of a minimum 12" mainlines, catch basins and manholes. This includes a temporary asphalt berm along the southern side of Anita Place to collect the run-off from the street. (DS)
23. Both detention and treatment of the storm water is required to meet the City design standards. (DS)
24. The storm water report shall be finalized based upon the City Design Standards. The discharge rate allowed from the detention pond will be limited to the discharge rate of the existing sub-basin in that location. The study shall include a detailed evaluation of the downstream collection system all the way to the outfall to determine if capacity upgrades are required, additional detention is required and if there are impacts to the downstream detention pond. A geotechnical study shall also be required per the City storm water design standards. (DS)
25. Prior to final construction plan approval, the applicant shall submit a Natural Resource Overlay District (NROD) application to the City's Planning Department for review and approval, if needed. The NROD review is required for the anticipated disturbances which will occur at the location of the existing storm water pond, which is located entirely within the NROD. Design of the detention facility shall comply with the requirements of Chapter 17.49 of the Oregon City Municipal Code and the Conditions of Approval as provided within the NROD Notice of Decision. (DS)
26. The applicant shall dedicate sufficient right-of-way to provide 30 feet on the applicant's side of the centerline of the right-of-way on McCord Road. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 17 feet (on the applicant's side of the centerline). The improvements on the applicant's side of the centerline consist of pavement, curb and gutter, 7.5-foot-wide landscape strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb ramps, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
27. The applicant shall dedicate sufficient right-of-way to provide 38 feet on the applicant's side of the centerline of the right-of-way on Leland Road. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 25 feet (on the applicant's side of the centerline). The improvements on the applicant's side of the centerline consist of pavement, curb and gutter, 7.5-foot-wide landscape strip (including curb), 5-foot-wide sidewalk behind the planter strip, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
28. The applicant shall dedicate 54-feet of right-of-way for Villard Place, Anita Place, and Pelican Lake Place. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, paved street width of 32 feet, curbs and gutters, 5-foot planter strips including curb widths, 5-foot concrete sidewalks behind the planter strips, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. (DS)
29. The applicant shall dedicate 37 feet of right-of-way for the southern 125 feet of Anita Place. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 16 feet plus 10 feet (on the opposite side of the centerline). The improvements consist of pavement, curb and gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monument boxes, traffic control devices, street lights, and street trees. On the southerly side of the street there shall be 10-feet of pavement with an asphalt curb. (DS)

30. The applicant shall dedicate sufficient right-of-way to provide for a 53-foot right-of-way width on Joseph Way. Joseph Way is currently partially constructed. The applicant shall dedicate sufficient right-of-way to complete this road section for a total right-of-way width of 53 feet. The improved street portion the applicant is required to provide includes, but is not to be limited to, base rock, half-street pavement width of 32 feet less the currently paved section on the north side of Joseph Way. The improvements consist of pavement, curb and gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
31. Both McCord Road and Leland Road are under Clackamas County jurisdiction. The applicant shall apply for all necessary permits through Clackamas County needed to perform the work within McCord Road and Leland Road. Approved permits from Clackamas County must be provided to the City prior to final approval of the construction plans.
32. The applicant shall extend Anita Place and Pelican Lake Place as close to the southerly property line of the subject property as possible. (DS)
33. The applicant shall provide access control strips across the dead-ends Anita Place and Pelican Lake Place. There shall also be an access control strip along the southerly side of Anita Place. These shall be recorded on the plat. (DS)
34. The applicant shall provide non-vehicular access (NVA) strips along all curb returns. (DS)
35. The applicant shall provide a 10-foot-wide water line easement to the City across Lots 16 and 17. (DS)
36. Ten-foot public utility easements (PUE) along all street frontages and all easements are required for inclusion in the final engineering plans and these easements shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. (DS)
37. Applicant is required to coordinate street light design and construction with Portland General Electric (PGE). Prior to final construction plan approval, the applicant shall submit a copy of PGE's work order to construct the street light system improvements and prior to issuing building permits, the applicant shall submit PGE's final acceptance of street light improvements to the City. (DS)
38. The curves on the on the local street shall meet industry standards as provided in the AASHTO manual on Geometric Design of Highways and Street. (DS)
39. The intersection design with regard to tangent length shall meet City standards. (DS)
40. For all pavement cuts required for the development such as for new water lines, storm and sanitary sewer service lines, the City Pavement Cut Policy and Standards shall be followed. The Full Standard shall be required for pavement cuts. (DS)
41. Driveway spacing shall meet City standards. (DS)
42. A geotechnical report will be required to be submitted along with the design. (DS)
43. The applicant shall either have demolished all existing structures onsite with demolition permit(s), if needed, or submitted documentation demonstrating that the dimensional standards of the zoning designation in OCMC 17.12 have been met. (P)
44. The applicant shall have obtained demolition permit(s) if needed. (P)
45. The plans shall demonstrate that Lot 16 is developed such that vehicles can turn around on site instead of backing onto Leland Road when exiting the property. (P)
46. The applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)
47. The applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. (P)

Prior to Final Plat of the Subdivision

1. The applicant shall submit CC&R's for the subdivision (if applicable) which do not conflict with the Oregon City Municipal Code. (P)

Prior to Issuance of Building Permits

1. The applicant shall assure that the front setback and the most architecturally significant elevation of any future home on Lots 1, 2 and 25 shall be oriented toward McCord and that Lot 16 be oriented toward Leland Road.
2. If Lots 1 and 2 are both accessed from McCord, the driveways shall be combined at the property line into a single access at the right-of-way. (B)

Prior to Occupancy of Building Permits:

1. The applicant shall record a permanent, protective covenant or easement on all properties with new or existing trees planted on private property in a form acceptable to the City. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site consists of one tax lot located at 19588 McCord Road in Oregon City (Exhibit 1). The site is currently developed with one single-family home, associated accessory buildings and is utilized as a Christmas tree farm.

Figure 1. Vicinity Map



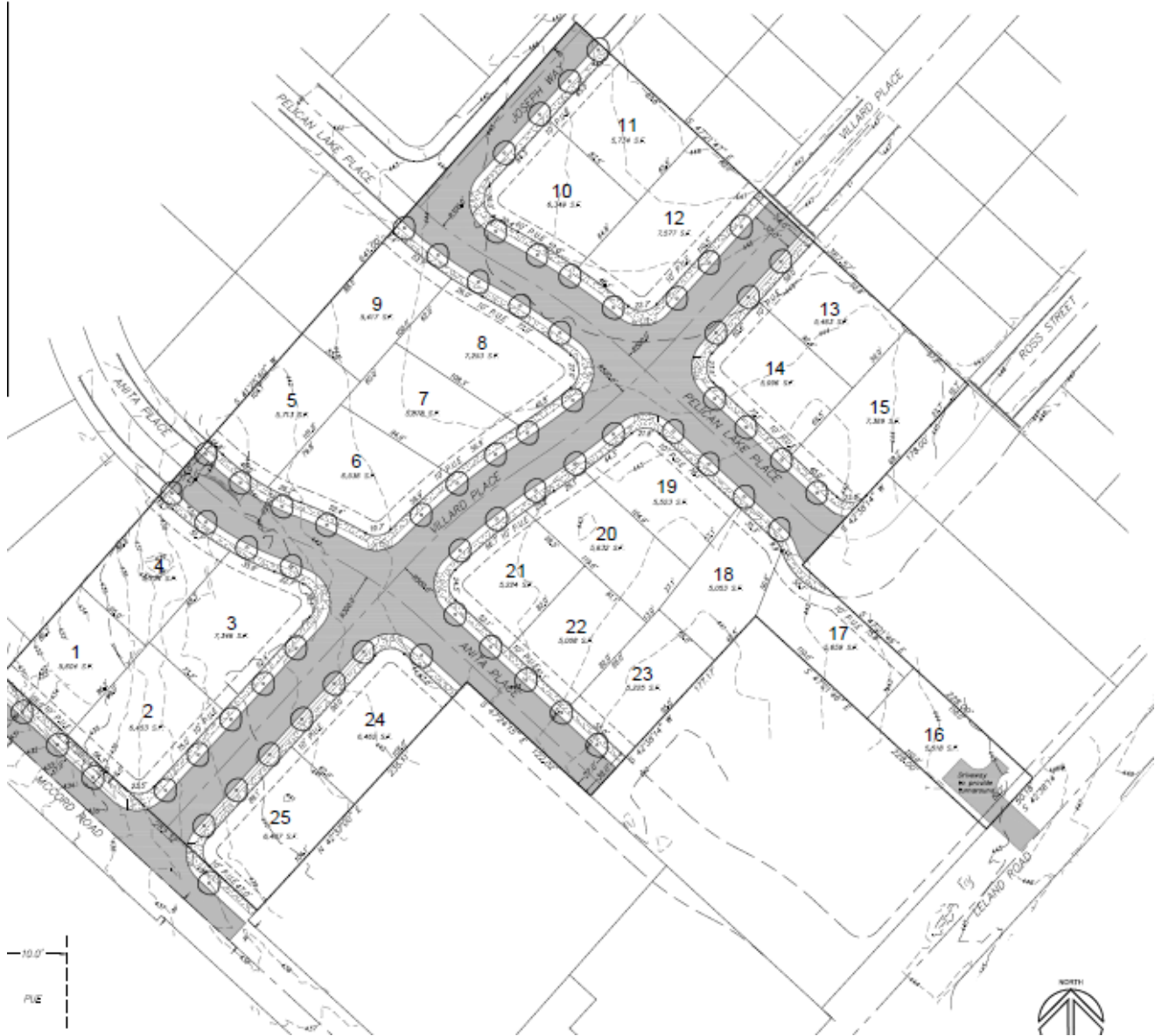
Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant has proposed to change the zoning designation of the subject site from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District, and subdivide the property into 25 lots (Exhibit 2).

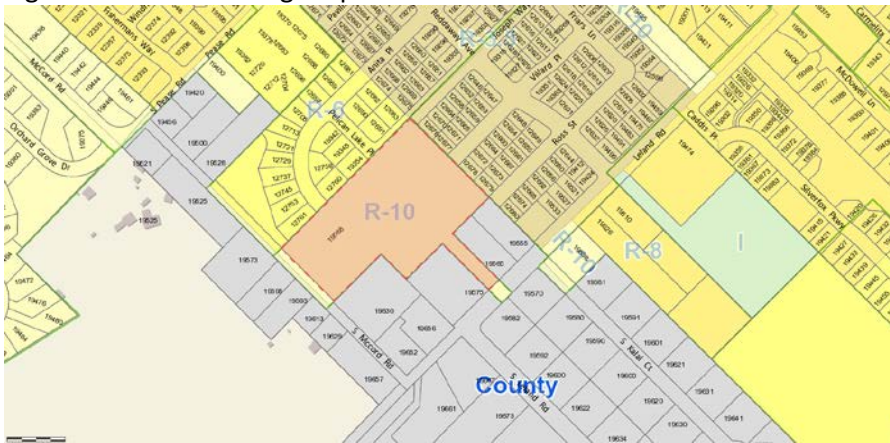
Figure 3: Proposed Layout



3. **Zoning/Permitted Uses:** The subject site was annexed into Oregon City in 2015 with file AN 14-01 (Exhibit 7). The site is currently zoned “R-10” Single-Family Dwelling District, the zoning designation assigned to all properties within the Low Density Residential Comprehensive Plan designation upon annexation to Oregon City.

As demonstrated below, the abutting subdivision to the northwest (Pavilion Park) is zoned R-6 and is developed with single-family detached homes at that density. The Rian Park subdivision to the northeast is zoned R-3.5 and developed with single-family homes at that density pattern.

Figure 4: Current Zoning Map



4. Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- 16.08 - Subdivisions-Process and Standards
- 16.12 - Minimum Improvements and Design Standards for Land Divisions
- 13.12 - Stormwater Management
- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 15.48 - Grading, Filling and Excavating
- 17.08 - R-10 Single Family Dwelling District
- 17.12 - R-6 Single Family Dwelling District
- 17.20 – Residential Design and Landscaping Standards
- 17.47 - Erosion and Sediment Control
- 17.41 – Tree Protection
- 17.50 - Administration and Procedures
- 17.68 – Zoning Changes and Amendments
- 17.54.100 – Fences, Hedges and Walls

The City Code Book is available on-line at www.oregoncity.org.

5. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and all Neighborhood Associations. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property and a notice was posted in the paper. The following comments have been submitted to the Planning Division:

- Dan Neils submitted comments regarding the speed on McCord, sight distance from the proposed development to McCord, street lighting, the layout of the proposed development, additional traffic impact and safety of Little Pease Road, and development within the City (Exhibit 4).
Staff Response: Findings for all applicable development criteria are provided within this report. Note that the sight distance has been analyzed in the applicant’s Traffic Analysis Letter (TAL) and the City’s review of the TAL in Exhibits 2 and 3. A supplemental analysis was performed by John Replinger of Replinger and Associates, a city consultant, to address Mr. Neils’ comments.

- Wes Rogers, Director of Operations for the Oregon City School District submitted comments identifying that the Elementary school attendance area will depend on existing enrollments when the subdivision is built (Exhibit 5).
Staff Response: Findings for schools are incorporated into the report.
- Scott Archer, Community Services Director submitted comments identifying that there are no comments with the development proposal (Exhibit 6).
Staff Response: Findings for parks are incorporated into the report.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report. Comments of the applicable City departments or consultants are incorporated into this report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

Finding: Not Applicable. The subject site is currently within the “R-10” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “R-6” Single-Family Dwelling district and subdivide the property into 25 lots. The standards within this criterion are not applicable.

CHAPTER 17.12 - “R-6” SINGLE-FAMILY DWELLING DISTRICT

17.12.040.A. Minimum lot area, six thousand square feet;

Finding: Complies as Proposed. Chapter 16.12.050 of the Oregon City Municipal Code allows lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the average lot size of the subdivision complies with the minimum site area requirement of the underlying zone. In the R-6 zone, the 20% standard would allow lots as small as 4,800 square feet. All proposed lots exceed 4,800 square feet – the smallest is 5,053 square feet and largest is 7,577 square feet. The average lot size for the entire subdivision is 6,004 square feet.

Lot	Square Footage (Ft.)	Lot	Square Footage (Ft.)
1	5,604	14	5,996
2	6,453	15	7,369
3	7,346	16	5,518
4	5,704	17	5,659
5	5,713	18	5,053
6	6,536	19	5,523
7	5,878	20	5,632
8	7,253	21	5,224
9	5,417	22	5,008
10	6,349	23	5,223
11	5,734	24	6,462
12	7,577	25	6,407
13	5,463		

17.12.040.B. Minimum lot width, fifty feet;

Finding: Complies as Proposed. The proposed lot widths exceed the minimum lot width of 50 feet. The approximate lot widths are provided below.

Lot	Lot Width (Ft.)	Lot	Lot Width (Ft.)

1	65.0	14	65.5
2	73.2	15	57.2
3	73.2	16	50.2
4	65.0	17	50.2
5	55.0	18	55.0
6	60.0	19	57.1
7	60.0	20	50.1
8	62.0	21	58.5
9	55.0	22	61.1
10	64.8	23	55.0
11	65.5	24	62.0
12	60.0	25	62.0
13	59.0		

17.12.040.C. Minimum lot depth, seventy feet;

Finding: Complies as Proposed. The proposed lot depths exceed the minimum lot depth of 70 feet. The approximate lot depths are provided below.

Lot	Lot Depth (Ft.)	Lot	Lot Depth (Ft.)
1	86.2	14	92.4
2	86.2	15	124.5
3	88.3	16	110.0
4	86.2	17	110.0
5	101.8	18	93.0
6	94.9	19	104.9
7	94.9	20	119.6
8	108.3	21	82.0
9	98.5	22	82.0
10	87.5	23	95.0
11	87.5	24	105.0
12	110.5	25	104.1
13	92.8		

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

Finding: Not Applicable. The applicant has not proposed to construct a building with this application. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits. No variances to any dimensional standards are proposed.

17.12.040.E

1. Front yard: ten feet minimum depth.
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty-foot minimum setback
7. Rear porch, fifteen-foot minimum setback.

Finding: Complies with Condition. The applicant did not identify if the existing structures onsite will remain or be demolished. The retention of the structures will likely not comply with the setbacks of the proposed lots, and verification of the lot coverage is unknown. Prior to issuance of a permit associated with the proposed development the applicant shall either have demolished all existing structures onsite or submitted documentation demonstrating that the dimensional standards of the zoning designation have been met. The applicant shall have obtained demolition permit(s) if needed.

For all proposed construction, the building height, setbacks, garage, and lot coverage standards will be reviewed at the time of building permit application. No variances to any dimensional standards are proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.12.040.F. Garage standards: See Chapter 17.21—Residential Design Standards.

Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits. No variances to any dimensional standards are proposed.

17.12.040.G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Finding: Complies with Condition. The applicant did not identify if the existing structures will remain or be demolished. The retention of the structures will likely not comply with the setbacks of the proposed lots, and verification of the lot coverage is unknown. Prior to issuance of a permit associated with the proposed development the applicant shall either have demolished all existing structures onsite or submitted documentation demonstrating that the dimensional standards of the zoning designation have been met. The applicant shall have obtained demolition permit(s), if needed.

For all proposed construction, the building height, setbacks, garage, and lot coverage standards will be reviewed at the time of building permit application. No variances to any dimensional standards are proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

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

Goal 1: Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The applicant met with the neighborhood association prior to submitting this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, and Citizens Involvement Council, and posted the application on the City's website. In addition, the Applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

Goal 2: Land Use

Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Finding: Complies as Proposed. The applicant requested a zone change from “R-10” Single-Family Dwelling District to the “R-6” Single-Family Dwelling District. The zone change would allow additional dwellings to be constructed and the property to be utilized in an efficient manner, consistent with the adjacent properties. This standard has been met.

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Finding: Complies as Proposed. The Oregon City Comprehensive Plan designates the subject property as within the “LR” Low Density Residential Development designation. The “LR” Low Density Residential Development designation includes the R-10, R-8 and R-6 zoning designations. The applicant has not proposed to alter the Comprehensive Plan designation of the site. The subject site is located adjacent to R-3.5 and R-6 zoned properties, and thus the density of R-6 development is appropriate.

Goal 6: Quality of Air, Water and Land Resources

Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. The proposed “R-6” development pattern will be consistent with this policy by creation of a more compact land use pattern and reduction in the square footage of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increasing use of alternative modes of transportation. Public sidewalks will be provided on all streets within this project. This standard has been met.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.

Finding: Complies as Proposed. This policy is implemented by development standards that require appropriate handling of storm water runoff. Standard erosion control measures will be implemented during construction. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. Please refer to the findings within this report.

Goal 10: Housing

Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Finding: Complies as Proposed. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. The increased density allowed by the R-6 zoning, as compared with the existing R-10 district will provide for a greater number of single-family homes on this site, thereby increasing the availability of more choices in the marketplace. The chart below displays that currently, approximately 25% of land within the city is within the “R-10” Single-Family Dwelling District and only 14% of land within the city is designated “R-6” Single-Family Dwelling District. The proposed zone change will increase the variety of zoning by an incremental increase in the R-6 designated land. This standard has been met.

Zoning Designation	Acres	Percent of the City
R-10	1,567	25%
R-8	1,092	18%
R-6	890	14%
R-3.5	424	7%

R-2	262	4%
C	161	3%
CI	165	3%
GI	220	4%
HC	9	0%
I	475	8%
MUC-1	168	3%
MUC-2	45	1%
MUD	510	8%
MUE	157	3%
WFDD	30	0%

Goal 11: Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Finding: Complies as Proposed. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Please refer to the analysis about utilities within this report. Oregon City School District provides education services and has adequate levels of service available (Exhibit 5). Police and fire protection are provided by the City of Oregon City. The site will be required to pay Park SDCs (System Development Charges) for each new unit to pay for future parks to serve the area if indicated in the parks master plan.

Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.

Finding: Complies with Condition. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. The proposed zone change would maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. Please refer to the findings within this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 12: Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Finding: Complies as Proposed. A transportation analysis letter (TAL) was prepared for this project, dated April 14, 2015, by Todd Mobley, P.E. of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule. There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property" (Exhibit 3).

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in 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.

Finding: Complies as Proposed. The public facilities and services have been addressed within this report. All the services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district. Staff finds that the application is consistent with this approval criterion (B).

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 with Condition. Please refer to the analysis in 16.08.030.B.5.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: Not Applicable. The comprehensive plan contains specific policies and provisions which control the zone change.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

16.08.010

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

Finding: Complies with Conditions. As demonstrated within this staff report the proposed project was reviewed by the appropriate agencies and will comply with the criterion in the Oregon City Municipal Code with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.015 Preapplication conference required.

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

16.08.020 - Preliminary subdivision plat application.

Within six months of the preapplication conference, an Applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22,

2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

16.08.025 - Preliminary subdivision plat—Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

16.08.025.A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

Finding: Complies as Proposed. The development application included a preliminary site plan displaying the necessary submittal requirements. This standard is met.

16.08.025.B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Finding: Complies as Proposed. The development application included a preliminary site plan as well as a Transportation Analysis Letter (TAL), under the direction of Michael Ard, P.E. of Lancaster Engineering (Exhibit 2).

16.08.025.C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

- 1. Proposed and existing street rights-of-way and all other transportation facilities;*
- 2. All proposed lots and tracts;*
- 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);*
- 4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;*
- 5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42*
- 6. The location of any known state or federal threatened or endangered species;*
- 7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;*
- 8. All wildlife habitat or other natural features listed on any of the city's official inventories.*

Finding: Complies as Proposed. The development application included preliminary site and drainage plans as well as the proposed lots, street, and trees proposed to be removed. The subject site is not within an environmental overlay district.

16.08.025.D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

Finding: Complies as Proposed. A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various tribes for review.

16.08.030 – Preliminary Subdivision Plat – Narrative Statement

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

16.08.030.A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

Finding: Complies as Proposed. A detailed description of the proposed subdivision including the above listed information, as applicable, was submitted with this development application.

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

16.08.030.B.1. Water

Finding: Complies with Condition. The applicant proposed providing water service from existing 8-inch ductile iron City water mains in the adjoining streets stubbed to the subject property (Anita Place, Pelican Lake Place, Joseph Way, and Villard Place). The applicant proposed these stubbed 8-inch water mains will be extended to service the proposed lots in the subdivision. The applicant further proposed to provide water service to Lot 16 (which fronts Leland Road) from an existing 8-inch Clackamas River Water District (CRW) water main installed in Leland Road. The applicant also proposed hot tapping an existing 8-inch CRW water line at the intersection of McCord Road and Villard Place. The CRW water mains in this area are in poor condition. They are scheduled to be abandoned in the future, and properties will be served by City water mains. Therefore, the proposed connections to CRW water mains will not be practical.

There is an existing 8-inch ductile iron Oregon City (City) water main in McCord Road northwest of the property. The applicant shall extend this water main to the southeast within McCord Road to the southeastern most boundary of the proposed development's frontage along McCord Road. Extension of this 8-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. The applicant shall connect the extended 8-inch water main in McCord Road to the 8-inch water main proposed on Villard Place.

There is an existing 12-inch ductile iron City water main in Leland Road which terminates at the intersection of Leland Road and Kalal Court. Section 16.12.095 of the Municipal Code states that an applicant is responsible for extending the City's water system to and through the project boundaries to serve neighboring undeveloped properties. Section 1.03 of the Water Distribution System Design Standards states that permanent distribution facilities shall be provided to all lots created by subdivision, and along the subject site frontage. Section 2.00 of the standards states that the main shall be extended across the street frontage when the main is located within the right-of-way. Therefore, the applicant shall extend this 12-inch water main to the southwest within Leland Road to the western most boundary of the proposed development's frontage along Leland Road to serve Lot 16. Extension of this 12-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. Extension of this 12-inch water main conforms to the recommendations found in the City's 2012 Water Distribution System Master Plan. Furthermore, this Leland Road extension plays an important role in the overall connectivity in this area, which will increase water flow, water pressure, and water quality for this development beyond just Lot 16. The 12-inch main shall include a 12-inch by 8-inch tee fitting installed to serve Kalal Court. An 8-inch water main is required to provide adequate service to the development. In cases where the size of the master-planned main exceeds that required for development, the applicant can be reimbursed for the cost difference. The 12-inch main described in the staff report is identified in the capital improvement program (CIP); therefore, the applicant may request system development charges (SDC) credit as referenced in OCMC 13.20.

Although not imposed as a condition of approval to this zone change and subdivision approval, the City has interest in having the Applicant's Contractor install new 1-inch water service lines and meter boxes to all existing CRW customers which front newly installed water mains as part of these water main extensions (8-inch on McCord Road and 12-inch on Leland Road). Any agreement between the City and the Applicant's Contractor to provide these service lines and meters will be negotiated separate from this land use decision.

The applicant proposed a new water system with minimum 8-inch water mains throughout the site, and will provide stubs for future extension with development of adjacent properties. The proposed 8-inch ductile iron water mains on Anita Place, Pelican Lake Place, Joseph Way, and Villard Place shall be connected to the adjacent, existing City water system on these streets per City Construction Standards.

The existing 4-inch ductile iron City water mains installed between Anita Place and Pelican Lake Place (within an easement) and between Pelican Lake Place and to the northeast to the existing 8-inch ductile iron City water main within Joseph Place shall be abandoned as part of this project. During design, the applicant shall coordinate with City staff with regard to how to abandon these existing 4-inch City water mains and sequencing of these abandonments to minimize the number of affected properties. Properties currently served off of these existing 4-inch water lines shall be transferred to the proposed 8-inch water line within Joseph Way.

During design the applicant shall coordinate with the City staff with regard to the location of fittings and bending radius allowed for the pipes. In general the allowed bending radius of the pipes and deflection angle at the joints shall be half of the manufacturer's recommendations.

New fire hydrants will be located and installed per Clackamas Fire District No. 1's requirements (including the 8-inch and 12-inch water main extensions on McCord Road and Leland Road, respectively). All new water services will be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

The applicant proposed a water system that appears to meet City code requirements with a few modifications. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.2. Sanitary Sewer

Finding: Complies with Condition. The applicant proposed extension of the existing 8-inch City sanitary sewer mains within Anita Place and at the intersection of Joseph Way and Pelican Lake Place to service the proposed lots in the subdivision. The applicant shall provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer main extension at the intersection of Joseph Way and Pelican Lake Road shall be extended in its standard utility location. The proposed 8-inch City sanitary sewer main on Joseph Way shall be extended as far as necessary, as determined by the City Engineer to provide sanitary sewer service to Lots 10 and 11. The sanitary sewer service connection for Lot 11 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the manhole.

The proposed 8-inch sanitary sewer mains in Anita Place and Pelican Lake Place on the southern end of the subdivision shall be extended to the property line with manholes to serve future development.

There is an existing 8-inch City sanitary sewer main within Villard Place. Because of existing grades, connection of the proposed 8-inch sanitary sewer mains to the existing sanitary sewer mains within Villard Place is not required. Extension of the proposed 8-inch City sanitary sewer main within Villard Place to the eastern property line is not required. The proposed 8-inch sanitary sewer main shall be extended as far as necessary, as determined by the City Engineer to provide sanitary sewer service to Lot 13. The sanitary sewer service connection for Lot 13 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the manhole.

The applicant shall design the sanitary sewer system to ensure adequate service to upstream future development per City design standards.

The applicant proposed a private sanitary service line for Lot 16 to run northwest across Lot 17 within a sanitary sewer easement and discharge within a proposed 8-inch City sanitary sewer main near the southern terminus of Pelican Lake Place. This does not meet the City's long-term plan for sanitary sewer service on Leland Road. The existing 8-inch Oregon City gravity sanitary sewer main and manhole near the intersection of Leland Road and Kalal Court shall be extended to the southwestern most boundary of

the proposed development's frontage along Leland Road to provide sanitary service for Lot 16. The sanitary sewer lateral for Lot 16 shall be installed to run perpendicular to the extended 8-inch gravity sanitary sewer main within Leland Road per City design standards. The sanitary sewer service connection for Lot 16 shall be made on the proposed 8-inch City sanitary sewer main, and not directly to the manhole.

The applicant will not be required to extend the existing 8-inch sanitary sewer main on Leland Road if they can demonstrate, to the satisfaction of the City Engineer, that properties that abut Leland Road (19555, 19565, 19570, 19575 Leland Road) can be efficiently served with gravity sewer services by way of future main line or service line extensions of nearby existing public sewer mains. If this can be adequately demonstrated, the sanitary sewer lateral for Lot 16 can be located within a private sewer easement across Lot 17 and discharge into the proposed sanitary sewer system on Pelican Lake Place.

The applicant proposed a sanitary sewer system appears to meet City code requirements with a few modifications. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.3. Storm Sewer and Storm Water Drainage

Finding: Complies with Condition. The site is located in the Beaver Drainage Basin as designated in the City's Drainage Master Plan. The site generally drains towards the west to a natural drainage way, which drains to Beaver Creek which drains to Parrott Creek, which is a tributary of the Willamette River. The Willamette River is an anadromous salmon-bearing stream. Storm water detention and water quality controls are required for the development of this site.

Water quality and detention for this development is proposed to occur within an existing storm water facility at the western corner of the project, adjacent to McCord Road (constructed as part of the Pavilion Park subdivision). The applicant proposed the expansion of the existing Pavilion Park detention pond to accommodate storm water from the proposed development. The applicant shall adjust the existing detention facility as necessary such that the two detention ponds are made into one facility. A geotechnical report shall be required for improvements to expand detention facilities.

The proposed storm water facility modification is within the Natural Resource Overlay District (NROD). The applicant did not submit a NROD application for these improvements. Therefore, without a NROD application, standards cannot be evaluated. Prior to final construction plan approval, applicant shall obtain NROD land use approval.

The applicant proposed storm sewer improvements throughout the site to pick up on-site drainage and drain it to the proposed (and expanded) storm water facility, prior to connection to the existing storm drainage system in McCord Road.

The applicant provided preliminary hydrology/detention or water quality calculations to the City for review. While the preliminary storm evaluation is sufficient to show that the proposed method of addressing storm drainage will work, it needs to be finalized in compliance with the City standards and acceptable to the City staff.

The downstream evaluation will need to be conducted on the existing collection system to determine if larger pipes are required, and to determine if there any impacts to the existing detention pond. Additional detention or off-site capacity improvements may be required.

The applicant shall install a temporary asphalt berm along the southern side of Anita Place to channelize the run-off from the street. Anita Place in this section is a half street (plus 10 feet) and therefore needs an asphalt berm constructed with this development to ensure storm water drains to proposed catch basins.

Storm sewer improvements will be required as part of the proposed development. Storm sewer improvements will be designed to collect and convey on-site drainage. The public storm water collection system shall be located in the public right-of-way.

Each lot shall drain to the street or an alternate location approved during construction plan review. Detention and water quality will be required for the development to mitigate for impacts to downstream receiving waters. The new storm sewer system will have to be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards. Prior to final construction plan approval, the storm water report shall be finalized based upon the City Design Standards.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.4. Parks and Recreation

Finding: Complies as Proposed. Park System Development Charges will be paid at the time building permits are issued for each lot within the subdivision.

16.08.030.B.5. Traffic and Transportation

Finding: Complies with Condition. A transportation analysis letter (TAL) was prepared for this project, dated April 14, 2015, by Todd Mobley, P.E. of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who wrote:

- 1. Trip Generation. The TAL presents information on trip generation from the construction of 25 single-family dwellings on a site currently occupied by one. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation Manual. The subdivision is predicted to produce 18 new AM peak hour trips; 24 new PM peak hour trips; and 228 new weekday trips.*
- 2. Access Locations. Existing street stubs for Anita Place, Pelican Lake Place, Joseph Way, and Villard Place would all be extended into the site. In addition, Villard Place is proposed to be extended to form a new intersection with McCord Road. Most lots would have frontage on these new local streets. One would have frontage on Leland Road and one on McCord Road. For the parcel fronting on Leland Road, the engineer notes that no alternative access is possible for this lot and proposed that an on-site turnaround be used to provide access from this parcel. I concur. Due to the speeds on Leland Road and proximity of the lot to the 90-degree curve on Leland Road, I recommend that*

any lot taking direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.

- 3. Driveway Width. The TAL does not indicate any impediments to meeting driveway width standards.*
- 4. Intersection Spacing. The proposal will extend several existing streets and creates three new intersections on Villard Place, including the one at McCord Road. Intersection spacing is appropriate. It continues the layout of streets already established by the development of adjacent subdivisions.*
- 5. Sight Distance. The engineer measured sight distance at the proposed intersection of McCord Road and Villard Place. He found sight distance was available in excess of 500 feet to the northwest and to southeast. This is far in excess of that necessary for the statutory speed or the observed speeds in that location. He also assessed sight distance for the proposed driveway for the parcel with access to Leland Road. He found intersection sight distance to the southwest to be adequate. To the northeast, he noted vegetation somewhat limit sight distance and noted that it may be removed with subsequent development. In the interim, he found that stopping sight distance was available for the driveway. It is critical that an on-site turnaround be provided for this parcel. I concur with the engineer's analysis of sight distance.*
- 6. Safety Issues. With the exception of the sight distance issue associated with a single lot addressed above, the engineer did not identify any safety issues associated with the subdivision and notes that the traffic impacts will be negligible. I concur with the engineer's conclusion.*
- 7. Consistency with the Transportation System Plan (TSP). Based on the materials submitted it appears that the streets would be developed in accordance with city standards and would be consistent with the TSP. The extension of streets from adjacent subdivisions and, especially the connection of Villard Drive to McCord Road, increase connectivity in the area and are consistent with the TSP.*
- 8. Transportation Planning Rule (TPR) Analysis. Because the applicant is proposing to rezone the property from R-10 to R-6, a TPR analysis is also included. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. I concur.*

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.

There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property (Exhibit 3).

In addition, Mr. Replinger wrote a supplemental analysis in response to Mr. Neils' comments:

Mr. Neils raises concerns about safety, the proposed access to McCord Road, and issues related to the Master Plan related to densities and additional traffic.

In light of Mr. Neils' comments, I reviewed the applicant's Traffic Analysis Letter (TAL) with particular emphasis on the sections on sight distance and trip generation.

As described in the TAL, the applicant's traffic engineer performed measurements where Villard Drive is planned to intersect McCord Road. His measurements were conducted according to standard methods. He reports sight distance is far in excess of the minimum required for the statutory speed limit on McCord Road. In fact, he reports that the available sight distance is adequate for speeds up to 45 mph. I find no reason to revise my conclusion about the adequacy of sight distance or revise my conclusion about the appropriateness of a new intersection at the proposed location on McCord Road.

Mr. Neils also suggested that Leland Road is more appropriate for additional traffic than is McCord. The TAL notes the difficulty of providing adequate sight distance on Leland Road at the location where the parcel has frontage. While adequate for a driveway, this location is not recommended as a location for a new public street intersection. The layout of the proposed subdivision, with Villard Drive intersecting McCord Road, significantly improves connectivity by reinforcing the grid system in the area. I view the increased connectivity to be one of the principals supported by the adopted Transportation System Plan. Due to the increased connectivity afforded by this subdivision, I think it is likely that Villard Drive, Anita Place, and Joseph Way will help distribute traffic to and from the subdivision resulting in minimal changes to traffic volumes on McCord Road.

As described in the TAL, a previous analysis associated with annexation to the city analyzed this parcel as a 21-lot subdivision. Under the proposed zoning, 25 lots are proposed. An increase in 4 dwellings would not prove significant from a traffic standpoint at any location.

Because the proposal involves rezoning, the engineer conducted a Transportation Planning Rule analysis. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. In light of Mr. Neils' comments I reviewed the TPR analysis in the TAL and conclude that the engineer's analysis and conclusions were valid.

I leave it to others to comment on Mr. Neils' preference for a buffer between different zoning categories. As I stated above, the rezoning would allow four additional dwelling units above those allowed under current zoning. Four additional dwelling units will not produce a significant effect on the transportation system. As for the inadequacy of Pease Road, I see no reason to expect significant traffic from this subdivision to use Pease Road. I expect Pease Road will eventually be upgraded to appropriate standards, including the provision of sidewalks, as specified in the Transportation System Plan.

In conclusion, I did not find any arguments in Mr. Neils' comments to alter my conclusion that the TAL provides an adequate basis to assess the transportation impacts of the proposed subdivision. The proposed intersection of Villard Drive and McCord Road is appropriate and will have adequate sight distance. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.

There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.

Staff concurs with Mr. Replinger and finds that the application is consistent with this approval criterion (C). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.6. Schools

Finding: Complies as Proposed. The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed at the time building permits are issued for each lot in the subdivision. Wes Rogers, Director of Operations for the Oregon City School District submitted comments identifying that there are no issues with the development proposal (Exhibit 5).

16.08.030.B.7. Fire and Police Services

Finding: Complies with Condition. Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation. Prior to public facilities construction plan approval, the applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install fire hydrants within the proposed development and on Leland Road per requirements.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the Applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

Finding: Not Applicable. As described above, all public facilities and services are available. Therefore, this standard does not apply to this application.

16.08.030.C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.

Finding: Not Applicable. This application does not include any requests for variances.

16.08.030.D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Finding: Complies with Condition. The applicant did not submit a copy of the draft CC&Rs for the subdivision. Prior to issuance of a permit associated with the proposed development the applicant shall submit CC&R's for the subdivision (if applicable) which do not conflict with the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The applicant proposed to construct the subdivision in a single phase.

16.08.030.F. Overall density of the subdivision and the density by dwelling type for each.

Finding: Complies as Proposed. The site is approximately 224,198 square feet (5.15 acres) in size. However, there are 74,043 square feet of right-of-way dedications, resulting in a net developable area for the project of 150,155 square feet. The net developable area divided by 6,000 (the minimum lot size) provides a maximum density of 25 units. The Oregon City Municipal Code requires a minimum of 80% of the maximum density be constructed. Eighty percent of 25 is 20 units. The applicant has proposed 25 lots. Therefore, the application complies with the maximum allowed density and achieves at least 80 percent of the maximum density of the base zone for the net developable area. All lots will be developed with single-family dwellings.

16.08.035 - Notice and invitation to comment.

Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.

Finding: Complies as Proposed. The application was deemed complete and notice was transmitted for comment in accordance with Section 17.50. This standard is met.

16.08.040 - Preliminary subdivision plat—Approval standards and decision.

The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.

Finding: Complies with Conditions. This staff report contains findings and conditions of approval to assure that the applicable approval criteria are met. These findings are supported by substantial evidence which includes preliminary plans, a Transportation Analysis Letter, and other written documentation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.045 - Building site—Frontage width requirement.

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

Finding: Complies as Proposed. As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

Finding: Not Applicable. No flag lots are proposed.

CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.015 Street design—Generally.

Development shall demonstrate compliance with Chapter 12.04—Streets, Sidewalks and Public Places.

Finding: Please refer to the analysis in Chapter 12.04 of this report.

16.12.020 Blocks—Generally.

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

Finding: Complies as Proposed. The proposed subdivision would extend Blanchett Drive, and several yet-to-be-named new local streets through the property with a connection to White Lane, and street stubs to adjacent redevelopable land within the city limits. The proposed street layout provides for improved pedestrian, bicycle and motor vehicular circulation in this area and may be extended in the future with development of adjacent properties. The block system proposed has been designed to accommodate the existing overhead power line easement through the provision of additional residential lot size and depth, and by placing the required storm facility in a tract underneath the power line. The proposed street pattern provides for adequate building site size, as demonstrated by the site plan submitted with this application.

16.12.025 Blocks-Length

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

Finding: Complies as Proposed. The block proposed lengths do not exceed 500 feet. The shadow plat shows a proposed street extending onto Leland Road which would result in an appropriate block width and a more appropriate intersection spacing.

16.12.030 Blocks—Width.

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

Finding: Complies as Proposed. The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

16.12.035 Blocks-Pedestrian and Bicycle Access

Finding: Complies as Proposed. The proposal includes a contiguous street system that minimizes out-of-direction travel by pedestrians and bicyclist with installation of sidewalks and a bike lane on the street system. Separate pedestrian and bicycle access ways are neither proposed nor required. According to the City's adopted transportation system plan (TSP), a regional trail connection / shared use path in this area is envisioned, which will be met through the pedestrian sidewalk system within the development. This standard is met.

16.12.040 Building sites.

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

A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.

Finding: Complies as Proposed. The buildings sites proposed are appropriate in size, width, shape, and orientation for low-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-6" Single-Family Dwelling District. The applicant is not requesting a variance to any dimensional standard.

16.12.045 Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

Finding: Please refer to the analysis in Section 16.08.030.F of this report.

16.12.050 Calculations of lot area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average

meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Finding: Complies as Proposed. The site is approximately 224,198 square feet (5.15 acres) in size. However, there are 74,043 square feet of right-of-way dedications, resulting in a net developable area for the project of 150,155 square feet. The net developable area divided by 6,000 (the minimum lot size) provides a maximum density of 25 units. The Oregon City Municipal Code requires a minimum of 80% of the maximum density be constructed. Eighty percent of 25 is 20 units. The applicant has proposed 25 lots. Therefore, the application complies with the maximum allowed density and achieves at least 80 percent of the maximum density of the base zone for the net developable area. All lots will be developed with single-family dwellings.

16.12.055 Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Finding: Complies as Proposed. No through lots are proposed.

16.12.060 Building site—Lot and parcel side lines.

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

Finding: Complies as Proposed. As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

16.12.065 Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Finding: Complies with Condition. The applicant provided a preliminary grading plan demonstrating compliance with the City's Public Works requirements for grading standards if a few modifications are provided. The grading plan shows cuts up to 2-feet and fills up to 2-feet.

The applicant shall provide a geotechnical report along with the design plans. The applicant shall submit an erosion control plan and obtain an erosion control permit and field installation for review by the Public Works Department prior to start of construction.

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

The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval prior to approval of construction plans. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential

Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.070 Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

Finding: Complies with Condition. Leland Road is classified as a minor arterial and McCord Road is designated a collector street which abut Lots 1, 2, 16 and 25. These lots face onto the adjoining arterial and collector streets and the houses built on them will have their most architecturally significant façade facing towards these streets, as required by these standards. Lot 16 is proposed to have a driveway with a turnaround so as to avoid having cars backing out onto Leland Road. If lots 1 and 2 are both accessed from McCord, the driveways shall be combined at the property line into a single access at the right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.075 Building site—Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Finding: Complies as Proposed. No lots within the subdivision have sufficient lot size for further land division, given the average lot size of the subdivision.

16.12.080 Protection of trees.

Protection of trees shall comply with the provisions of Chapter 17.41—Tree Protection.

Finding: Please refer to the analysis in chapter 17.41 of this report.

16.12.085 Easements.

The following shall govern the location, improvement and layout of easements:

16.12.085.A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Finding: Complies with Condition. The applicant proposed 10-foot wide public utility easements (PUE's) along all street frontages. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat.

The applicant shall provide a 10-foot PUE along the southern property line of Lot 15 (which will front the future extension of Ross Street).

The applicant shall provide a 10-foot PUE along the entire frontage of Lot 17 (which will partially front Pelican Lake Place and the future Ross Street Extension). Currently, the applicant has proposed a 10-foot PUE along the eastern property line of Lot 17 and this is not required. See this section for discussion regarding a required water line easement across Lots 16 and 17.

Proposed lots 16 and 17 shall have a 10-foot wide water line easement across their eastern property boundary to provide installation of, maintenance of, and access to a required 4-inch ductile iron City water main. Refer to section 16.08.030.B.1 of this report for a discussion of this required 4-inch ductile iron water main.

All existing and proposed utilities and easements shall be indicated on the construction plans.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.085.B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Not Applicable. There are no unusual facilities proposed or required within this development.

16.12.085.C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The land division is not traversed by a watercourse.

16.12.085.D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Finding: Not Applicable. The applicant has not proposed any access easements as part of this development.

16.12.085.E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Not Applicable. The land division is not traversed by a watercourse.

16.12.090 Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.

D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.

E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. As required by these standards and city policy, inspections will occur during construction of these improvements. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. Furthermore, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 Minimum improvements—Public facilities and services.

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

16.12.095.A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant

shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and

Finding: Complies with Condition. Please refer to the analysis in 16.08.030.B.5 of this report.

16.12.095.B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

Finding: Complies with Condition. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

16.12.095.C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Finding: Complies with Condition. Refer to section 16.08.030.B.2 of this report for a discussion of sanitary sewer.

16.12.095.D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. Refer to section 16.08.030.B.1 of this report for a discussion of the water system.

16.12.095.E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

Finding: Complies with Condition. Please refer to section 12.040.180 B for a discussion of sidewalks.

16.12.095.F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

Finding: Complies as Proposed. Please refer to the analysis in chapter 12.04 of this report.

16.12.095.G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Complies as Proposed. The applicant indicated compliance with this section. This standard is met.

16.12.095.H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Finding: Complies with Condition. As required in this criterion, the applicant shall install street lights along the frontage of the project. See section 12.040.180 B for a discussion.

16.12.095.I. Street Trees.

Finding: Complies with Condition. Please refer to the analysis in section 12.08 of this report.

16.12.095.J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

Finding: Complies as Proposed. The applicant indicated compliance with this section. This standard is met.

16.12.095.K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies as Proposed. The applicant indicated compliance with this section. This standard is met.

16.12.095.L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as Proposed. The applicant indicated compliance with this section. This standard is met. Refer to section 16.08.030.B.1 of this report for a discussion of the water system.

16.12.095.M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

Finding: Complies with Condition. The applicant provided a preliminary rough grading plan that indicates the applicant will be able to meet the City's Public Works erosion control standards. Further, the applicant indicated that it will comply with this section by submission of its erosion control plan to the Public Works Department to ensure the erosion control will meet the Public Works requirements. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show

the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.100 Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Complies with Condition. Please refer to the findings in chapter 12.04 within this report.

16.12.105 Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Finding: Complies with Condition. The applicant indicated compliance with this section by completing all public improvements prior to final plat or guaranteeing the construction improvements in a manner acceptable to the City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.110 Minimum improvements—Financial guarantee.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:

1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer.

The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

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 permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their 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 in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee 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 permittee's performance guarantee to pay those costs.

Finding: Complies with Condition. The applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application.

The applicant proposed that the developer pay a fee in lieu of construction along the Leland Road frontage. The reasoning provided by the applicant is that the frontage is a very short section and improvements do not currently exist on either side of the street where the development fronts Leland Road. Development Services staff will consider allowing the developer to pay a fee in lieu of construction of street improvements along the Leland Road frontage. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability

A. Compliance with this chapter is required for all Land Divisions, Site Plan and Design Review, Master Plan, Detailed Development Plan and Conditional Use applications and all public improvements.

Finding: Applicable. The applicant applied for a subdivision, this chapter is applicable.

12.04.005 Jurisdiction and management of the public rights-of-way

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and

regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Finding: Complies as Proposed. The applicant acknowledges the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.

12.04.007 Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;*
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. The modification is consistent with an adopted plan; and*
- D. The modification is complementary with a surrounding street design; or, in the alternative,*
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Finding: Complies with Condition. The applicant has proposed two modifications.

McCord Road

A modification to the standard street section has been requested for McCord Road. The proposed development includes frontage on McCord Road, which is classified as a collector street (residential). The City standards for a Collector street are: 85-foot Right-of-Way, 59 feet of pavement, three (3) 11-foot travel lanes, curb and gutter, 6-foot bike lane, 7-foot street parking, 5-foot sidewalk, and 7.5-foot landscape strip. A modified street section shall be constructed in lieu of the standard section. The modified street section includes 17 feet of pavement (includes 11-foot travel lane and 6-foot bike lane), curb and gutter, 7.5-foot planter and a 5-foot sidewalk, and a 0.5-foot access strip. The total width of these improvements is 30 feet as measured from the centerline of the right-of-way. The applicant shall dedicate sufficient right-of-way to provide 30 feet on the applicant's side of the centerline of right-of-way on McCord Road.

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. The proposed plan would provide for adequate right-of-way (as measured from centerline), which is consistent with staff recommendations. The TAL submitted with this application indicates that there are no anticipated operational or safety issues associated with the proposed development. Thus, the intent of the standard will be met.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing condition on either side of the subject property, and will be designed to provide safe movement of pedestrians and bicycles.

- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed is based on the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

Leland Road

A modification to the standard street section has been requested for Leland Road. The proposed development includes frontage on Leland Road, which is classified as a minor arterial street (residential). The City standards for a Minor Arterial street are: 114-foot Right-of-Way, 68 feet of pavement, three (3) 12-foot travel lanes, curb and gutter, 7-foot street parking, 6-foot median, 6-foot bike lane, 5-foot sidewalk, and 10.5-foot landscape strip. The applicant proposed matching the street section on Leland Road approximately 185 feet north of the proposed development. This street section has a total width of 70 feet, including 48 feet of pavement, street parking, bike lane, sidewalk and landscape strip. After internal staff review, it was determined that the applicant shall construct the following street section along the Leland Road frontage: 12-foot travel lane, 6-foot bike lane, 7-foot parking lane, curb and gutter, 7.5-foot landscape strip, 5-foot sidewalk, and a 0.5-foot access strip. The total width of these improvements is 38 feet as measured from the centerline of the right-of-way. The applicant shall dedicate sufficient right-of-way to provide 38 feet on the applicant's side of the centerline of right-of-way on Leland Road.

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. The proposed plan would provide for adequate right-of-way (as measured from centerline), which is consistent with staff recommendations. The TAL submitted with this application indicates that there are no anticipated operational or safety issues associated with the proposed development. Thus, the intent of the standard will be met.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing condition on either side of the subject property, and will be designed to provide safe movement of pedestrians and bicycles.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed is based on the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

12.04.010 Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Finding: Complies with Condition. See section 12.040.180 B for findings.

12.04.020 Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Finding: Not Applicable. The applicant has not proposed to construct any infrastructure within an unimproved street.

12.04.025 - Street design—Driveway Curb Cuts.

12.04.025.A. *One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.*

12.04.025.B. *With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.*

<i>Property Use</i>	<i>Minimum Driveway Width at sidewalk or property line</i>	<i>Maximum Driveway Width at sidewalk or property line</i>
<i>Single or Two-Family Dwelling with one Car Garage/Parking Space</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single or Two-Family Dwelling with two Car Garage/Parking Space</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Single or Two-Family Dwelling with three or more Car Garages/Parking Space</i>	<i>18 feet</i>	<i>30 feet</i>
<i>Non Residential or Multi-Family Residential Driveway Access</i>	<i>15 feet</i>	<i>40 feet</i>

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

12.04.025.C. *The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:*

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.*
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the “R-5” Single –Family Dwelling District or “R-3.5” Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.*

12.04.025.D. *For all driveways, the following standards apply.*

- 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.*
- 2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.*

12.04.025.E. *Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.*

Finding: Complies as Proposed. The applicant has stated that they will work with City staff to ensure that curb cuts are designed and improved consistent with City standards.

12.04.030 *Maintenance and repair.*

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Complies as Proposed. The applicant is responsible for maintaining said sidewalk and abutting curb.

12.04.031 *Liability for sidewalk injuries.*

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Not Applicable. This is not a criterion for this development.

12.04.032 *Required sidewalk repair.*

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Finding: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk.

12.04.033 *City may do work.*

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.034 *Assessment of costs.*

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.040 *Streets--Enforcement.*

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. This is not a criterion for this development.

12.04.045 Street design – Constrained local streets and/or rights-of-way

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table 12.04.045		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-way	Pavement Width
Constrained local street	20 to 40	20 to less than 32 feet

Finding: Not Applicable. The applicant has not proposed a constrained street.

12.04.050 Retaining walls--Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. Applicant is not proposing construction of a retaining wall.

12.04.060 Retaining walls--Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. Applicant is not proposing construction of a retaining wall.

12.04.070 Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 Excavations--Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public

street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Finding: Complies with Conditions. Work is anticipated to be within right-of-way on McCord Road and Leland Road to connect to existing utilities. The applicant shall obtain all permits as required for any work within the right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.090 Excavations--Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Finding: Complies with Conditions. The City shall review a permit upon submittal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.095 - Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;*
- B. To facilitate street tree planting requirements;*
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- D. To assure that adequate sight distance requirements are met.*

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

Finding: Complies as proposed. The applicant will comply with City standards regarding number and design of curb cuts for driveway approaches, sidewalk ramps, etc.

12.04.100 Excavations – Restoration of Pavement

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.

Finding: Complies with conditions. The applicant has proposed work in the public right-of-way that will require pavement restoration. This includes new pipe lines. The applicant shall restore the pavement in accordance with the City Pavement Cut Policy and Standards and meet the Full Standard for all cuts.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

12.04.110 Excavations--Nuisance--Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Complies. All excavations will comply with this Chapter via the conditions of approval.

12.04.120 Obstructions – Permit Required

Finding: Complies as proposed. The applicant shall obtain all required permits before any obstructions of the right-of-way.

12.04.130 Obstructions--Sidewalk sales.

A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this application.

12.04.140 Obstructions--Nuisance--Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 Street vacations--Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. The applicant has proposed standard street improvements and other public facilities work in accordance with adopted public facility plans, and is required to conform to Engineering Policy 00-01, which applies to any development requiring provision of public facilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 Street Design--Generally.

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

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.

Finding: Complies as Conditioned. The location, widths, and grades of the proposed street network provide connectivity for future development of adjacent properties, a convenient street system, and for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.180 Street Design.

All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A

	<i>Public/Quasi Public</i>									
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
Local	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>62 ft.</i>	<i>40 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft.x5 ft. tree wells</i>		<i>N/A</i>	<i>8 ft.</i>	<i>(2) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>60 ft.</i>	<i>38 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 19 ft. Shared Space</i>			<i>N/A</i>
	<i>Residential</i>	<i>54 ft.</i>	<i>32 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 16 ft. Shared Space</i>			<i>N/A</i>

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies with Condition. McCord Road and Leland Road are under the jurisdiction of Clackamas County. The County typically defers to the City regarding development along County jurisdictional roads. Applicant shall obtain all necessary Clackamas County permits for work within their right-of-way.

McCord Road is classified as a Collector Street in the Oregon City Transportation System Plan (TSP), which requires a right-of-way (ROW) width of 85 feet. Currently, McCord Road has a ROW width of approximately 40 feet along the development's McCord Road frontage. The applicant shall dedicate sufficient ROW to provide a total of 30 feet of ROW along the frontage of McCord Road in order to provide ROW for the modified street section improvements required from the centerline. See Chapter 12.04.007 of this report for further description of the required street section along the McCord Road frontage.

Leland Road is classified as a Minor Arterial in the Oregon City Transportation System Plan (TSP), which requires a right-of-way (ROW) width of 114 feet. Currently, Leland Road has a ROW width of approximately 64 feet along the development's Leland Road frontage, and transitions to 70 feet approximately 185 feet north of the project's Leland road frontage. The applicant shall dedicate sufficient ROW to provide a total of 38 feet of ROW along the frontage of Leland Road in order to provide ROW for the modified street section improvements required from the centerline. See Chapter 12.04.007 of this report for further description of the required street section along the Leland Road frontage.

Joseph Way was partially constructed as part of Pavilion Park and Rian Park Subdivisions. The applicant shall construct the remaining portions of Joseph Way and shall dedicate sufficient ROW to provide for a total ROW width along Joseph Way of 53 feet.

For most of Anita Place south of Villard Place, the applicant shall dedicate 38-feet of ROW to construct a standard City half street. This shall include 26-feet of pavement (16 feet half street plus 10 feet), 0.5-foot curb & gutter, 5-foot planter strip, 5-foot sidewalk, 0.5-foot access strip, street trees and street

lighting. This is the City's standard for half streets. The applicant shall also construct a temporary asphalt berm along the southern edge of Anita Place within this half street section. This temporary asphalt berm will allow storm water runoff to properly flow to adjacent catch basins.

The remainder of the streets are classified as a Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 54 feet. The applicant has proposed a ROW dedication of 54 feet for Villard Place, Anita Place, and Pelican Lake Place. This shall include 32-feet of pavement, curb & gutter, 5-foot planter strips, 5-foot sidewalks, street trees and street lighting.

The applicant has proposed a street system that appears to meet City requirements with a few modifications. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.185 Street Design--Access Control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The City may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies with Condition. There are two temporary dead-ends proposed, and one half street. Non-vehicular access strips shall be dedicated along the ends of the dead-end streets and along the southern side of Anita Place. Appropriate plat restrictions allowing access to adjoining properties will be placed on the final plat prior to recording. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.190 Street Design--Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Complies as Proposed. The proposed street alignments meet the City requirements. This standard is met.

12.04.194 Traffic Sight Obstructions

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard.

12.04.195 Spacing Standards.

12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Complies as Proposed. The proposed distances between intersections are within the ranges of this condition.

12.04.195.B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.
The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.		

Finding: Complies with Condition. Driveway locations have not been shown on the proposed subdivision. The applicant shall coordinate with City staff on the locations of driveways to meet the spacing standard. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.199 Pedestrian and Bicycle Accessways

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable.

Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

12.04.199.B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five foot planter strip and a three foot planter strip.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five foot planter strip and a three foot planter strip.

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

2.04.199.D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

12.04.199.E. Accessways shall comply with Americans with Disabilities Act (ADA).

12.04.199.F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

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

12.04.199.H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

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

12.04.199.J. The Community Development Director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

12.04.199.K. Ownership, liability and maintenance of accessways.

To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Not Applicable. There are no accessways as part of this project.

12.04.205 Mobility Standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.

A. For intersections within the Regional Center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

- 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
- 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

- 1. For signalized intersections:*
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*
- 2. For unsignalized intersections outside of the boundaries of the Regional Center:*
 - a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.*

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205 / OR 99E Interchange

I-205 / OR 213 Interchange

OR 213 / Beaver Creek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

- a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*
- b. Only those trips approved by a detailed development plan review are vested.*

2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development.

Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Finding: Complies with Condition. Please refer to the analysis in 16.08.030.B.5.

12.04.210 Street design--Intersection Angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies with Condition. The intersections have been shown with the angle very close to 90-degrees. It does not appear that the intersections of Villard Place with Anita Place and Pelican Lake Place and the intersection of Pelican Lake Place and Joseph Way have 50-feet of tangent. The design engineer shall work with the City to adjust the intersections to provide the 50-foot of tangent as practical. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.215 Street design--Off-Site Street Improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Not Applicable. See section 12.04.180.

12.04.220 Street Design--Half Street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets. When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.

Finding: Complies with Condition. The applicant has proposed a half street for Anita Place, south of Villard Place, as described in sections 12.04.007 and 12.04.180.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: Not Applicable. There are no cul-de-sacs or permanent dead-ends proposed.

12.04.230 Street Design--Street Names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Complies as Proposed. All street names being proposed under this development are extensions of other existing streets. The applicant shall work with City staff to provide street names that meet City requirements if changes are requested.

12.04.235 Street Design--Grades and Curves.

Grades and center line radii shall conform to the standards in the City's street design standards and specifications.

Finding: Complies with Condition. The applicant has proposed horizontal curves on Villard Place, Anita Place, and Pelican Lake Place. Through the design review process the applicant shall work with the City to adjust the design as required to meet standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.240 Street Design--Development Abutting Arterial or Collector Street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies as Proposed. Lot 16, which fronts on Leland Road (a minor arterial street), is designed to provide an on-site turnaround in order to avoid vehicles backing out into Leland Road. Lots 2 and 25 front on McCord Road, but will be accessed from Villard Place. Lot 1, which also fronts on McCord Road, will be accessed directly from McCord Road, but no safety concerns have been identified in the TAL submitted as part of the application.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Finding: Complies as Proposed. The proposed street layout includes horizontal curves that will naturally slow down vehicular traffic, and the streets are short which also tends to keep speeds down.

12.04.255 Street design--Alleys.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: Not Applicable. No alleys are proposed.

12.04.260 Street Design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in 17.04.1310.

Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including

easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Not Applicable. There are no nearby transit facilities.

12.04.265 Street design--Planter Strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Finding: Complies with Condition. Please refer to section 12.04.180.

12.04.270 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies with Condition. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant is responsible for meeting design standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.280 Violation--Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Applicable.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

13.12.050 Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

13.12.050.A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Complies with Condition. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

13.12.050.B. *Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

1. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;*

Finding: Complies with Conditions. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

2. *Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*

Finding: Complies with Condition. Storm water quantity control is required. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

3. *Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*

Finding: Not Applicable. The proposed work is not redevelopment.

4. *An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*

a. *The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*

b. *The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42*

Finding: Not Applicable. Exemption not required.

13.12.050.C. *Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

1. *Category A. Activities subject to general water quality requirements of this chapter:*

a. *The construction of four or more single-family residences;*

b. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*

c. *Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*

d. *An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*

Finding: Complies with Condition. Storm water quality control is required. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*

- a. *Fuel dispensing facilities;*
- b. *Bulk petroleum storage in multiple stationary tanks;*
- c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
- d. *Loading and unloading docks for commercial or industrial uses; or*
- e. *Covered vehicle parking for commercial or industrial uses.*

Finding: Not Applicable. The proposed work does not include these elements.

3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: Not Applicable. No new wastewater or storm water flows will discharge to the Clackamas River Watershed with this development.

13.12.090 Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 - 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 - 2. *Do not increase the potential for streambank erosion; and*
 - 3. *Do not add volume to an off-site closed depression without providing for mitigation.*
- D. *Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:*
 - 1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
 - 2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*
- E. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- F. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.*
- G. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Finding: Complies with Conditions. See 16.08.030.B.3 for discussion of stormwater management.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon

City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Finding: Complies with Condition. The applicant submitted a street tree plan which included trees placed along the frontages of the development. The species of the trees was not identified on the plan and the applicant indicated that “the species of street trees will be submitted for review and approval of the community development director prior to final plat approval” (Exhibit 2). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.015.A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Finding: Complies with Condition. A street tree plan was submitted with the preliminary locations of 66 street trees. Based upon the layout, there is approximately 2,562.9 feet of frontage which require 73 street trees ($2,562.9/35=73.22$). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.015.B. The following clearance distances shall be maintained when planting trees:

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

Finding: Complies with Condition. A street tree plan was submitted with the preliminary locations of street trees, but did not include the correct number of street trees nor did it include the location of street lights, fire hydrants or power lines. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.015.C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Finding: Complies with Condition. The applicant submitted a street tree plan which included trees placed along the frontages of the development. The size of the trees was not identified on the plan. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.015.D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Complies as Proposed. The applicant indicated that the “abutting property owners will be responsible for maintenance of street trees along their street frontage” (Exhibit 2).

12.08.020 Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Finding: Complies with Condition. The applicant submitted a street tree plan which included trees placed along the frontages of the development. The species of the trees was not identified on the plan and the applicant indicated that “the species of street trees will be submitted for review and approval of the community development director prior to final plat approval” (Exhibit 2). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.025 General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as Proposed. The applicant indicated that the “abutting property owners will be responsible for maintenance of street trees along their street frontage” (Exhibit 2).

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Finding: Complies as Proposed. Though the City is not proposing maintenance on an existing street tree at this time, the applicant indicated that “the proposed development will conform to this provision” (Exhibit 2).

12.08.035 Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Finding: Not Applicable. All tree removal associated with the proposed development is reviewed under chapter 12.08.

12.08.040 Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.

2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Finding: Not Applicable. No heritage trees or groves are currently on the subject site nor are they proposed with this development.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Finding: Complies with Condition. The applicant provided a preliminary grading plan demonstrating general compliance with the City's Public Works requirements for grading standards. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre.

A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
- 2. When an embankment for a stormwater pond is created by the placement of fill;*
- 3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Conditions. Conditions will be applied to require a Residential Lot Grading Plan and geotechnical report with construction plan submittal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

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 applicable standards.

Finding: Applicable. The applicant has proposed to construct a new subdivision with associated street improvements.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies with Condition. The applicant has proposed to construct a new subdivision with associated street improvements. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 Tree Protection – Applicability.

- 1. Applications for development subject to Chapter 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than 25% on sites greater than 25% percent slope, unless exempted under section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

Finding: Applicable. The proposed development includes a Subdivision, therefore this section applies.

17.41.030 – Tree Protection - Conflicting Code Provisions.

Except as otherwise specified in this section, where these standards conflict with adopted City development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in section 17.04, shall govern.

Finding: Applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

17.41.040 – Tree Protection – Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930.

Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not Applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Tree Protection – Compliance Options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to section 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. Option 2 – Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to sections 17.41.080-100; or*
- C. Option 3 – Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to section 17.41.110-120.; or*
- D. Option 4 - Cash-in-lieu of planting pursuant to Section 17.41.130.*

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The Community Development Director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- (1) Preclude achieving 80% of minimum density with reduction of lot size; or
- (2) Preclude meeting minimum connectivity requirements for subdivisions.

Finding: Complies with Condition. The applicant has proposed to utilize option 1, mitigation. As identified in this section, all replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city. Prior to occupancy of the dwellings on the subject site, the applicant shall record a covenant or easement on all properties with new or existing trees planted on private property.

The applicant did identify trees for protection onsite, thought the amount of mitigation trees needed is unknown because the caliper of all existing trees onsite was not identified. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060 - Tree Removal and Replanting - Mitigation (Option 1).

17.41.060.A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08 – Community Forest and Street Trees.

Finding: Complies with Condition. This section requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. No documentation was submitted indicating compliance with this section and the narrative indicated that “A mitigation plan will be prepared by an arborist and submitted for review prior to final plat approval”. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060.B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees 6" DBH (minimum 4.5 feet from the ground) or larger on the entire site and either:

- (1) Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
- (2) Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

- 2 inch caliper deciduous, or
- 6 foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction	Column 2 Number of trees to be planted. (If removed Within the construction
-------------------------------	---	---

	area)	area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Finding: Finding: Complies with Condition. The applicant submitted a tree mitigation plan which incorrectly calculated the mitigation and did not identify the caliper of a cluster of trees near the intersection of Villard Place and Anita Place. Based on the tree removal plan submitted, staff calculated the mitigation in the table below (which did not include the row of arborvitae, resulting in a total 40 mitigation trees which are required to be planted.

Size of Tree Removed	Mitigation Outside of Construction Area			Mitigation Inside of Construction Area		
	# Removed	Mitigation for Each	Total	# Removed	Mitigation for Each	Total
6"-12"	0	3	0	19	1	19
13"-18"	0	6	0	1	2	2
19"-24"	2	9	0	5	3	15
25"-30"	0	12	0	1	4	4
31+"	0	15	0	0	5	0
Total	0		0	121		40
Grand Total	40 Mitigation Trees Required					

Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.070 – Planting Area Priority for Mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050(A) shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. *First Priority. Replanting on the development site.*
- B. *Second Priority. Off-site Replacement Tree Planting Locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the Community Development Director.*

Finding: Complies with Condition. The applicant indicated that the trees will be planted within this subdivision or within other subdivisions being developed by the applicant and the final mitigation plan would be submitted with the construction plans. The applicant shall have an approved mitigation planting plan prior to issuance of a permit associated with the proposed development. The mitigation plan may incorporate any of the options in Chapter 17.41 in addition to planting mitigation trees on private property (with an associated covenant) or increasing the size of trees onsite or within the right-of-way. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.080. Tree Preservation within Subdivisions and Partitions – Dedicated Tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41.100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or a homeowners association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. At the owners option, public open space where the tract has been dedicated to the City or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the Community Development

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.090. Incentive for Tree Protection Tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on- site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

1. Provide a map showing the net buildable area of the tree protection tract;
2. Provide calculations justifying the requested dimensional adjustments
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080, 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
5. Meet all other standards of the base zone except as modified in section 17.41.100.

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.100. Permitted Modifications to Dimensional Standards (Option 2 Only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone.. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A
Lot Size Reduction

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000-9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000-7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000-5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800-3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C

Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500-7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800-3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

**0 foot setback is only allowed on single-family attached units*

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.110. Tree Protection by Restrictive Covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.120. Permitted Adjustments (Option 3 Only).

A. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent (50%) if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than 3 feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to

redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Cash-in-lieu of Planting (Tree Bank/Fund) (Option 4)

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. *The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.*

B. *The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.*

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130. Regulated Tree Protection Procedures During Construction.

A. *No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.*

B. *Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:*

- 1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
- 2. Approved construction fencing, a minimum of 4 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
- 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
- 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
- 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
- 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
- 7. No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.*

8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a Certified Arborist.*
 9. *The City may require that a Certified Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
 10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*
- C. *Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Finding: Complies as Proposed. The applicant has submitted a plan identifying protection fencing for existing tree which would be protected during development. Additional tree protection measures are not required.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: Complies as Proposed. The proposed Subdivision and associated Zone Change Review is subject to a Type IV discretionary approval. The applicant's narrative and the accompanying plans and supporting studies are all provided in an effort to present comprehensive evidence to support the proposed office development.

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The proposed Subdivision and Zone Change application is being reviewed pursuant to the Type IV process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

17.50.050 Preapplication Conference

A Preapplication Conference. 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. To schedule a preapplication conference, the applicant shall contact the Planning Division, 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 and all other required plans. The purpose of the preapplication conference is to provide 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 Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. 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.

B. 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 Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant's representatives attended the Tower Vista Neighborhood general membership meeting on February 19, 2015 to present conceptual plans for the proposed office development.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015. The City has until November 4, 2015 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS

Finding: Not Applicable. The applicant has not proposed to construct a building with the proposed development. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits.

17.54.100 – FENCES, HEDGES AND WALLS

Finding: Not Applicable. The applicant indicated that no fences or walls are proposed with this development.

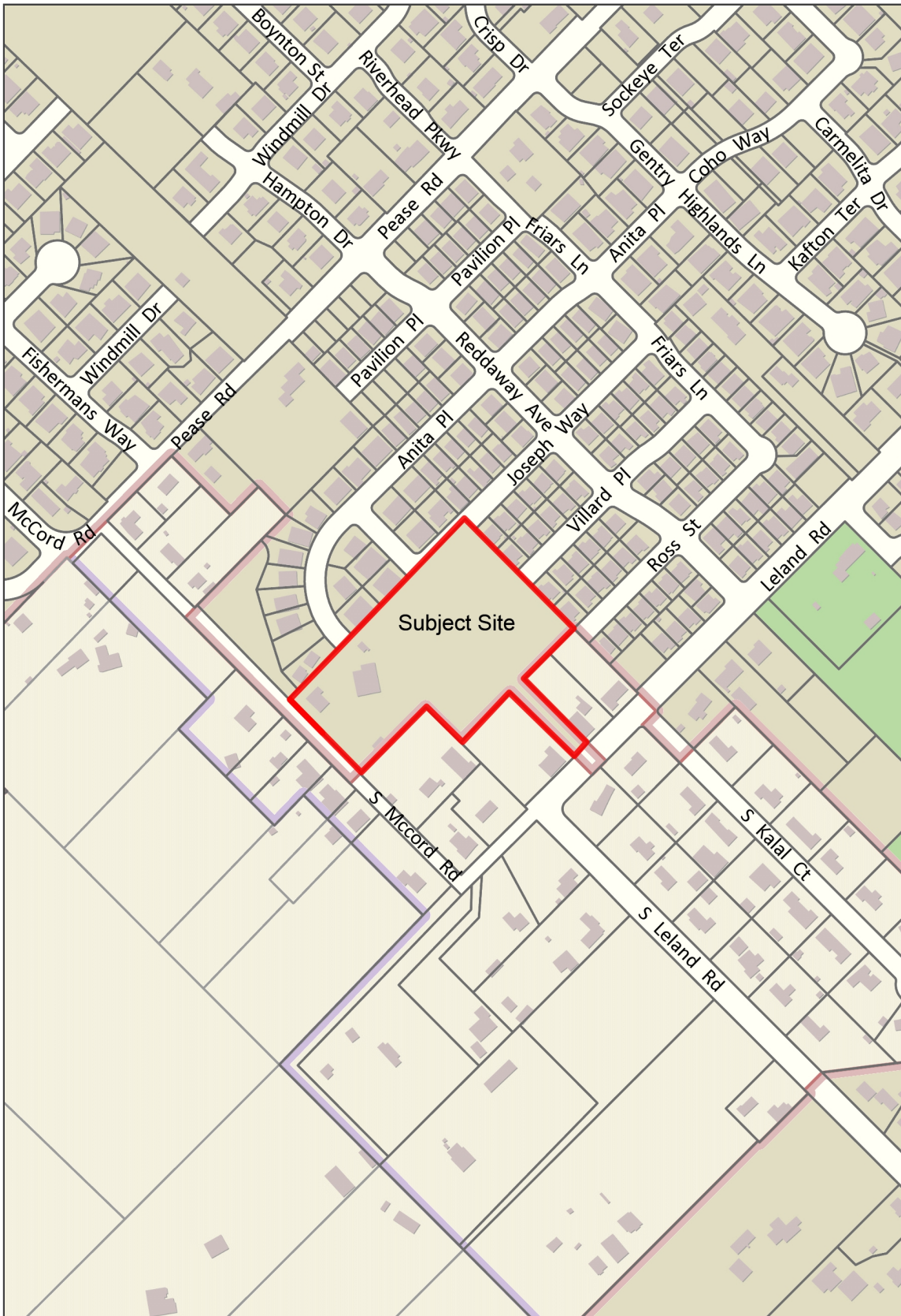
CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed Subdivision and Zone Change located at 19588 McCord Road, Oregon City, Oregon 97045, identified as Clackamas County 3-2E-07B -04100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission and City Commission approve files TP 15-03 and ZC 15-02 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Letters from John Replinger of Replinger and Associates, City Consultant
4. Comments from Dan Neils of 19652 McCord Road, Oregon City
5. Comments from Wes Rogers, Director of Operations for the Oregon City School District
6. Comments from Scott Archer, Community Services Director
7. Excerpts from Annexation file AN 14-01

ZC 15-02 and TP 15-03

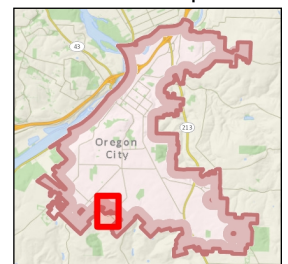


Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 380 Feet
1: 4,563

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.oregoncity.org





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☒ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☒ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Zone change from "R-10" to "R-6" and 25 Lot Subdivision.

Project Name: Pavilion Park 3 Number of Lots Proposed (If Applicable): 25

Physical Address of Site: 19588 McCord Road, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 32E07B 04100

Applicant(s):

X Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Mark Handris, Icon Construction & Dev. LLC Date: 4/22/15

Mailing Address: 1980 Willamette Falls Drive, Suite 200 West Linn, OR 97068

Phone: (503) 657-0406 Fax: (503) 655-5991 Email: handris@aol.com

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: David & Diane Douglass

Date: _____

Mailing Address: 19588 McCord Road, Oregon City, OR 97045

Phone: 503-201-4365 Fax: _____ Email: redwagonpartner@gmail.com

Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Rick Givens, Planning Consultant

Date: 4/22/15

Mailing Address: 18680 Sunblaze Dr., Oregon City, OR 97045

Phone: 503-479-0097 Fax: 503-479-0097 Email: rickgivens@gmail.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☒ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☒ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Zone change from "R-10" to "R-6" and 25 Lot Subdivision.

Project Name: Pavilion Park 3 Number of Lots Proposed (If Applicable): 25

Physical Address of Site: 19588 McCord Road, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 32E07B 04100

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: Mark Handris, Icon Construction & Dev. LLC Date: _____

Mailing Address: 1980 Willamette Falls Drive, Suite 200 West Linn, OR 97068

Phone: (503) 657-0406 Fax: (503) 655-5991 Email: handris@aol.com

Property Owner(s):

Property Owner(s) Signature: David Douglass Diane Douglass

Property Owner(s) Name Printed: David & Diane Douglass Date: 4-15-15

Mailing Address: 19588 McCord Road, Oregon City, OR 97045

Phone: 503-201-4365 Fax: _____ Email: redwagonpartner@gmail.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: Rick Givens, Planning Consultant Date: _____

Mailing Address: 18680 Sunblaze Dr., Oregon City, OR 97045

Phone: 503-479-0097 Fax: 503-479-0097 Email: rickgivens@gmail.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☒ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☒ Zone Change

File Number(s): _____

Proposed Land Use or Activity: _____

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: _____

Clackamas County Map and Tax Lot Number(s): _____

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

**Pavilion Park 3
Zone Change and Preliminary Subdivision Application
Application Narrative**

Project Information:

Date: April 2015

Applicant: Icon Construction and Development, LLC.
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
(503) 657-0406

Planning Consultant: Rick Givens
18680 Sunblaze Dr.
Oregon City, OR 97045
(503) 479-0097

Project Engineer: Bruce Goldson, P.E.
Theta Engineering
4260 Country Woods Ct
Lake Oswego, OR 9703
(503) 481-8822

Request: The applicant is requesting approval of a 25-lot subdivision and a zone change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District.

Location: The property is located at 19588 McCord Road.

Legal Description: 32E07B 4100

Site Area: 5.15 Acres

Zoning: R-10 (existing), R-6 (proposed).

Background Information:

This application involves property that is located at 19588 McCord Road in Oregon City. The property also has a narrow, 50-foot-wide frontage on Leland Road. The site is developed with one single-family home and associated outbuildings. It is in current use as a Christmas tree farm. The property has been recently annexed to the City of Oregon City and has the default zoning of R-10 applied to it. The abutting subdivision to the northwest (Pavilion Park) is zoned R-6 and is developed with single-family detached homes at that density. The Rian Park subdivision to the northeast is zoned R-3.5 and developed with single-family homes at that density pattern. Multiple streets (Anita Place, Pelican Lake Place, Joseph Way, Villard Place, and Ross Street) abut and are stubbed into the subject property from these adjoining subdivisions. This application proposes to rezone the subject property to R-6 and to develop a 25 lot subdivision that will provide for connectivity to complete the street pattern in this area.

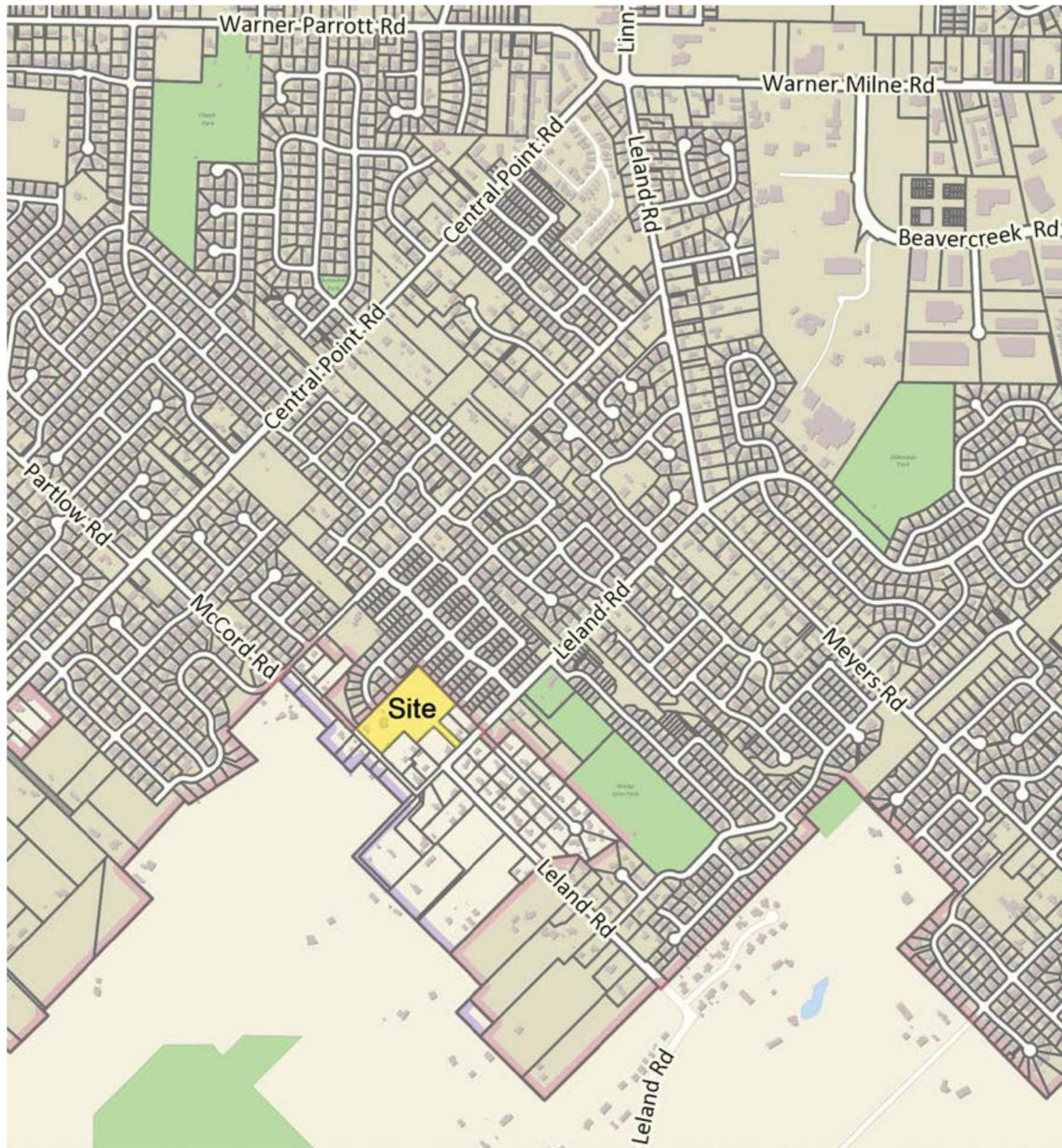


Figure 1- Vicinity Map

Approval Criteria: The relevant approval criteria for this subdivision are as follows:

Zone Change Application:

Chapter 17.68 – Zone Change

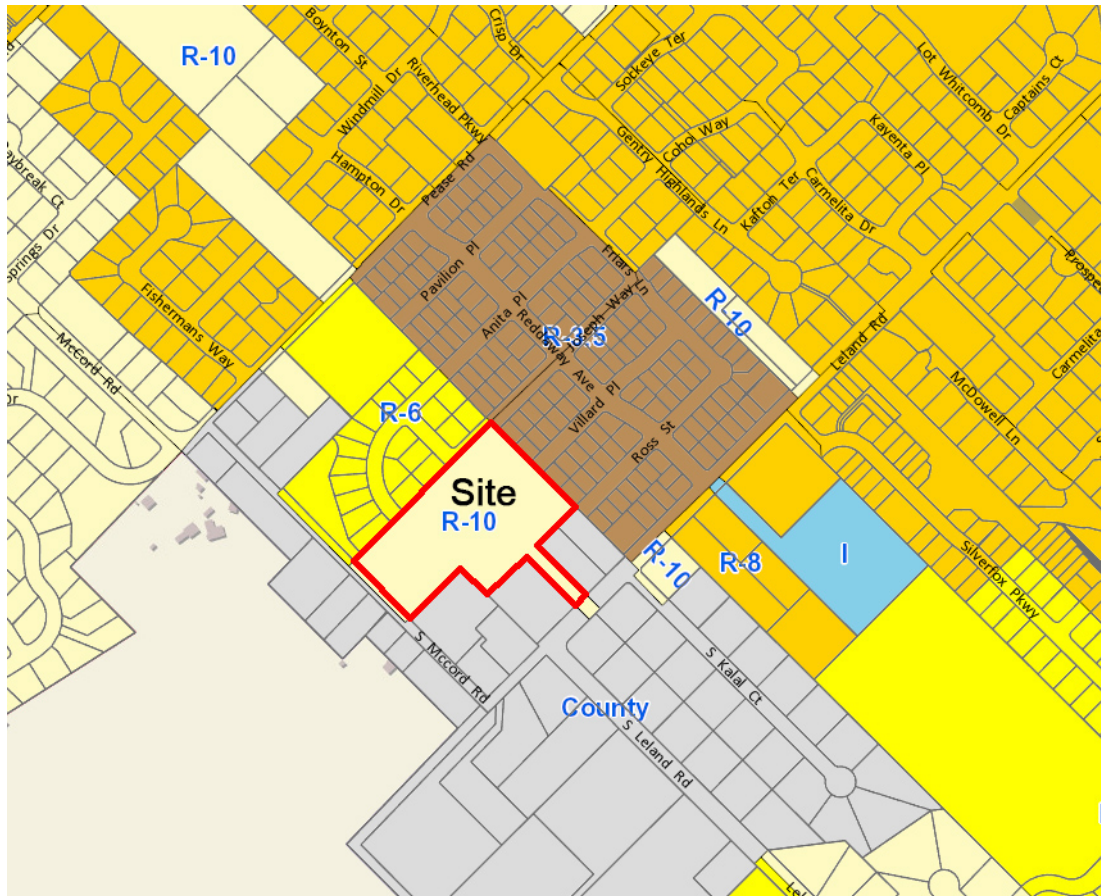
Subdivision Application:

OCMC 12.04 – Streets, Sidewalks and Public Places

OCMC 12.08 – Public and Street Trees

OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling and Excavating
OCMC 16.08 – Subdivisions – Process and Standards
OCMC 16.12 – Minimum Improvements and Design Standards for Land Divisions
OCMC 17.10 – “R-8” Single-Family Dwelling District
OCMC 17.20 – Residential Design Standards
OCMC 17.41 – Tree Protection Standards
OCMC 17.50 – Administration and Procedures

COMPLIANCE WITH OCMC – ZONE CHANGE CRITERIA



17.68.010 Initiation of the Amendment.

Comment: Consistent with Subsection C, this application is being initiated by the owners of the subject properties and with the provision of forms and materials specified by City procedures.

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.

Comment: The following goals and policies of the Comprehensive Plan apply to this zone change application:

Goal (1) Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Comment: The City's adopted development ordinances include provisions that ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. Consistent with these provisions, the applicant met with the Neighborhood Association prior to the submittal of this application. This meeting provided attendees with information regarding the proposal and the applicant took comments from the neighbors into consideration in preparing this application. City provisions provide for public notice prior to hearings that will take place before the Planning Commission and City Commission. All interested persons will have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

Goal (2) Land Use

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land Use Map as the official long-range planning guide for land use development of the City by type, density and location.

Comment: The Comprehensive Plan Land Use Map designates the subject property for Low Density Residential Development. The R-6 zoning district is a zone that implements this plan designation. Because the subject property is located in a neighborhood where developed properties are zoned R-6 or R-3.5, the application of this zoning on the subject property is appropriate.

Goal (5) Natural Resources

Policy 5.4.4: Maintain the Oregon City Comprehensive Plan Land Use Map as the official long-range planning guide for land use development of the City by type, density and location.

Comment: There are no natural resources identified on this property and the proposed zoning is consistent with the Oregon City Comprehensive Plan's land use designation for this site.

Goal (6) Quality of Air, Water and Land Resources

Policy 6.1.1: Promote land use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Comment: The R-6 density proposed for the subject property will be consistent with this policy. The somewhat higher density of development than the existing R-10 zoning makes for a more compact land use pattern that reduces the amount of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increased use of alternative modes of transportation. In particular, the proposed subdivision will provide for vehicular and pedestrian connections by completing the street system in this area. Public sidewalks will be provided on all streets within this project.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.

Comment: This policy is implemented by development standards that require appropriate handling of storm water runoff. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. The storm detention facility in the adjoining Pavilion Park subdivision is proposed to be expanded to provide capacity for this development, as depicted on the Preliminary Utility Plan.

Goal (10) Housing

Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Comment: The proposed zone change will change the zoning for this site to match the surrounding R-6 neighborhood. R-6 and R-3.5 zoning designations are applied to the adjoining properties that are developed to urban densities. This provides for a balance in the variety of homes in this area of the city.

Goal (11) Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Comment: All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Sanitary sewer is available from an existing 8" lines in the adjoining city streets and will be extended to service the property as shown on the Preliminary Utility Plan. Water is available from the adjacent subdivisions as well and will be extended to service the proposed subdivision and to provide for looping of the water system. Storm sewer will be provided in the proposed development and will be directed to the existing storm detention facility in the adjoining Pavilion Park subdivision to the northwest. This facility will be enlarged to provide capacity to service the 25 lots and impervious areas associated with streets and sidewalks. Oregon City

Public Schools provides education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City.

Goal (12) Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Comment: A Traffic Assessment Letter was prepared for this project by Lancaster Engineering and is included with this application submittal. This analysis shows adequate capacity exists to serve the proposed development.

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.

Comment: These public facilities and services have been addressed in the discussion of compliance with Goal 11, above. All of these services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

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.

Comment: The capacity of the transportation system is addressed in the Traffic Assessment Letter submitted with this application. As discussed under Goal 12, above, the transportation services is adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Comment: The statewide planning goals applicable to this proposed zone change have been addressed in specific goals and policies of the Oregon City Comprehensive Plan. City Goals and Policies addressed above are directly applicable to the corresponding statewide planning goals. No further comment is necessary.

As discussed above, the proposed zone change is in conformance with the approval criteria set forth in this chapter of the Oregon City Municipal Code. It would bring the subject property into conformance with the zoning of the adjacent subdivisions and would create a logical zoning pattern. Approval of the zone change would also make for a more efficient use of infrastructure such as streets and utilities and, by adding housing opportunities, would delay the time at which the urban growth boundary would need to be expanded to provide for population growth.

COMPLIANCE WITH SUBDIVISION APPROVAL CRITERIA

COMPLIANCE WITH CHAPTER 16.08

16.08.010 Purpose and General Provisions.

- A. Applicability. – As noted above, the proposed development is subject to the process and approval standards applicable to subdivisions including Chapters 16.08, 12.04, 16.12, and 17.50 of the Oregon City Municipal Code. Those provisions are addressed in this narrative and will be shown to be satisfied by this application.
- B. Process – Subdivision applications follow a Type II process. In this instance, however, the applicant is also requesting a zone change and the combined applications will be heard concurrently through a Type IV process.
- C. Purpose – The proposed design is consistent with basic design criteria so the use of a master plan provided under Chapter 17.65 or a variance per Chapter 16.60 is not necessary.
- D. Process Overview – This application for preliminary plat approval is being together with a zone change application, which requires a Type IV process, with hearings before the Planning Commission and City Commission. The final plat will be submitted at a later date and reviewed in accordance with a Type I process.

16.08.015 Preapplication Conference Required.

Consistent with City procedures, a pre-application conference was held on January 7, 2015 (PA 14-37).

16.08.020 Preliminary Subdivision Plat Application.

The preliminary plat is being submitted within six months of the pre-application conference date. This narrative and the other plans and documents submitted with it, contain the required information that will allow the City to determine compliance with relevant City standards.

16.08.025 Preliminary Subdivision Plat--Required Plans.

Consistent with City requirements, the preliminary plat application includes the following:

- A. Site Plan
- B. A shadow plat demonstrating connectivity sufficient for development of adjoining undeveloped property to the north.
- C. An Existing Conditions Map showing natural topography, and a Preliminary Grading & Drainage Plan.

- D. Archeological Monitoring Recommendation – The City has contacted SHPO regarding archaeological concerns for this site.

16.08.030 Preliminary Subdivision Plat--Narrative Statement.

- A. Subdivision Description – The background information section of this narrative provides the required statements regarding the use and ownership of lots within this proposed subdivision.
- B. Timely Provision of Public Services and Facilities
1. Water –Water service is available from existing water lines in the adjoining streets stubbed to the subject property. These lines will be extended to service the proposed lots in this subdivision. There is an 8" water line installed in South McCord Road and South Leland Road owned by Clackamas River Water District. This line will provide service to Lot 16 until such time as city water is extended in Leland Road.
 2. Sewer – There are Oregon City 8" PVC sanitary sewer pipes in Anita Place, Pelican Lake Place, Joseph Way, and Villard Place. The pipes in Anita Place and Pelican Lake Place end with manholes at the property line with the proposed development. The lines in Anita Place and Joseph Way will be extended to serve the lots in the proposed development.
 3. Storm Sewer – There is an existing storm detention facility located in Pavilion Park subdivision to the northwest of the subject property. The proposed Utility Plan shows the proposed storm sewer system and depicts the expansion of the existing Pavilion Park detention pond to accommodate storm water from the subject property.
 4. Parks and Recreation – There are no park facilities in the immediate vicinity of the subject property. The closest park is Wesley Lynn Park, which is located approximately 800 feet northeast of this site via Villard Place and Reddaway Avenue. Park System Development Charges will be paid at the time of building permit application.
 5. Traffic and Transportation – A Transportation Analysis Letter for the site has been prepared for this project by Lancaster Engineering, Inc. No capacity or safety issues have been identified that would impact the proposed development. Please refer to the attached TAL.
 6. Schools – The subject property is located within the service area of Oregon City Public Schools. Discussions with the School District indicate that there are no capacity issues at this time.
 7. Fire and Police Services – Clackamas County Fire District No. 1 provides fire protection services in this area. The Oregon City Police Department provides police protection. Prior to final plat approval, the

applicant will coordinate with Fire District No. 1 to ensure that their standards are met.

- C. Approval Criteria and Justification for Variances – No variances are being requested so these provisions do not apply. Other relevant approval criteria are addressed below in this narrative.
- D. Drafts of CC&Rs, maintenance agreements, homeowners association agreements, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision – The required documents will be submitted prior to final plat approval.
- E. Phasing – Not applicable. The project will be developed in a single phase.
- F. Overall Density – The subdivision proposes twenty-five lots for the construction of single family homes. The gross site area is 224,198 sq. ft., or 5.15 acres. The gross density of development is 4.85 units per acre.

16.08.040 Preliminary Subdivision Plat--Approval Standards and Decision.

The approval standards for subdivisions are addressed below in the discussion of compliance with Chapter 16.12. The dimensional standards applicable to the subdivision are those of the R-8 zone. Those standards are addressed in the discussion of Chapter 17.10.

16.08.045 Building Site--Frontage Width Requirement.

All lots in the proposed subdivision abut on a street or cul-de-sac for a width of at least twenty feet, as required by this section.

16.08.050 Flag Lots in Subdivisions

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

- A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.*
- B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.*
- C. The pole portion of the flag lot shall connect to a public street.*
- D. The pole shall be at least 8 feet wide for the entire length.*

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Comment: No flag lots are proposed

COMPLIANCE WITH CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.015 Street Design--Generally.

Street design standards for all new development and land divisions shall comply with Chapter 12.04 Street Design Standards.

Comment: Please see discussion of Chapter 12.04, below.

16.12.020 Blocks--Generally.

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

Comment: The proposed subdivision creates block patterns that provide for reasonable lot configurations and traffic connectivity.

16.12.030 Blocks--Width.

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

Comment: The proposed layout provides sufficient room for two tiers of lots and is consistent with this requirement.

16.12.040 Building Sites.

Comment: The buildings sites proposed that are appropriate in size, width, shape, and orientation for low-density residential development, consistent with the R-6 zoning of the property. The applicant is not requesting a variance to any dimensional standard and the exception provisions of this section are not applicable to this proposal.

16.12.045 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Comment: The net site area is 224,198 square feet (5.15 acres). The proposed R-6 zoning allows a density of one unit per 6,000 sq. ft. of net site area. Subtracting from the gross site area the street area (74,043 sq. ft.) leaves a net site area of

150,155 sq. ft. Dividing this area by minimum 6,000 square foot lot size of the R-6 zone yields a maximum density of 25 units. 80 percent of this maximum would be 20 units. The 25 units proposed in the subdivision meets this standard.

Chapter 16.12.050 Calculations of Lot Area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 Dwelling District may include lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Comment: The proposed subdivision does provide for lots that are up to 20% less in area than the minimum 6,000 sq. ft. standard of the R-6 zone. No lots of less than 4,800 sq. ft. are proposed. The smallest lot (Lot 22) contains 5,008 sq. ft. The largest (Lot 12) is 7,577 sq. ft. in area. As discussed under 16.12.045, above, the net site area is 150,155 sq. ft. Dividing the net site area by 25 lots yields an average lot size of 6,006 sq. ft., which is consistent with the requirements of this standard.

16.12.055 Building Site--Through Lots.

Comment: No through lots are proposed in this subdivision.

16.12.060 Building Site--Lot and Parcel Side Lines.

Comment: Consistent with this section, side lot lines are designed to be as close to perpendicular to the streets on which they face as practicable.

16.12.065 Building Site--Grading.

Comment: Site grading will be designed to conform to Chapter 18 of the Oregon Structural Specialty Code and City standards, as demonstrated by the plan submitted with this application.

16.12.070 Building Site--Setbacks and Building Location.

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. *The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.*

- B. *The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.*
- C. *On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.*
- D. *All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:*
 - 1. *No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
 - 2. *Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*
- E. *The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.*

Comment: Leland Road is classified as a minor arterial and McCord Road is designated a collector street. These provisions are applicable to Lots 1, 2, 16 and 25. These lots face onto the adjoining arterial and collector streets and the houses built on them will have their most architecturally significant façade facing towards these streets, as required by these standards. Lot 16 is proposed to have a driveway with a turnaround so as to avoid having cars backing out onto Leland Road.

16.12.075 Building Site--Division of Lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the Community Development Director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Comment: No lots are proposed that are large enough to be capable of re-division. This section does not apply.

16.12.080 Protection of Trees.

Protection of trees shall comply with the provisions of Chapter 17.41 – Tree Protection.

Comment: See discussion of Chapter 17.41, below.

16.12.085 Easements.

Comment: A 10-foot wide utility easement will be provided along all street frontages within this plat, as shown on the Preliminary Plan. An easement is also provided along the north side of Lot 17 to provide for sewer service to Lot 16. No other easements are required for unusual facilities, watercourses, access or resource protection.

16.12.090 Minimum Improvements--Procedures.

Comment: No construction will commence until required plans have been approved by the City. All improvements will be constructed under the inspection and approval of the city engineer and expenses relating to this will be paid prior to final plat approval. Erosion control measures will be installed as required and utilities will be installed prior to surfacing of the streets. All other standards relating to construction of site improvements will be met.

16.12.095 Minimum Improvements--Public Facilities and Services.

Comment: Compliance with the minimum improvement standards of this section will be reviewed with the construction plans submitted prior to site construction and final plat review. The applicant will comply with all City standards relating to these improvements.

16.12.100 Minimum Improvements--Road Standards and Requirements.

Comment: The streets created through this subdivision application will be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. No streets are proposed to be created by deed. All streets will be shown on the final plat for the subdivision.

16.12.105 Minimum Improvements--Timing Requirements.

Comment: The applicant will either complete construction of all public improvements required for the subdivision prior to application for final plat approval or will guarantee the construction of those improvements in a manner acceptable to the City Engineer.

16.12.110 Minimum Improvements -- Financial Guarantee.

Comment: If a financial guarantee is proposed for site improvements, the form, timing, and duration of the guarantee will comply with the provisions of this section.

COMPLIANCE WITH CHAPTER 17.12 – R-6 SINGLE-FAMILY DWELLING DISTRICT

17.12.020 - Permitted uses.

Comment: All lots in this subdivision are proposed to be used for construction of single-family detached homes, consistent with 17.12.020(A).

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;*

- B. *Minimum lot width, fifty feet;*
- C. *Minimum lot depth, seventy feet;*
- D. *Maximum building height, two and one-half stories, not to exceed thirty-five feet;*
- E. *Minimum required setbacks:*
 - 1. *Front yard, ten feet minimum setback,*
 - 2. *Front porch, five feet minimum setback,*
 - 3. *Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.*
 - 4. *Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,*
 - 5. *Corner side yard, fifteen feet minimum setback,*
 - 6. *Rear yard, twenty feet minimum setback,*
 - 7. *Rear porch, fifteen feet minimum setback.*
- F. *Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.*
- G. *Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.*

Comment: The minimum lot area standard of 6,000 sq. ft. may be averaged over the 25 lots in the subdivision, as discussed in the comments to Chapter 16.12.050, above. The proposed lots comply with this requirement. All proposed lots exceed the 50 foot minimum width and 70' minimum lot depth standards. Building height, setbacks, garage, and lot coverage standards will be reviewed at the time of building permit application. No variances to any dimensional standards are proposed.

COMPLIANCE WITH CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

Comment: The proposed subdivision is subject to the stormwater conveyance, stormwater quantity control, and stormwater quality control provisions of this chapter.

13.12.080 - Submittal requirements.

- A. *Timing and Scope of Required Submittal.*
 - 1. *Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.*
 - 2. *Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.*
 - 3. *Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.*
 - 4. *Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the city.*
- B. *Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*
- C. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Comment: A storm drainage report and preliminary storm drainage plan have been prepared by Theta Engineering for this proposed subdivision and are included in the application submittal package. These documents have been prepared in accordance with city standards.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 - 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 - 2. *Do not increase the potential for streambank erosion; and*

3. *Do not add volume to an off-site closed depression without providing for mitigation.*

Comment: The plan and report attached to this application demonstrate that the runoff from the project will be collected and directed to a storm detention/treatment facility that will be adequately sized to accommodate this subdivision. The storm sewer system has been designed to City standards and is adequately sized to convey runoff from the proposed development. No stream banks are impacted by the proposed storm sewer system.

D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:

1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*

Comment: The detention and treatment facility has been designed in accordance with City standards to accomplish these requirements. Please refer to the storm report attached to this application. The plan calls for expansion of the existing storm detention facility in the Pavilion Park project to the northwest. Treatment is proposed to be provided by utilizing the bottom of the detention basin in the same manner as was done on the applicant's Central Point Crossing project. The bottom of the pond will channel the water so as to meet the required nine minute residency time and will be planted with aquatic plants to provide for filtering of storm water.

E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

Comment: All runoff from roofs, footings and streets will be collected by the storm sewer system, as shown on the attached preliminary storm plan.

F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

Comment: The proposed storm sewer system will be piped to a detention facility in the existing Pavilion Park subdivision. No open channels will exist between the site and the detention facility. This detention facility will be enlarged to provide storage for storm water consistent with City standards and will outflows at the pre-design rates.

- G. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Comment: The storm water quantity control facilities will be dedicated to, and operated and maintained by, the City of Oregon City.

Chapter 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 - Applicability—Grading permit required.

- A. *A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:*
- 1. Grading activities in excess of ten cubic yards of earth;*
 - 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
 - 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
 - 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
 - 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*
- B. *Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.*

Comment: No major site grading is planned in conjunction with this site. As shown on the preliminary grading plan submitted with this application, grading for site development is limited to street right-of-way areas and the proposed storm detention facility. No site grading will be commenced until the required grading permit has been issued by the City of Oregon City. Grading for individual homes will be reviewed prior to the issuance of building permits.

COMPLIANCE WITH CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS

17.20.015 - Street trees.

All new single or two-family dwellings or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way. Existing trees may be used to meet this

requirement. A picture of the planted tree shall be submitted to the planning division prior to issuance of occupancy. Upon approval by the community development director, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within ten feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County Records Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of two-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location.

Comment: Street trees will be provided along the street frontages at a maximum spacing of 35 feet, as required by this section. A street tree plan will be submitted prior to final plat approval once locations of driveway approaches have been determined.

17.20.030 - Residential design options.

Comment: Compliance with the residential design options will be reviewed at the time of building permit application.

17.20.035 - Corner lots and through lots.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.040 - Residential design elements.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.050 - Main entrances.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.060 - Residential yard landscaping.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

COMPLIANCE WITH CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability.

Comment: The provisions of this chapter apply to all land divisions and, thus, are applicable to this subdivision.

12.04.005 Jurisdiction and management of the public rights-of-way.

Comment: Consistent with this section, no work will be done within existing or proposed street rights-of-way without obtaining appropriate permits from the City of Oregon City.

12.04.007 Modifications

The provisions of this section recognize that development of streets in full compliance with City standards is not always practicable and allow for approval of modifications when certain criteria are met. The following street modifications are being requested in conjunction with this application:

1. McCord Road Frontage Improvements: The proposed development includes frontage on South McCord Road, which is classified as a collector street (residential). The standards for a collector street are: 85' ROW, 59' pavement, (3) 11' travel lanes, curb and gutter, 6' bike lane, 7' street parking, 5' sidewalk, and 7.5' landscape strip. The existing right-of-way (ROW) on South McCord Road is 40' wide and the pavement is 22' wide, with two travel lanes, no curb or gutter, no street parking, no bike lane, no sidewalk, and no landscape strip. As shown in the street section on the Preliminary Plan, the requested modification would provide for 30 feet of right-of-way and 17 feet of paving from centerline, with a 7.5' planter and a 5' sidewalk. This proposed section matches the staff recommendation from the pre-application conference.
2. Leland Road: The proposed development includes frontage 50' in width on South Leland Road, which is classified as a minor arterial street (residential). The standards for a minor arterial street are: 100' ROW, 68' pavement, curb & gutter, (3) 12' travel lanes, 7' street parking, 6' median, 6' bike lane, 5' sidewalk, and 10.5' landscape strip. The existing right-of-way (ROW) on the portion of South Leland Road fronting the proposed development is 60' and the pavement is 24' wide with two travel lanes, no curb or gutter, no street parking, no median, no bike lane, no sidewalk, and no landscape strip. The portion of South Leland Road fronting the proposed development appears to be the same section, but approximately 185 feet north of the frontage, South Leland Road widens to an apparent ROW of 70' with 48' wide pavement and street parking, bike lane, sidewalk, and landscape strip. This modification would allow for the use of this same street section along the frontage of the subject property. The site plan depicts the dedication of five feet of right-of-way to allow for this street section. Additionally, because the frontage is so short and improvements do not exist on either side of this site, it is proposed that the developer pay a fee in lieu of construction of this frontage so that the improvements would occur when adjacent properties are redeveloped or a larger road improvement project takes place.

The approval criteria for modifications are listed in Section 12.04.007:

- A. *The modification meets the intent of the standard;*
- B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. *The modification is consistent with an adopted plan; and*

- D. *The modification is complementary with a surrounding street design; or, in the alternative;*
- E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Compliance with Modification Approval Criteria:

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but may be reasonably presumed that they are intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, the subject property is located in an area where the right-of-way and street improvement widths of McCord Road and Leland Road were developed under previous City standards. These standards are adequately serving the surrounding neighborhoods, as demonstrated by the findings of the TAL submitted with this application. Given the little remaining undeveloped right-of-way in this area, it does not make sense to switch to the new standards.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing conditions as developed in nearby subdivisions on both Leland Road and McCord Road.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed matches the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

12.04.010 Construction specifications—Improved streets.

Comment: As required by this section, street, curb and sidewalk improvements will be constructed in accordance with approved plans designed to conform to City street standards.

12.04.020 Construction specifications—Unimproved streets.

Comment: Not applicable.

12.04.25 Street design--Curb cuts.

Comment: The applicant will work with City staff to ensure that curb cuts are designed and improved consistent with City standards.

12.04.030 Maintenance and repair.

Comment: Consistent with this section, the owner of land abutting the street where a sidewalk has been constructed will be responsible for maintaining the sidewalk and curb in good repair.

12.04.031 Liability for sidewalk injuries.

Comment: As set forth in this section, the future homeowners will be responsible for the liability associated with injuries resulting from failure to maintain sidewalks in good repair.

12.04.032 Required sidewalk repair through 12.040 Streets-Enforcement

Comment: Not applicable. These sections provide standards for notification and process issues relating to potential future sidewalk repairs. While they may impact future homeowners should sidewalks need repair, they are not directly applicable to this subdivision application.

12.04.050 Retaining walls--Required.

Comment: Not applicable. There are no grading issues that would require the use of a retaining wall on this site.

12.04.060 Retaining walls--Maintenance.

Comment: Not applicable. No retaining walls are proposed.

12.04.070 Removal of sliding dirt.

Comment: Future homeowners will have the responsibility to maintain street and sidewalk areas free of dirt and debris as required by this section.

12.04.080 Excavations--Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Comment: No excavation will be done in rights-of-ways without obtaining required permits.

12.04.090 Excavations--Permit restrictions.

Comment: The applicant will comply with any restrictions placed upon excavation permits associated with this project.

12.04.095 Street Design – Curb Cuts.

Comment: The applicant will comply with City standards regarding number and design of curb cuts.

12.04.100 Excavations – Restoration of Pavement

Comment: All excavations within street areas will be restored to appropriate condition per this standard.

12.04.110 Excavations--Nuisance--Penalty.

Comment: Not applicable.

12.04.120 Obstructions – Permit Required

Comment: Required permits will be obtained before any obstructions of street areas that may be necessary are undertaken.

12.04.130 Obstructions--Sidewalk sales.

Comment: Not applicable.

12.04.140 Obstructions--Nuisance--Penalty.

Comment: Not applicable.

12.04.150 Street and alley vacations--Cost.

Comment: Not applicable.

12.04.160 Street vacations--Restrictions.

Comment: Not applicable.

12.04.170 Street Design - Purpose and General Provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facility Master Plan and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Comment: The proposed street design provides for connections with multiple adjacent streets and will provide for the completion of this street system in a logical grid system.

12.04.175 Street Design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.*

Comment: The proposed street pattern connects Villard Place, Joseph Way, Pelican Lake Place., and Anita Place, while providing for a future connection with Ross Street when abutting property is developed. This system provides a logical grid pattern that will achieve connectivity with adjoining developments. Stub streets are provided where reasonable to achieve future connection to Leland Road and Ross Street. Access control strips will be provided to meet the standards of section 12.04.200.

12.04.180 Street Design

Comment: The design of all proposed streets within the development will conform with city local street standards. The existing rights-of-way of Leland Road and McCord Road adjacent to this site do not conform to current standards for minor arterial and collector streets. Modifications pursuant to the criteria in Section 12.04.007 are being requested to allow dedications and improvements consistent with nearby development on these roads.

12.04.185 Street Design--Access Control.

Comment: Pursuant to the provisions of this section, access control strips will be required across the ends of Pelican Lake Place and Anita Place. These strips will be shown on the final plat.

12.04.190 Street Design--Alignment.

Comment: The proposed streets continue the alignments of adjacent streets and provides for a logical future connection to Leland Road at the 90 degree bend in that street.

12.04.194 Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Comment: The streets will be designed to conform to these standards.

12.04.195 Spacing Standards.

Comment: No blocks exceeding the 530 foot maximum spacing standard are proposed.

12.04.199 Pedestrian and bicycle accessways.

Comment: No pedestrian accessways are proposed or necessary.

12.04.205 Mobility Standards.

Comment: The Traffic Assessment Letter demonstrates that the proposed development will not cause any intersections in this area to exceed the levels of service criteria of this section. Please refer to that document.

12.04.210 Street design--Intersection Angles.

Comment: All intersections in this subdivision have been designed to intersect at angles as close as possible to 90 degrees. Curvature of Anita Place necessary to connect from the existing road stub and provide for a future connection with Leland Road prevents the intersection with Villard Place from being exactly at 90 degrees, but it is close enough that it will function without any difficulties. Traffic volumes and speeds are low, while sight clearance will remain unobstructed.

12.04.215 Street design--Off-Site Street Improvements.

Comment: No off-site improvements are needed or warranted in conjunction with this subdivision.

12.04.220 Street Design--Half Street.

Comment: The section of Anita Place adjacent to Lots 22 and 23 is not a full street. It has been designed in this manner to provide for the future extension of Anita Place to Leland Road. The street section proposed provides for a half-street plus 10 feet of paving on the other side of the road. The remainder of the street will be obtained when the adjoining property is developed.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.

Comment: No cul-de-sacs or dead end streets are proposed.

12.04.230 Street Design--Street Names.

Comment: No new street names are proposed as all streets are continuations of existing streets.

12.04.235 Street Design--Grades and Curves.

Comment: Grades and center line radii have been designed to conform to the standards in the City's street design standards and specifications.

12.04.240 Street Design--Development Abutting Arterial or Collector Street.

Comment: The site abuts McCord Road, a collector street, and Leland Road, a minor arterial street. Access to Lot 16, which abuts Leland Road, is being designed to provide for a turnaround in order to avoid vehicles backing out into this street. Lots 2 and 25 are corner lots located at the intersection of Villard Place and McCord Road. They can be accessed from Villard Place. Lot 1 would be accessed from McCord, but no safety concerns have been identified at that location in the TAL submitted with this application.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Comment: All local streets in the subdivision are proposed to be paved to a 32 foot width, which is consistent with local street standards. The proposed paving is narrow enough to inhibit use by non-local traffic. No extra traffic-calming designs are warranted. No crosswalks will occur within the proposed subdivision.

12.04.255 Street design--Alleys.

Comment: Not applicable. No alleys are proposed.

12.04.260 Street Design--Transit.

Comment: Not applicable. The proposed development does not contain or abut any transit streets.

12.04.265 Street design--Planter Strips.

Comment: Consistent with the requirements of this section, proposed street improvements include the provision of planter strips that will accommodate street trees.

12.04.270 Standard Construction Specifications.

Comment, as required by this section, the workmanship and materials for any work performed under permits issued per this chapter will be in accordance with City standards and the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.

COMPLIANCE WITH CHAPTER 12.08 PUBLIC AND STREET TREES

12.08.015 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.*
- B. The following clearance distances shall be maintained when planting trees:*
 - 1. Fifteen feet from streetlights;*
 - 2. Five feet from fire hydrants;*
 - 3. Twenty feet from intersections;*
 - 4. A minimum of five feet (at mature height) below power lines.*
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

Comment: A street tree planting plan will be submitted with the engineering drawings and will conform to the above standards.

12.08.020 Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Comment: The species of street trees will be submitted for review and approval of the community development director prior to final plat approval.

12.08.025 General tree maintenance.

Comment: As required by this section, abutting property owners will be responsible for maintenance of street trees along their street frontage.

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Comment: The proposed development will conform to this provision.

12.08.040 Heritage Trees and Groves.

Comment: No heritage trees or groves exist on the subject property.

COMPLIANCE WITH CHAPTER 17.41 – TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

Comment: The proposed subdivision is subject to the provisions of this chapter.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or*
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or*
- D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130*

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a

certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Comment: The subject property contains trees that are subject to the provisions of this section. A tree removal and planting plan will be submitted for approval prior to final plat submittal.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

- A. *Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.*
- B. *The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*
 - 1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*
 - 2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.*

Comment: The applicant proposes to make use of Mitigation Option 1. Trees not identified for removal will be protected outside of the construction area throughout the construction phase of the project. Replacement trees will be planted pursuant to the provisions of this section. A mitigation plan will be prepared by an arborist and submitted for review prior to final plat approval.

17.41.070 Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. First Priority. Replanting on the development site.*
- B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.*

Comment: Mitigation on-site is proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

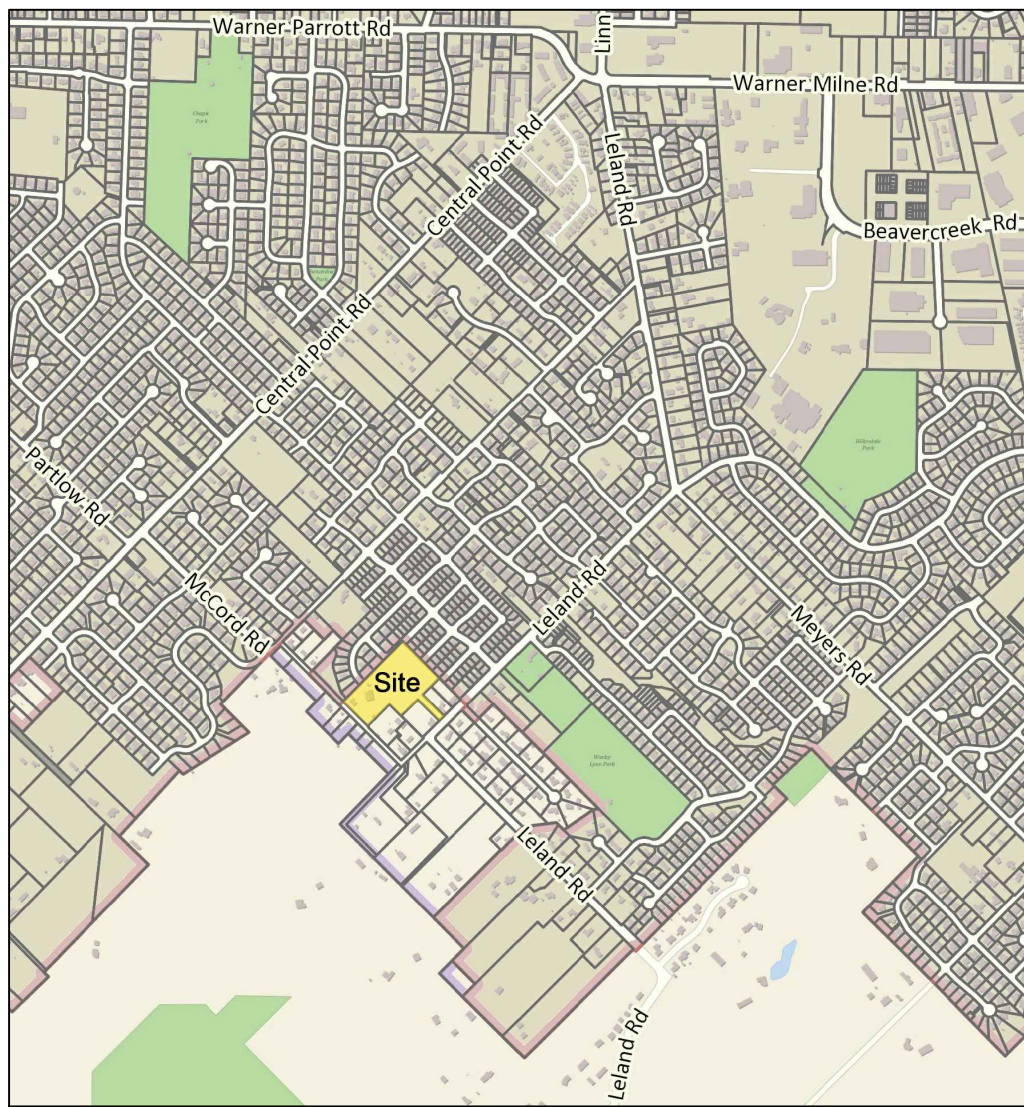
17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.130 - Regulated tree protection procedures during construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.*
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:*
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Comment: The required procedures and arborist recommendations will be followed throughout the period of construction activities on the site. Changes in soils hydrology and site drainage within tree protection areas will be avoided.



Vicinity Map

Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Owner:
David & Dianne Douglass
19588 McCord Road
Oregon City, OR 97045
PH: (503) 201-4365

Legal: 3-2E-07B-4100

Water: City of Oregon City

Sewer: City of Oregon City

Contours: Field Survey by Centerline Concepts, Inc.

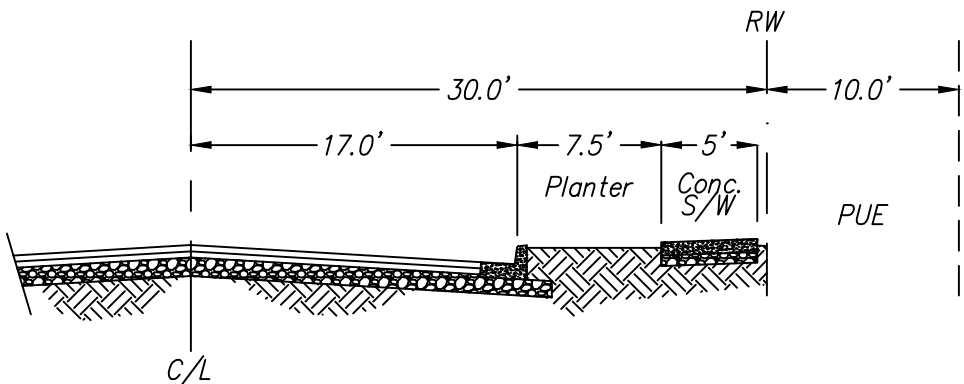
Site Area: 5.15 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: R-10 (Existing), R-6 (Proposed)

Impervious Areas: Street - 52,124 sq. ft., Sidewalk - 13,873 sq. ft.

Street Trees - 35' O.C.



McCord Rd. Street Section

Scale: 1" = 10'

DESIGNED:	REG	6-9-2015	1	Added street trees, street section & easements.
DRAWN:	REG			
SCALE:	1" = 50'			
DATE:	April 2015			
FILE:	14-ICN-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

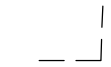
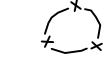

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

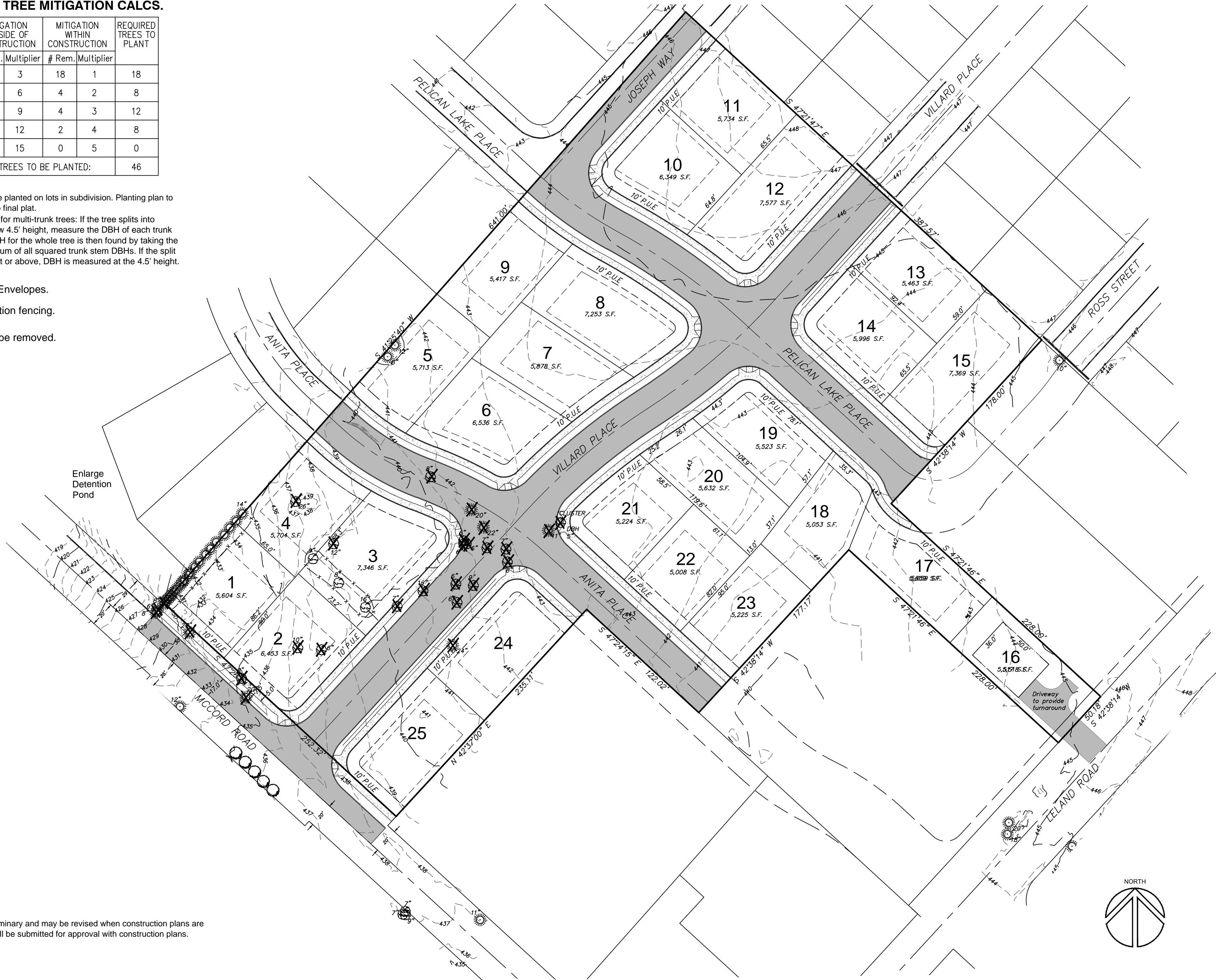
Pavilion Park 3
Preliminary Plan

SCHEDULE 1: TREE MITIGATION CALCS.

SIZE TREE TO BE REMOVED	MITIGATION OUTSIDE OF CONSTRUCTION		MITIGATION WITHIN CONSTRUCTION		REQUIRED TREES TO PLANT
	# Rem.	Multiplier	# Rem.	Multiplier	
6 TO 12"	0	3	18	1	18
13 TO 18"	0	6	4	2	8
19 TO 24"	0	9	4	3	12
25 TO 30"	0	12	2	4	8
31" PLUS	0	15	0	5	0
TOTAL MITIGATION TREES TO BE PLANTED:					46

CODE 17.41.060-1
Mitigation trees to be planted on lots in subdivision. Planting plan to be submitted prior to final plat.
Calculation of DBH for multi-trunk trees: If the tree splits into several trunks below 4.5' height, measure the DBH of each trunk separately. The DBH for the whole tree is then found by taking the square root of the sum of all squared trunk stem DBHs. If the split occurs at 4.5' height or above, DBH is measured at the 4.5' height.

-  Building Envelopes.
-  Construction fencing.
-  Trees to be removed.



Note: This plan is preliminary and may be revised when construction plans are prepared. Final plan will be submitted for approval with construction plans.

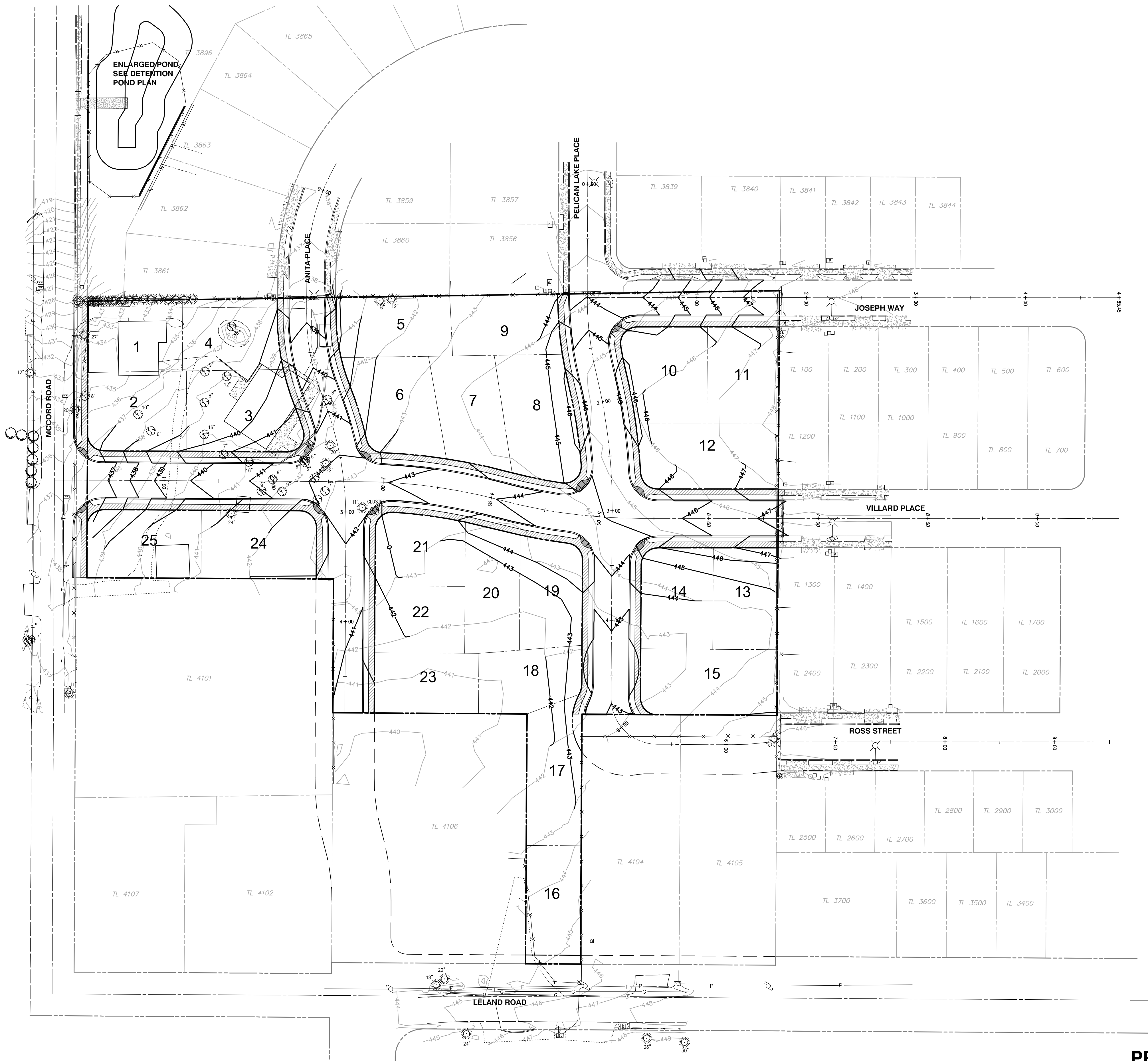
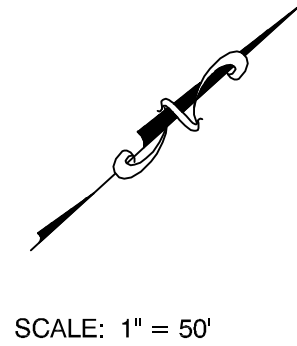
DESIGNED: REG	8-6-15	1	Cluster tree caliper measurements added.
DRAWN: REG			
SCALE: 1" = 50'			
DATE: June 2015			
FILE: 14-ICN-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park 3
Tree Removal, Protection & Mitigation Plan

SHEET:
1/1



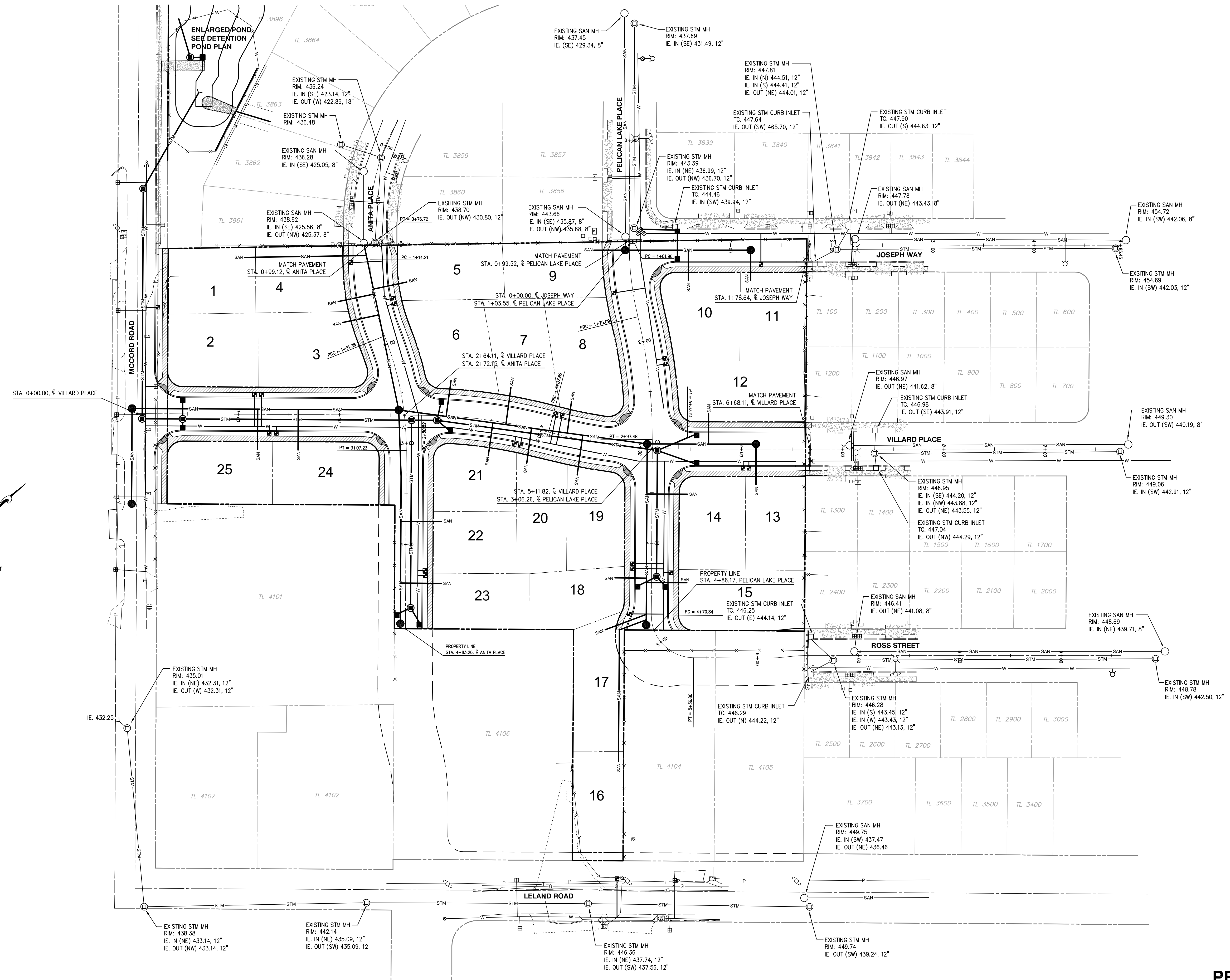
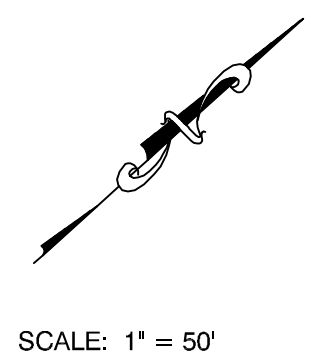
2014-129H

DESIGNED:	BDG			
DRAWN:	BJS			
SCALE:	1" = 50'			
DATE:	April, 2015			
FILE:	Pavilion Park III Prelim1	DATE	NO.	REVISION

Theta, llc
ENGINEERING - SURVEYING - PLANNING
PO Box 1345
Lake Oswego, Oregon 97035

503/481-8822
email: thetaeng@comcast.net

Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, Oregon 97068
PH: (503) 657-0406



2014-129H										PRELIMINARY UTILITY PLAN															
DESIGNED: BDG						Theta, llc					Icon Construction & Development LLC 1980 Willamette Falls Drive, Suite 200 West Linn, Oregon 97068 PH: (503) 657-0406					SHEET:									
DRAWN: BJS																Pavilion Park III					2/2				
SCALE: 1" = 50'						ENGINEERING - SURVEYING - PLANNING																			
DATE: April, 2015						PO Box 1345 Lake Oswego, Oregon 97035										503/481-8822 email: thetaeng@comcast.net									
FILE: Pavilion Park III Prelim1		DATE	NO.	REVISION																					

C:\Users\Pavilion Park III Prelim1.dwg, 4/10/2015 10:17 PM

EXISTING CONDITIONS MAP

TAX LOT 4100
LOCATED IN THE N.W. 1/4 SECTION 7, T.2S., R.3E., W.M.,
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
JANUARY 30, 2015 SCALE 1"=40'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON OREGON CITY BENCH MARK "ROUNDTREE", LOCATED AT THE INTERSECTION OF CENTRAL POINT ROAD AND ROUNDTREE DRIVE WITH AN ELEVATION OF 471.141', NAD83.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

AREA OF SUBJECT PARCEL: 226,684 S.F. OR 5.21 ACRES

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "WILLOW RUN ESTATES", RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

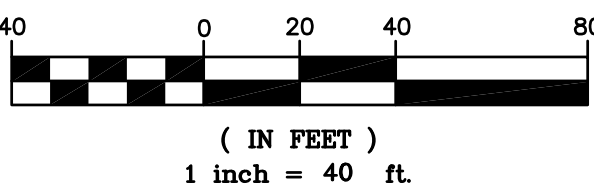
FIDELITY NATIONAL TITLE COMPANY OF OREGON PRELIMINARY TITLE REPORT NUMBER 20140107628-FTP055, DATED DECEMBER 22, 2014 AS PROVIDED HAS BEEN USED AND REFERENCED IN PREPARATION OF THIS MAP. PLEASE REFER TO THIS DOCUMENT FOR DESCRIPTIONS OF EXCEPTIONS TO TITLE INSURANCE.

LEGEND:

Some Symbols shown may not be used on map

- | | |
|--------------------------|---------------------------|
| DECIDUOUS TREE | UTILITY AND LIGHT POLE |
| EVERGREEN TREE | GUY WIRE |
| STORM SEWER MANHOLE | TRAFFIC SIGNAL POLE |
| SANITARY SEWER CLEANOUT | ELECTRICAL POWER PEDESTAL |
| CATCH BASIN | COMMUNICATIONS PEDESTAL |
| SANITARY SEWER MANHOLE | COMMUNICATIONS MANHOLE |
| WATER VALVE | OVERHEAD LINE |
| WATER METER | GAS LINE |
| FIRE HYDRANT | ELECTRICAL LINE |
| IRRIGATION CONTROL VALVE | COMMUNICATIONS LINE |
| GAS VALVE | SANITARY SEWER LINE |
| GAS METER | STORM DRAIN LINE |
| SIGN | WATER LINE |
| MAILBOX | FENCELINE |
| UTILITY POLE | ELECTRIC STUB |
| LIGHT POLE | GAS RISER |
| ELECTRIC METER | TRANSFORMER |
| STORM PIPE | WATER BLOWOFF |

GRAPHIC SCALE

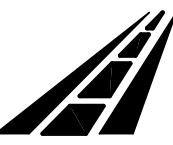


SIGNED ON:

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

VALID THROUGH DECEMBER 31, 2013



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

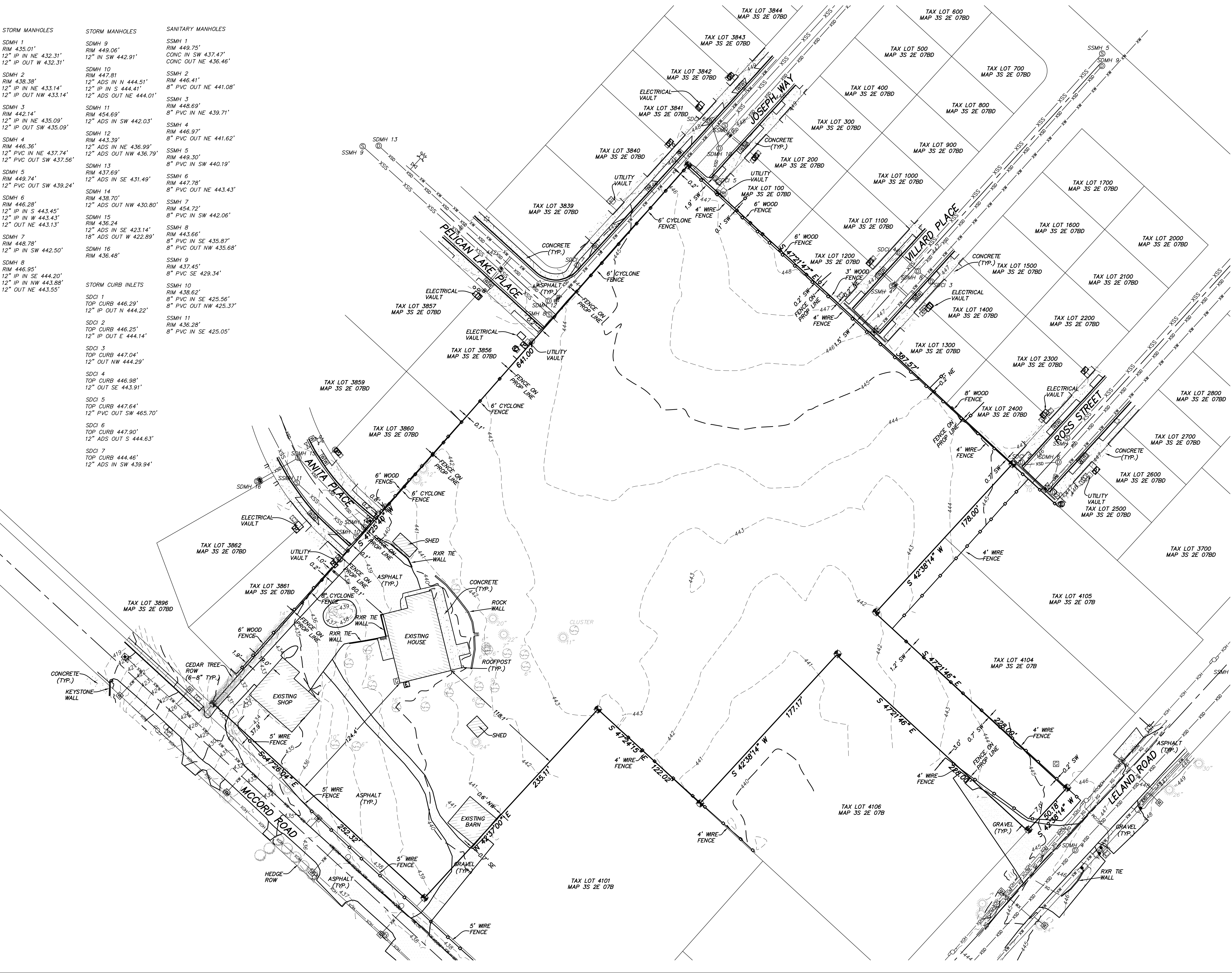
729 MOLALLA AVE., SUITE 1 & 2
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

Plotted: M:\PROJECTS\ICON-McCORD RD--9588\dwg\ECM.dwg

- STORM MANHOLES
- SDMH 1
RIM 435.01'
12" IP IN NE 432.31'
12" IP OUT W 432.31'
- SDMH 2
RIM 438.38'
12" IP IN NE 433.14'
12" IP OUT NW 433.14'
- SDMH 3
RIM 442.14'
12" IP IN NE 435.09'
12" IP OUT SW 435.09'
- SDMH 4
RIM 446.36'
12" PVC IN NE 437.74'
12" PVC OUT SW 437.56'
- SDMH 5
RIM 449.74'
12" PVC OUT SW 439.24'
- SDMH 6
RIM 446.28'
12" IP IN S 443.45'
12" IP IN W 443.43'
12" OUT NE 443.13'
- SDMH 7
RIM 448.78'
12" IP IN SW 442.50'
- SDMH 8
RIM 446.95'
12" IP IN SE 444.20'
12" IP IN NW 443.88'
12" OUT NE 443.55'
- STORM MANHOLES
- SDMH 9
RIM 449.06'
12" IN SW 442.91'
- SDMH 10
RIM 447.81'
12" ADS IN N 444.51'
12" IP IN S 444.41'
12" ADS OUT NE 444.01'
- SDMH 11
RIM 454.69'
12" ADS IN SW 442.03'
- SDMH 12
RIM 443.39'
12" ADS IN NE 436.99'
12" ADS OUT NW 436.79'
- SDMH 13
RIM 437.69'
12" ADS IN SE 431.49'
- SDMH 14
RIM 438.70'
12" ADS OUT NW 430.80'
- SDMH 15
RIM 436.24'
12" ADS IN SE 423.14'
18" ADS OUT W 422.89'
- SDMH 16
RIM 436.48'
- SANITARY MANHOLES
- SSMH 1
RIM 449.75'
CONC IN SW 437.47'
CONC OUT NE 436.46'
- SSMH 2
RIM 446.41'
6" PVC OUT NE 441.08'
- SSMH 3
RIM 448.69'
6" PVC IN NE 439.71'
- SSMH 4
RIM 446.97'
6" PVC OUT NE 441.62'
- SSMH 5
RIM 449.30'
6" PVC IN SW 440.19'
- SSMH 6
RIM 447.78'
6" PVC OUT NE 443.43'
- SSMH 7
RIM 454.72'
6" PVC IN SW 442.06'
- SSMH 8
RIM 443.66'
6" PVC IN SE 435.87'
6" PVC OUT NW 435.68'
- SSMH 9
RIM 437.45'
6" PVC IN SW 429.34'
- SSMH 10
RIM 438.62'
6" PVC IN SE 425.56'
6" PVC OUT NW 425.37'
- SSMH 11
RIM 436.28'
6" PVC IN SE 425.05'

STORM CURB INLETS

- SDCI 1
TOP CURB 446.29'
12" IP OUT N 444.22'
- SDCI 2
TOP CURB 446.25'
12" IP OUT E 444.14'
- SDCI 3
TOP CURB 447.04'
12" OUT NW 444.29'
- SDCI 4
TOP CURB 446.98'
12" OUT SE 443.91'
- SDCI 5
TOP CURB 447.64'
12" PVC OUT SW 465.70'
- SDCI 6
TOP CURB 447.90'
12" ADS OUT S 444.63'
- SDCI 7
TOP CURB 444.46'
12" ADS IN SW 439.94'



Pavilion Park 3 Minutes From 2-19-2015

Tower Vista Neighborhood Planning Meeting

The meeting with the Tower Vista Neighborhood Association was coordinated with Chairman Todd Last. The meeting was held at 7:00 pm on February 19, 2015 at the Ainsworth House.

The applicant's representative, Rick Givens, presented the proposed development. He explained that there were two different site plans: one with 10 lots and a second with 19 lots that was dependent upon reaching a purchase agreement with the owners of that property. The proposal includes a zone change from R-10 to R-6.

Mr. Givens explained the process that would be used by the City to review the application, noting that the subdivision and zoning applications would be heard by the Planning Commission and that the Zone Change would then go to the City Commission for final decision.

One concern expressed related to lot sizes and why lots were shown on the plan that are less than 6,000 sq. ft. in area. Mr. Givens explained that the City's development ordinances allow for lot averaging. The neighbor adjacent to Lot 4 asked if that lot could be made larger. Mr. Givens explained that taking area out of Lot 3 could be problematic because corner lots have to maintain greater side setbacks.

A question was asked as to why the existing R-10 zoning couldn't be retained. Mr. Givens noted that the surrounding developments are zoned for smaller lots and that this project relates to those neighborhoods. He also explained the need to make efficient use out of urban land to avoid having to expand the Urban Growth Boundary prematurely.

A neighbor on Anita stated that her preference would be for it to remain a dead-end street. Mr. Givens explained that doing so would not be consistent with City standards promoting connectivity.

Another concern raised related to traffic on area streets and the perception that they can't accommodate more traffic. Mr. Givens noted that a traffic analysis would be performed by a traffic engineer and reviewed by the City's traffic consultant.

Another neighbor asked about schools and the possibility of re-opening Mt. Pleasant Elementary. Mr. Givens noted that the School District had sold that school, but that the School District would be notified of the application. There have been no capacity issues raised by the District on other recent applications in this area.

Questions were asked about the timing of the application. Mr. Givens noted that the traffic study and engineering had not been completed yet. He estimated that it would be submitted in March at the earliest.

Rick Givens

From: "Todd P Last" <Todd.Last@comcast.net>
Date: Monday, February 09, 2015 8:33 AM
To: "Rick Givens" <rickgivens@gmail.com>
Cc: <lterway@ci.oregon-city.or.us>
Subject: Re: Neighborhood Meeting for two projects in the Tower Vista NA Area

Do either Tuesday the 17th or Thursday the 19th work for you?

Todd

On 1/29/2015 7:28 AM, Rick Givens wrote:

Hi Todd,

Thanks for the reply. As far as the email communication goes, I just need to know if it is acceptable to you that our communications be by email rather than certified mail. The City's code says we have to send you a request for a meeting via certified mail unless you agree to another form of communication. Notice to people in the neighborhood would be by regular mail.

Thanks,

Rick

From: [Todd P Last](#)
Sent: Thursday, January 29, 2015 6:31 AM
To: [Rick Givens](#)
Subject: Re: Neighborhood Meeting for two projects in the Tower Vista NA Area

Let me see what dates we could do it on.
 email is not reliable for communication since it never achieves 100% coverage, may not fit the legal definition of communication, and nobody has complete email lists.

regards,
 Todd

On 1/22/2015 12:24 PM, Rick Givens wrote:

Hello, Mr. Last.

My name is Rick Givens and I am a planning consultant working with Icon Construction and Development, LLC on a couple of projects that are located within the Tower Vista Neighborhood Association area. As you probably know,

the City's development ordinance require that we hold a neighborhood meeting to discuss the proposals prior to the submittal of our land use applications. The provisions of the ordinance state that we must send you notification of the projects by certified mail, but that other forms of correspondence may be used if acceptable to the Neighborhood Association. In working on other projects in the City, we have found that email correspondence is the best and easiest way to develop a two-way conversation. If this is acceptable to you, it would be our preference for these projects. If you would rather have an additional notice by certified mail, please let me know and I will send you a letter in that manner.

The first project is a ten lot subdivision and zone change located at 19371 Pease Road. This is a narrow parcel located The existing zoning is R-10, but the adjoining subdivisions are zoned R-8.

The second project is located at 19588 McCord Road. This property was recently annexed to the City and is zoned R-10, the default zoning applied to all newly annexed residential property. As shown on the attached vicinity map, the property is adjacent to R-6 zoned land to the northwest in the Pavilion Park neighborhood, and R-3.5 zoning to the northeast. We are proposing to continue the R-6 zoning and the preliminary design for the subdivision shows 26 lots.

It is my understanding from the information on the City's website that the Tower Vista NA doesn't have any scheduled meetings until April. Would you be open to having a special meeting to discuss these two subdivisions or would you prefer that we schedule our own meeting? The City's regulations state that a minimum of 30 days notice must be provided for such a meeting.

We are looking forward to meeting with you and the Tower Vista Neighborhood Association. Please let us know how you would like to proceed on this .

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
(503) 479-0097
Cell: (503) 351-8204
rickgivens@gmail.com

Rick Givens

From: "Todd P Last" <Todd.Last@comcast.net>
Date: Thursday, February 19, 2015 1:32 AM
To: "Rick Givens" <rickgivens@gmail.com>; "Katie Durfee" <kdurfee@ci.oregon-city.or.us>; "Laura Terway" <lterway@ci.oregon-city.or.us>
Subject: Re: Please confirm Feb 17th

Great! See you at 7pm today.

Todd

On 2/13/2015 9:10 AM, Rick Givens wrote:

Hi Todd,

Katie and I exchanged emails yesterday and she gave me the name of the contact at the Ainsworth House. I checked with Kevin Yee and he said it is available for the 19th at 7:00 pm and he changed the reservation to that time. I believe that Katie is proceeding with sending out the postcards, so we should be good to go for next Thursday.

Rick

From: [Todd P Last](#)
Sent: Friday, February 13, 2015 2:09 AM
To: [Rick Givens](#) ; [Katie Durfee](#) ; [Laura Terway](#)
Subject: Re: Please confirm Feb 17th

Yes - we can move to the 19th if that works better, or the following week. Just let me know so I can change the arrangements.

Regards,
 Todd

On 2/12/2015 11:27 AM, Rick Givens wrote:

Hi Katie,

That would be fine from our perspective, but I don't know if the Ainsworth House is available that night. Is that something that you can check on?

Rick

From: [Katie Durfee](#)
Sent: Thursday, February 12, 2015 11:18 AM
To: [Rick Givens](#) ; [Todd P Last](#) ; [Laura Terway](#)
Subject: RE: Please confirm Feb 17th

Good Morning Rick,

If I send the postcard to the print shop today, then they could likely get the postcard to drop using first-class mail by Tuesday or Wednesday next week, if you would like to hold this meeting on the 19th instead.

Katie

From: Rick Givens [<mailto:rickgivens@gmail.com>]

Sent: Thursday, February 12, 2015 10:43 AM

To: Katie Durfee; Todd P Last; Laura Terway

Subject: Re: Please confirm Feb 17th

Good morning, Katie,

It sounds like the schedule may be too tight to make work for the 17th. When I spoke with Todd, he suggested both the 17th and 19th as possible dates so if the 19th is available to use the Ainsworth House, that would be fine with us. If not, slipping the meeting back a week or two is not going to be a problem from the applicant's end.

Thanks,

Rick Givens

From: [Katie Durfee](#)

Sent: Thursday, February 12, 2015 10:04 AM

To: [Todd P Last](#) ; [Rick Givens](#) ; [Laura Terway](#)

Subject: RE: Please confirm Feb 17th

Good Morning All,

In speaking to a representative of the print shop, the NA postcards can be prepared today but there is no guarantee with the present date that they will be received in time by Tuesday, even with express delivery. The biggest challenge is with Monday being a holiday.

Thanks,

Katie

From: Todd P Last [<mailto:Todd.Last@comcast.net>]

Sent: Thursday, February 12, 2015 2:55 AM

To: Rick Givens; Katie Durfee; Laura Terway

Subject: Please confirm Feb 17th

All:

I have reserved the Aninsworth House and Gardens on Feb 17th at 7pm

for Rick's presentation for Land use proposals for:

19371 Pease Road.
19588 McCord Road.

Please confirm that you can attend on this date.

Katie, please send out a postcard asap with the meeting announcement, and put text that the meeting will be for a presentaion for two proposed developments (include addresses) in the Tower Vista Neighborhood.

Thank you,
Todd Last
(502) 387-3046

NAME

EMAIL

Amy White

Laura Tenway

Laura Hennig

Suzanne Hennig

Cherilyn Swinridge

Co-Lia

Ryan & Amanda Knitzberg

Robbing Marga Cow

Empire & Marylee Magill

Robert Gohl

John Gohl

Presai Gurspoff (ren)

Rick Givens (Planning Consultant)

Sheila Wilson

Lynette Goss-Holt

Judy Spreadborough

Dante McGinnis

WILLIAM STYCE GIFFORD

email@smallsflats.com

info@spreadboard.com

jsandgs@icloud.com

leachhart@delaware

Stu@stulson3.com

rick.givens@gmail.com

Presai@conservation

Deagor@legals.com

yrab1999@yahoo.com

ryan@2010.net

qudlineh@gmail.com

remistade@comcast.net

gsunridge@yahoo.com

laurat@city.org

laurat@city.org

laurat@city.org

laurat@city.org

laurat@city.org

Pavilion III

25- Lot proposed development

19588 S McCord Road

Oregon City, Oregon



PRELIMINARY DRAINAGE REPORT

April 2015

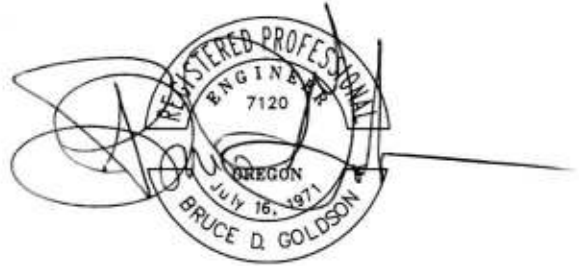
Prepared By:

Bruce D. Goldson, PE

Theta, llc

PO Box 1345, Lake Oswego, Oregon 97035

2014-129H



EXPIRES: 06-30-15

4/4/15

INDEX

Narrative	pg 2-3
Summary	pg 3
Regulatory	pg 4
Design Parameters	pg 4
Hydrographic Results	pg 4-12
Summary	pg 12
Appendix	pg 13-20



NARRATIVE ASSUMPTIONS

Existing Conditions:

The subject property has a large house with outbuilding and driveway to McCord. The majority of the site is a Christmas tree farm generally sloping from east to west. There are two sub-basins on the property but both would result in flow to McCord Road and northerly along the Road to a natural drainage way approximately 250-feet northerly of the property. Pavilion Park I abuts the project to the north with road connections and there is a detention/water quality facility approximately 200-feet north on McCord Road.

Developed conditions:

25-new lots are proposed which will extend Anita Place, Pelican Lake Place and Villard Place and complete Joseph Way. McCord Road would be improved with a half street. Storm water would be directed to the original Pavilion system with the majority flowing in a new line north on McCord Road and into the existing detentions facility. This facility would be enlarged to receive and process the new development.

Drain Basin Description:

Existing

There are two minor basins on the property which divide the property more or less in half. The discharge point for both is the roadside ditch on the easterly side of McCord Road. The

northerly basin flows directly to McCord road while the southerly basin flows south westerly across other properties before reaching McCord road. Once the flow reaches the roadside ditch the basins are combined and enter the natural drainage way northwesterly of the site.

Developed

In the developed condition the two basins will be combined with storm lines running westerly in Villard Place, thence in McCord to the existing detention/water quality facility. Overall the drainage pattern will be the same. No discharge of impervious storm water will flow onto adjacent properties. The enlarged facility will meter the storm water out at the pre-design rates.



Summary of storm water flow

	2-YEAR	5-YEAR	10-YEAR	25-YEAR
PRE-DEVELOP	1.62CFS	2.07CFS	2.35CFS	2.89CFS
POST-DEVELOP	2.17CFS	2.74CFS	3.08CFS	3.78 CFS

DESIGN STORM	REQUIRED RELEASE	DESIGN RELEASE
25 YEAR-24 HR	2.35 CFS	2.34CFS
10 YEAR -24 HR	N/A	N/A
5 YEAR - 24 HR	2.07 CFS	0.92CFS
2 YEAR -24 HR	0.81 CFS	0.81 CFS

REGULATORY DESIGN CRITERIA

The storm water quantity management requirements of Oregon City are:

- City Code 13.12 Storm water management and the 1988 Drainage Mater Plan
- City of Oregon City, Public Works, Storm Water & Grading Design Standards.

References

1. King County Department of Public Works, Surface Water Management Division, Hydrographic Programs, Version 4.21B

Water Quality Facility

The required treatment rate is 1/3 of the 2-year design storm. For this project the calculations the 2-year storm is 1.37CF and the water quality quantity is 0.46CFS. The following options will be considered in the final design: a swale inside the detention pond, infiltration at the bottom of the facility or a Stormceptor by CRS with the capacity to treat 100% of the flows.

Design Parameters

The design storm is a 24 hour standard SCS Type 1A

- 2-year.....2.6 inches
- 5-year.....3.1 inches
- 25-year.....4.0 inches
- 100-year.....4.5 inches

SOIL TYPES

8B Bornstedt silt - Type C soil

24B Cottrell Silty/clay - Type C soil

Time of Concentration

$$T = 0.42(n L)^{.8} / (P_2)^{0.5} (S_0)^{0.4} \text{ \& } T = L / 60k(s_0)^{0.5}$$

$$\text{Pre-Development: } (.42)[(0.17(300))^{0.8} / (2.6)^{0.5} (0.014)^{0.4}] = 33.4 \text{ min \& } 350 / (60)(11)(0.023)^{0.5} = 3.5 \text{ min : total 36.9 minutes}$$

$$\text{Post-Development } (.42)[(0.15(133))^{0.8} / (2.6)^{0.5} (0.020)^{0.4}] = 13.7 \text{ min } 233 / (60)(27)(0.010)^{0.5} = 1.4 \text{ min + } 270 / (60)(42)(0.02)^{0.5} = 0.7 \text{ min: Total 15.8 minutes}$$

HYDROGRAPH RESULTS

KING COUNTY DEPARTMENT OF PUBLIC WORKS

Surface Water Management Division

HYDROGRAPH PROGRAMS

Version 4.21B

1 - INFO ON THIS PROGRAM

2 - SBUHYD

3 - MODIFIELD SBUHYD

4 - ROUTE

5 - ROUTE2

6 - ADDHYD

7 - BASEFLOW

8 - PLOTHYD

9 - DTATA

10 - REFAC

11 - RETURN TO DOS

ENTER OPTION:

2

SBUN/SCS METHOD FOR COMPUTING RUNOFF HYDROGRAPH

STORM OPTIONS:

1 - S.C.S. TYPE-1A

2 - 7-DAY DESIGN STORM

3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE - 1A RAINFALL DISTRIBUTION

ENTER; FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

2,24,2.6

XXXXXXXXXXXXXXXXXXXX S.C.S.TYPE-1A DISTRIBUTION XXX

XXXXXXXXXXXX 2-YEAR 24-HOUR STORM xxxx 2.60 "TOTAL PRECIP XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX/

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

5.08,92,0.18,98,36.9

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	5.1	92	.2	98	36.9
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
1.62	7.83		34181		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:p1112pre

SPECIFY: C - CONTINUE, N - NEWSTORM, P - PRINT, S - STOP

C

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

2.68,86,2.58,98,15.8

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	2.7	86	2.6	98	15.8
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
2.17	7.83		35016		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:p1112post

SPECIFY: C - CONTINUE, N - NEWSTORM, P - PRINT, S - STOP

STORM OPTIONS:

1 - S.C.S. TYPE-1A

2 - 7-DAY DESIGN STORM

3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE - 1A RAINFALL DISTRIBUTION

ENTER; FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

5,24,3.1

XXXXXXXXXXXXXXXXXXXX S.C.S.TYPE-1A DISTRIBUTION XXX

XXXXXXXXXXXX 5-YEAR 24-HOUR STORM xxxx 3.10" TOTAL PRECIP XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

5.08,92,0.18,98,36.9

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	5.1	92	.2	98	36.9
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
2.07	7.83		43105		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:pili5pre

SPECIFY: C-CONTINUE, N-NEWTORM,P-PRINT,S-STOP

C

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

2.68,86,2.58,98,15.8

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	2.7	86	2.6	98	15.8

PEAK-Q(CFS)	T-PEAK(HRS)	VOL(CU-FT)
2.74	7.83	43775

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:p1115post

SPECIFY: C-CONTINUE, N-NEWSTORM,P-PRINT,S-STOP

N

STORM OPTIONS:

1 - S.C.S. TYPE-1A

2 - 7-DAY DESIGN STORM

3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE - 1A RAINFALL DISTRIBUTION

ENTER; FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

10,24,3.4

XXXXXXXXXXXXXXXXXXXX S.C.S.TYPE-1A DISTRIBUTION XX

XXXXXXXXXXXX 10-YEAR 24-HOUR STORM xxxx 3.40" TOTAL PRECIP XX

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

5.08,92,018,98,36.9

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	5.1	92	.2	98	36.9

PEAK-Q(CFS)	T-PEAK(HRS)	VOL(CU-FT)
2.35	7.83	48524

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:p11110pre

SPECIFY: C-CONTINUE, N-NEWSTORM,P-PRINT,S-STOP

C

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

2.68,86,2.58,98,15.8

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	2.7	86	2.6	98	15.8
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
3.08	7.83		49109		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:\p1110post

SPECIFY: C-CONTINUE, N-NEWSTORM,P-PRINT,S-STOP

N

STORM OPTIONS:

- 1 - S.C.S.. TYPE-1A
- 2 - 7-DAY DESIGN STORM
- 3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE - 1A RAINFALL DISTRIBUTION

ENTER; FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

25,24,4

XXXXXXXXXXXXXXXXXXXX S.C.S.TYPE-1A DISTRIBUTION XX

XXXXXXXXXXXX 25-YEAR 24-HOUR STORM xxxx 4.00" TOTAL PRECIP XX

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

5.08,92,0.18,98,36.9

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	5.1	92	.2	98	36.9
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
2.89	7.83		59468		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:piii25pre

C

ENTER: A(PERV),CN(PERV),A(IMPERV),CN(IMPERV),TC FOR BASIN NO. 1

2.68,86,2.58,98,15.8

DATA PRINT OUT:

AREA(ACRES)	PERVIOUS		IMPERVIOUS		TC(MINUTES)
	A	CN	A	CN	
5.3	2.7	86	2.6	98	15.8
PEAK-Q(CFS)	T-PEAK(HRS)		VOL(CU-FT)		
3.78	7.83		59909		

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

C:br25post

DETENTION SIZING

ENTER OPTION

10

R/D FACILITY DESIGN ROUTINE

SPEFICY TYPE OF R/D FACILITY

1 - POND 4 - INFILTRATION POND

2 - TANK 5 - INFILTRATION TANK

3 -VAULT

6 - GRAVEL TRENCH/BED

1

ENTER: POND SIDE SLOPE (HORIZ. COMPOENT)

3

ENTER: EFFECTIVE STORAGE DEPTH(ft) BEFORE OVERFLOW

3

ENTER [d:][path]filename[.ext] OF PRIMARY DESIGN INFLOW HYDROGRAPH:

C:br25post

PRELIMINARY DESIGN INFLOW PEAK = 3.78

ENTER PRIMARY DESIGN RELEASE RATE(cfs)

2.35

ENTER NUMBER OF INFLOW HYDROGRAPHS TO BE TESTED FOR PERFORMANCE (5 MAXIMUM)

2

ENTER [d:][path]filename[ext] OF HYDROGRAPH 1:

C:p1115post

ENTER TARGET RELEASE RATE(cfs)

2.07

ENTER [d:][path]filename[ext] OF HYDROGRAPH 2:

C:p1112post

ENTER TARGET RELEASE RATE(cfs)

.0.81

ENTER: NUMBER OF ORIFICES, RISER-HEAD(ft), RISER-DIAMETER(in)

2,4,15

RISER OVERFLOW DEPTH FOR PRIMARY PEAK INFLOW= 0.46FT

SPECIFY ITERATION DISPLAY: Y -YES, N - NO

N

SPECIFY: R - REVIEW/REVISE INPUT, C - CONTINUE

C

INITIAL STORAGE VALUE FOR ITERATION PURPOSES: 20040 CU-FT

BOTTOM ORIFICE: ENTER Q-MAX(cfs)

1.0

DIA.=4.61 INCHES

TOP ORIFICE: ENTER HEIGHT (ft)

2.7

DIA.= 9.53 INCHES

PERFORMANCE: INFLOW TARGET-OUTFLOW ACTUAL-OUTFLOW PK-STAGE STORAGE

DESIGN HYD:	3.78	2.35	2.34	3.00	9038
TEST HYD 1:	2.74	2.07	.92	2.55	7290
TEST HYD 2:	2.17	.81	.81	1.95	5190

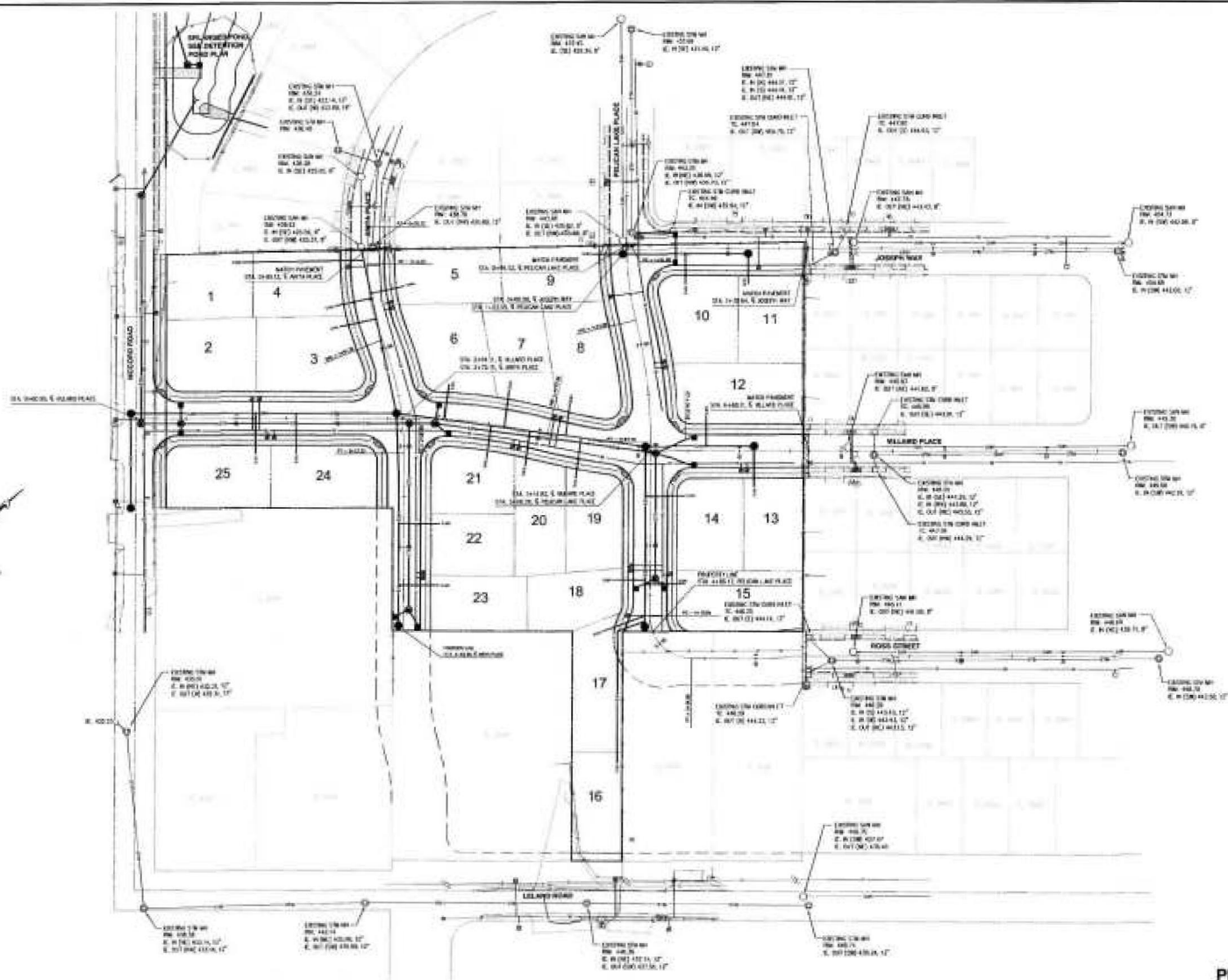
SPECIFY: D - DOCUMENT, R -REVISE, A - ADJUST ORIF, E -ENLARGE, S -STOP

PRELIMINARY DESIGN:

A proposed addition to the detention and water quality pond is proposed at the existing facility northwesterly of the property. The original calculations were not available but a preliminary grading plan illustrated that enlarging the pond by the required 9038 CF is practical. In the final analysis this new development will be intergraded and adjusting the orifices to reflect both developments. Infiltration and water quality requirements will be met by the type A pond configuration.

Appendix

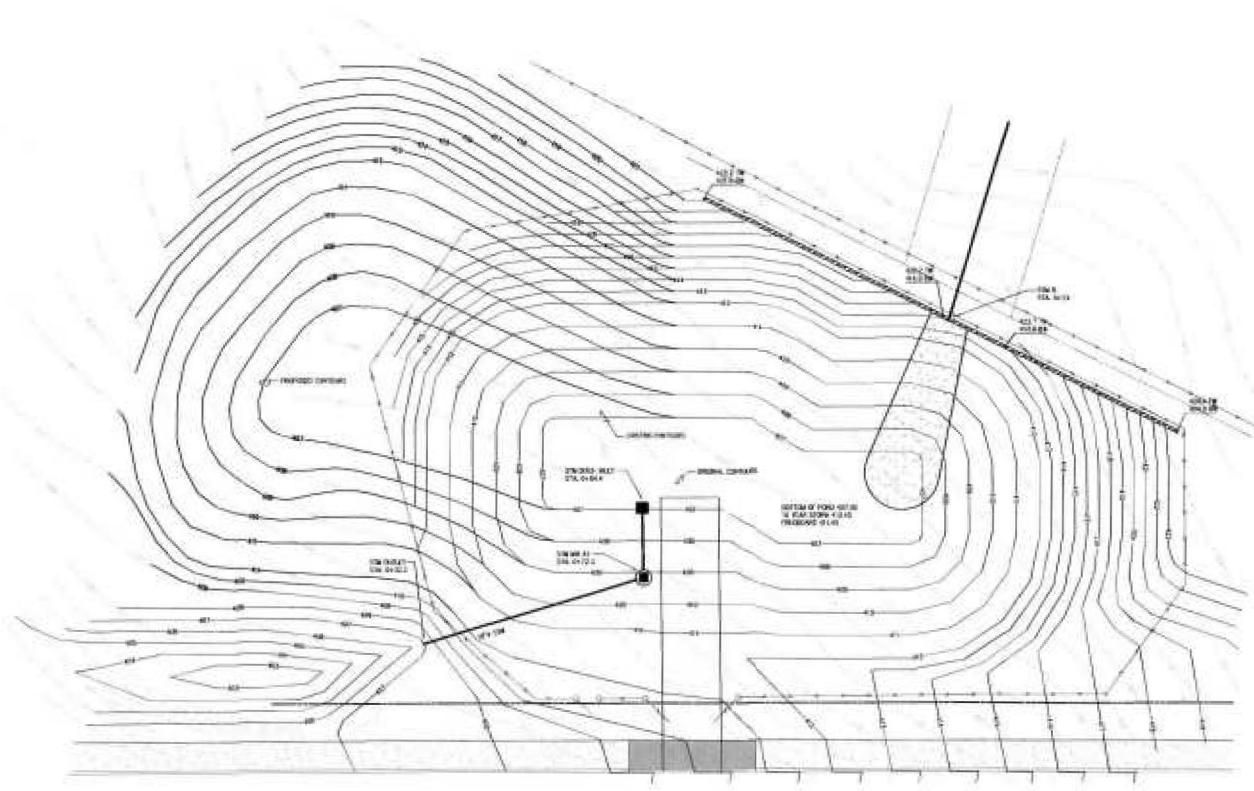
SCALE: 1" = 50'



PRELIMINARY UTILITY PLAN

2014-122H				Theta, LLC		Icon Construction & Development LLC		Pavilion Park III		2/2	
DESIGNER:	DATE:	DRAWN:	SCALE:	ENGINEERING - SURVEYING - PLANNING	PROJECT NO.	1588 Williams Falls Drive, Suite 200	Wendell, Oregon 97138				
DATE:	PROJECT NO.	DATE:	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.				
DATE:	PROJECT NO.	DATE:	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.				

15



DRAFT



DETENTION POND

2014-128H

DESIGNED BY	SD
DRAWN BY	SD
SCALE	1" = 10'
DATE	04/01/14
FILE	Pavilion Park III Detention Pond
DATE	NO
REVISION	

Theta, LLC
 ENGINEERING - SURVEYING - PLANNING
 PO Box 1262
 Lake Oswego, Oregon 97035
 503.674.8822
 info@thetallc.com

Pavilion Park III

SHEET
1/1

2014-128H - Pavilion Park III Detention Pond - 04/01/14

11

4.1.2.1 RAINFALL DISTRIBUTION

The rainfall distribution to be used within the City is the design storm of 24-hour duration based on the standard SCS Type 1A rainfall distribution (See Figure 4-2).

Table 4-1 below links the total depth per year of reoccurrence.

Table 4-1: TOTAL DEPTH	
Reoccurrence Year	Total Depth
2	2.6
5	3.1
10	3.4
25	4.0
50	4.4
100	4.5

Table 4-3 MODIFIED CURVE NUMBERS

SCS Western Washington Runoff Curve Numbers		CURVE NUMBERS BY HYDROLOGIC SOIL GROUP			
Runoff curve numbers for selected agricultural, suburban, and urban land use for Type 1A rainfall distribution, 24-hour storm duration. (Published by SCS in 1982)		LAND USE DESCRIPTION			
		A B C D			
Cultivated land ¹	Winter Condition	86	91	94	95
Mountain Open Areas:	Low growing brush and grassland.	74	82	89	92
Meadow or pasture:		65	78	85	89
Wood or forest land:	Undisturbed	42	64	76	81
	Established second growth ²	48	68	78	83
	Young second growth or brush	55	72	81	86
Orchard:	With over crop	81	88	92	94
Open spaces, lawns, parks, golf courses, cemeteries, landscaping					
Good Condition:	Grass cover on > =75% of area	68	80	86	90
Fair Condition:	Grass cover on 50-75% of area	77	85	90	92
Gravel Roads and Parking Lots:		76	85	89	91
Dirt Roads and Parking Lots:		72	82	87	89
Impervious surfaces, pavement, roofs, etc.		98	98	98	98
Open water bodies:	Lakes, wetlands, ponds, etc.	100	100	100	100
Single Family Residential ³ :		Select a separate curve number for pervious and impervious portions of the site or basin.			
Dwelling unit/gross acre	% Impervious ⁴				
1.0 DU/GA	15				
1.5 DU/GA	20				
2.0 DU/GA	25				
2.5 DU/GA	30				
3.0 DU/GA	34				
3.5 DU/GA	38				
4.0 DU/GA	42				
4.5 DU/GA	46				
5.0 DU/GA	48				
5.5 DU/GA	50				
6.0 DU/GA	52				
6.5 DU/GA	54				
7.0 DU/GA	56				
Planned Unit Developments, condominiums, apartments, commercial businesses & industrial areas ³	% impervious ⁴ Must be computed	Select a separate curve number for pervious and impervious portions of the site or basin.			

¹ For a more detailed description of agricultural land use curve numbers, refer to National Engineering Handbook, Sec. 4, Hydrology, Chapter 9, August 1972.

² Modified by KCFW, 1995.

³ Assumes roof and driveway runoff is directed into street/storm system.

⁴ The remaining pervious areas (lawn) are considered to be in good condition for these curve numbers.

Table 4-4 MANNING'S COEFFICIENTS/"K" FACTORS

"n" AND "k" Value Used in Time Calculations for Hydrographs		
"n," Sheet Flow Equation: Manning's Values (for initial 300 ft. of travel)		n
Smooth surfaces (concrete, asphalt, gravel, or bare hand packed soil)		0.01
Fallow fields or loose soil surface (no residue)		0.05
Cultivated soil with residue cover (s # 0.20 ft/ft)		0.06
Cultivated soil with residue cover (s > 0.20 ft/ft)		0.17
Short prairie grass and lawns		0.15
Dense grasses		0.24
Bermuda grass		0.41
Range (natural)		0.13
Woods or forest with light underbrush		0.40
Woods or forest with dense underbrush		0.80
* Manning values for sheet flow only, from Overton and Meadows 1976 (See SCS's TR-55, 1986) "k" Values Used in Travel Time/Time of Concentration Calculations Shallow Concentrated Flow (After the initial 300 ft. of sheet flow, R = 0.1)		k
1.	Forest with heavy ground litter and meadows (n = 0.10)	3
2.	Brushy ground with some trees (n = 0.060)	5
3.	Fallow or minimum tillage cultivation (n=0.040)	8
4.	High grass (n=0.035)	9
5.	Short grass, pasture, and lawns (n=0.030)	11
6.	Nearly bare ground (n=0.025)	13
7.	Paved and gravel areas (n=0.012)	27
** Channel flow (intermittent) (At beginning of visible channels R=0.2)		k
1.	Forested swale with heavy ground litter (n=0.10)	5
2.	Forested drainage course/ravine with defined channel bed (n=0.050)	10
3.	Rock-lined waterway (n=0.035)	15
4.	Grassed waterway (n=0.030)	17
5.	Earth-lined waterway (n=0.025)	20
6.	CMP pipe (n=0.024)	21
7.	Concrete pipe (0.012)	42
8.	Other waterways and pipe 0.508/n	
Channel flow (Continuous stream, R=0.4)		k
9.	Meandering stream with some pools (n=0.040)	20
10.	Rock-lined stream (n=0.035)	23
11.	Grass-lined stream (n=0.030)	27
12.	Other streams, man-made channels and pipe 0.807/n **	
** See Table 6-3 for additional Mannings "n" values for open channels		

Tables — Hydrologic Soil Group — Summary By Map Unit**Summary by Map Unit — Clackamas County Area, Oregon (OR610)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
8B	Bornstedt silt loam, 0 to 8 percent slopes	C	3.6	56.7%
24B	Cottrell silty clay loam, 2 to 8 percent slopes	C	2.7	43.3%
Totals for Area of Interest			6.3	100.0%

Search

Map Unit Legend

Clackamas County Area, Oregon (OR610)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Bornstedt silt loam, 0 to 8 percent slopes	3.6	56.7%
24B	Cottrell silty clay loam, 2 to 8 percent slopes	2.7	43.3%
Totals for Area of Interest		6.3	100.0%

Soil Map

Scale [not to scale]



April 14, 2015

Mark Handris
Icon Construction and Development
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068



321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

*RE: 19371 Pease Road Subdivision, Oregon City
Transportation Analysis Letter*

Dear Mark,

We have completed our transportation analysis for the proposed 25-lot residential subdivision for the property at 19588 McCord Road in Oregon City, Oregon. In 2014, Lancaster Engineering conducted a Transportation Analysis Letter (TAL) for this site, associated with its annexation into the City of Oregon City, which was subsequently approved. This TAL augments the 2014 analysis and examines the traffic impacts resulting from the currently proposed change in zoning and resulting subdivision.

PROJECT & LOCATION DESCRIPTION

The site is located on the north side of Leland Road and the east side of McCord Road. On the north and east sides of the site, it is bordered by subdivisions that were constructed within the last 10 years. The site is currently occupied by one single-family home and a small Christmas tree farm. The existing home and farm operation will be removed with construction of the proposed subdivision.

In 2014, the site was brought into the City of Oregon City with a residential zoning district of R10. The TAL conducted in 2014 examined the impact of 21 single family homes, which could be constructed under the R10 zone. The current proposal is to change the zoning to R6 and construct a total of 25 homes. The change to R6 is consistent with the Comprehensive Plan.

The site will take access to the surrounding street system in six locations. Along the north and east boundaries of the site, street stubs for Anita Place, Pelican Lake Place, Joseph Way, and Villard Place will all be extended into the site. These streets are all local residential streets. Villard Place is proposed to be extended through the site to form a new intersection with McCord Road. Lastly, Lot 16 is proposed to take direct access to Leland Road.

Anita Place, Pelican Lake Place, Joseph Way, and Villard Place are all under the jurisdiction of the City of Oregon City and classified as a local residential streets. They are currently full-width streets with curbs, sidewalks, and planter strips in place on both sides of the street. Also, on-street parking is permitted on both sides of the street. All are subject to a statutory residential speed zone of 25 mph.

1e

Mark Handris
April 14, 2015
Page 2 of 6

Due to the low volumes and speeds of traffic on local streets, bicyclists can safely share the roadway with motor vehicles.

McCord Road is under the jurisdiction of the City of Oregon City and is classified as a Collector. Between Pease Road and Leland Road, it is an unimproved two-lane roadway. There are no curbs, sidewalks, or bike lanes.

Leland Road is also under the jurisdiction of the City of Oregon City and is classified as a Minor Arterial. Curbs, sidewalks, and planter strips are in place adjacent to recent subdivisions where frontage improvements were made. Similarly, on-street parking and/or bike lanes are in place where sufficient width is available. A short distance west of the site, Leland Road makes a 90-degree curve, with McCord Road intersecting from the west.

An aerial view of the site and nearby vicinity is shown on the following page (image from Google Earth).



TRIP GENERATION ANALYSIS

The site currently contains one single-family detached dwelling, which will be removed with construction of the proposed subdivision. As such, the 25-lot subdivision will result in the net increase of 24 single-family homes over current conditions. As mentioned previously, a TAL was prepared last year that considered the impacts of construction of 21 homes on the subject site.



Mark Handris
April 14, 2015
Page 3 of 6

To estimate the trip generation of the new homes, trip rates from the manual *TRIP GENERATION*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used. Trip rates for land-use code 210, *Single-Family Detached Housing*, based on the number of dwelling units, were used to calculate the expected trip generation.

The calculations show that the proposed subdivision will generate a net increase of 18 trips during the morning peak hour with 5 trips entering and 13 trips exiting the site. During the evening peak hour, the subdivision is projected to generate a net increase of 24 trips with 15 trips entering and 9 trips exiting. The subdivision is projected to generate a net increase of 228 total daily trips with half entering the site and half exiting.

The following table offers a summary of the trip generation calculations. Detailed trip generation calculations are included in the technical appendix.

TRIP GENERATION SUMMARY								
	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	Total
Existing								
Single Family Detached	1 unit	0	1	1	1	0	1	10
Proposed								
Single Family Detached	9 units	5	14	19	16	9	25	238
Net New Trips		5	13	18	15	9	24	228

Since the proposed land division will lead to an increase of less than 25 trips during the peak hours, and particularly since the site will take access in a total of six locations, thereby dispersing traffic, site impacts will be minimal and no nearby intersections require a detailed capacity analysis.

ACCESS SPACING & CONNECTIVITY

The street pattern within the subdivision is largely dictated by the existing streets that stub to the site on the north and east boundaries. The spacing of streets and intersections within the site are determined by these existing streets, which provide a logical and well-connected grid.

Construction of the proposed subdivision will provide increased connectivity for the neighborhoods to the north and east of the site. Site trips will use the local streets in these adjacent neighborhoods, but the new streets within the site will also be used by existing residents. The benefit of this increased connectivity is to provide multiple routes for ingress and egress and to disperse traffic impacts rather than concentrate traffic on a smaller number of access points.



Mark Handris
April 14, 2015
Page 4 of 6

SIGHT DISTANCE

Intersection sight distance requirements were taken from *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2011 by the American Association of State Highway and Transportation Officials (AASHTO). Sight distance requirements are based on an approaching driver's eye height of 3.5 feet above the road and an eye height of 3.5 feet with the driver's eye 15 feet behind the edge of the near-side travel lane.

Sight distance was measured at the new intersection of McCord Road and Villard Place. While there is no posted speed on McCord Road, it is residential in nature and subject to a statutory 25 mph speed zone. Speeds observed in the field, but not measured directly, were likely somewhat in excess of 25 mph. Still, adequate sight lines are available. Looking north from the access location, sight distance is continuous through a sag vertical curve on McCord Road, with the line of sight exceeding 600 feet. Looking south from the access, the 90-degree curve in McCord Road is visible, which is approximately 500 feet away. Based on these measurements, sight distance would be adequate for speeds up to 45 mph, which is significantly faster than what was observed in the field. Sight distance at this location is adequate.

As mentioned previously, access to Lot 16 is proposed directly to Leland Road. Since Leland Road is a Minor Arterial, direct access is typically discouraged. However, with the configuration of the site and the narrow width of frontage along Leland Road, no other opportunities for access are available. To improve operation, Lot 16 is proposed with an on-site turnaround, so vehicles can enter Leland Road in a forward fashion and avoid backing into the roadway. The posted speed on Leland Road is 35 mph, requiring 390 feet of intersection sight distance. However, there is a 90-degree curve in Leland Road approximately 175 feet west of Lot 16. This curve effectively lowers eastbound traffic approaching the driveway to 15 mph, reducing the intersection sight distance requirement to 170 feet in this direction. The curve is posted with an advisory speed of 10 mph.

Looking west from the proposed driveway to Lot 16, sight distance is approximately 175 feet, limited by trees and landscaping on the inside of the 90-degree corner. Still, with the reduced speed necessary to navigate the corner, sight distance is adequate. Looking to the east, line of sight is limited to 325 feet by trees along the front of the property two houses east of Lot 16. While these trees are within the public right-of-way, they are used as landscaping and screening by the adjacent property owner and will be removed at some time in the future when the property is redeveloped and frontage improvements along Leland Road are constructed. Safe stopping sight distance for a speed of 35 mph is 250 feet according to AASHTO. While intersection sight distance is not available, line of sight is adequate for stopping sight distance, ensuring that the driveway can operate safely.

TRANSPORTATION PLANNING RULE

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. While the change in zoning from R10 to R6 is in conformance with the Comprehensive Plan, the change in zoning triggers the need to address the TPR. The applicable elements of the TPR are quoted in *italics* below, with a response directly following.



Mark Handris
April 14, 2015
Page 5 of 6

660-012-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

For the proposed development, subsections (a) and (b) are not triggered, as no change in functional classification or standards are proposed or necessitated by the proposed zone change and subsequent development. Subsection (c) is also not triggered since the intersections surrounding the site are operating favorably and will meet applicable performance standards throughout the planning horizon and the types and levels of travel and access for all roadways are consistent with the respective functional classifications of the roadways.

The proposed change in zoning results in a net increase of only four homes, which is not sufficient to alter the near or long-term operation of the surrounding transportation system. As such, the proposed

le

Mark Handris
April 14, 2015
Page 6 of 6

zone change will not “significantly affect” the transportation system as defined by the TPR and the TPR is satisfied.

SUMMARY & CONCLUSIONS

The proposed change in zoning from R10 to R6 and the resulting 25-lot residential subdivision is not expected to have a significant impact on the surrounding street system. The streets within the subdivision provide a logical extension of the existing residential local street pattern in the area and are consistent with the City’s Transportation System Plan. The change in zoning will result in a net increase of only four single-family homes. No mitigations are required or recommended.

If you have any questions, comments, or concerns regarding this report or if you need any further assistance, please don’t hesitate to call.

Sincerely,

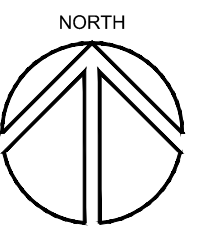
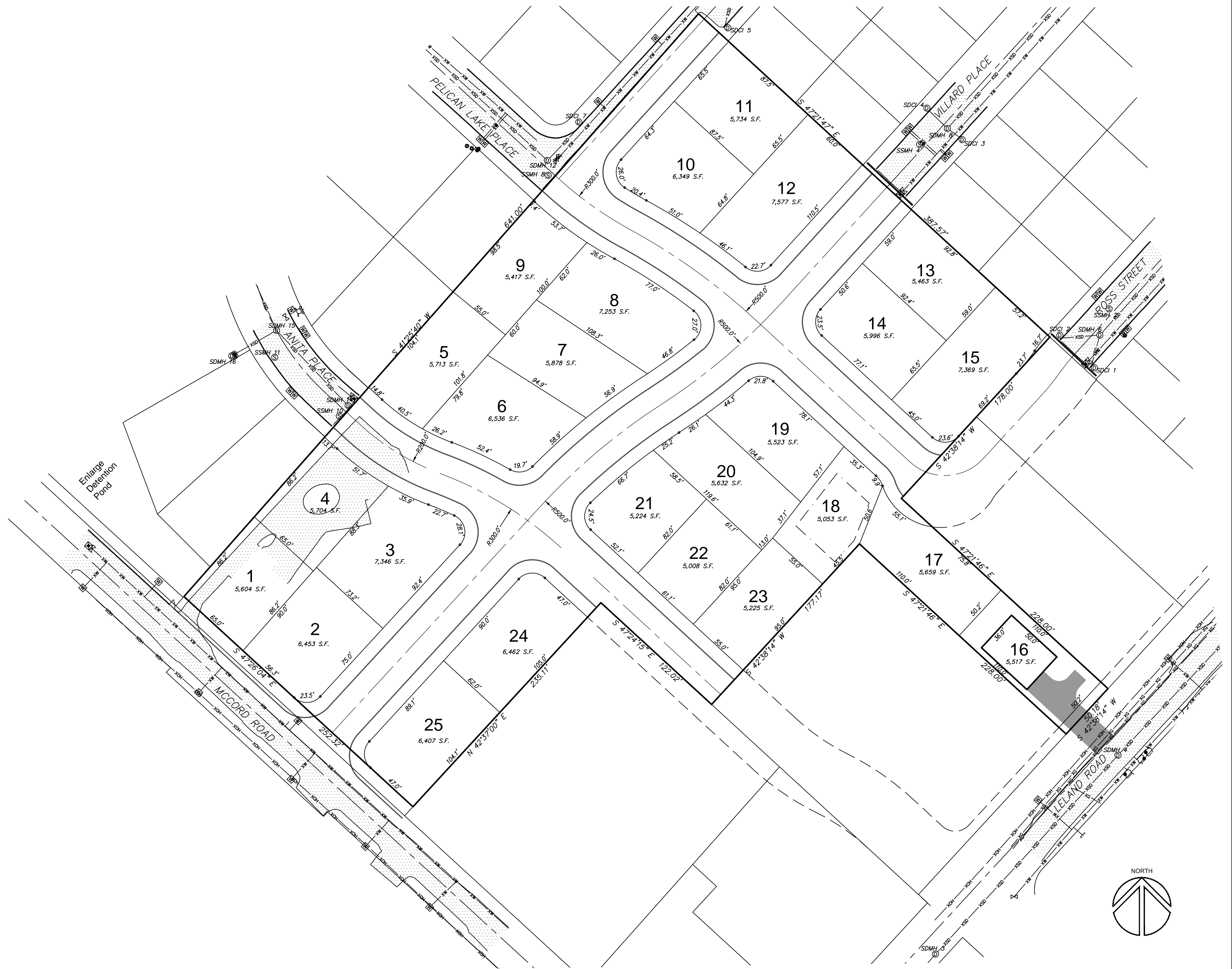


Todd E. Mobley, PE, PTOE
Principal





TECHNICAL APPENDIX



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 50'			
DATE: February 2015			
FILE: 14-ICN-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park 3 Preliminary Plan



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 24

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	5	13	18

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	15	9	24

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	114	114	228

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	119	119	238

Source: TRIP GENERATION, Ninth Edition



City of Oregon City
Permit Receipt
RECEIPT NUMBER 00029950

Account Number: 017006

Date: 4/22/2015

Applicant: ICON CONSTRUCTION & DEVELOPMEN

Type: check # 017502

Permit Number	Fee Description	Amount
TP-15-0003	4332 Subdivision Fee	12,512.00
TP-15-0003	4346 Traffic Impact Study Fee	461.00
ZC-15-0002	4332 Zone Change Fee	2,748.00
ZC-15-0002	4138 Mailing Labels	15.00
Total:		\$15,736.00



City of Oregon City
Permit Receipt
RECEIPT NUMBER 00030338

Account Number: 017006

Date: 6/16/2015

Applicant: ICON CONSTRUCTION & DEVELOPMEN

Type: check # 017874

Permit Number	Fee Description	Amount
ZC-15-0002	4346 TIS CU/ZC/Master Plan Req	2,010.00
Total:		\$2,010.00



City of Oregon City
Permit Receipt
RECEIPT NUMBER 00030351

Account Number: 017006

Date: 6/16/2015

Applicant: ICON CONSTRUCTION & DEVELOPMEN

Type: check # 017874

Permit Number	Fee Description	Amount
TP-15-0003	4346 Traffic Impact Study Fee	611.00
	Total:	\$611.00



Fidelity National Title Insurance Company

900 SW 5th Ave., Mezzanine Level, Portland, OR 97204

FAX

**SUPPLEMENTAL SUBDIVISION GUARANTEE FOR THE PROPOSED
MCCORD RD/DOUGLASS SUBDIVISION**

ORDER NO.: 20140107628-FTPOR55

FEE: \$ 400.00

DATED: April 10, 2015

Fidelity National Title Insurance Company
GUARANTEES

Any County or City within which the subdivision or proposed subdivision is located.

That the estate or interest in the land which is covered by this Guarantee is:

A Fee

According to the public records which impart constructive notice of matters affecting title to the premises described on Exhibit "One", we find that as of March 27, 2015, at 08:00-AM the last deed of record runs to:

David G. Douglass and Diane M. Douglass

We also find the following apparent encumbrances, which include 'Blanket Encumbrances' as defined by ORS 92.305(1), and also easements, restrictive covenants and rights of way.

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2014-2015
Amount: \$5,849.82
Levy Code: 062-084
Account No.: 00862463
Map No.: 32E07B 04100

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

1. City Liens, if any, in favor of the City of Oregon City.
2. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Clackamas County, a political subdivision
Purpose: Road
Recording Date: July 8, 1976
Recording No: 76 22907
Affects: Most Westerly 30 feet

4. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$93,356.00
Dated: February 17, 2011
Trustor/Grantor: Davod G. Douglass and Diane M. Douglass
Trustee: ServiceLink Title
Beneficiary: JPMorgan Chase Bank, N.A.
Loan No.: Not disclosed
Recording Date: March 23, 2011
Recording No: 2011-018277

5. A line of credit deed of trust to secure an indebtedness in the amount shown below,

Amount: \$150,000.00
Dated: May 13, 2004
Trustor/Grantor: David G. Douglass and Diane M. Douglass
Trustee: Group 9, Inc.
Beneficiary: Washington Mutual Bank
Loan No.: 0626420376
Recording Date: May 21, 2004
Recording No: 2004-045935

An agreement recorded June 1, 2011 at 2011-031889 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: March 23, 2011
Recording No: 2011-018277

The Deed of Trust set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Trustor/Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

6. Terms and provisions of Grant of Easement (Access and Building Encroachment)

Executed by: Bill Creel and Dana Creel
Recording Date: June 11, 2014
Recording No.: 2014-027834

We have also searched our General Index for judgments and state and federal liens against the grantees named above and find:

NONE

This is not a report issued preliminary to the issuance of a title insurance policy. Our search is limited and its use is intended as an informational report only, to be used in conjunction with the development of real property. Liability is limited to an aggregate sum not to exceed \$ 1,000.00

Fidelity National Title Insurance Company

By: _____
Toni Stanhope
Land Development

NOTE - ORS 92.305(1) reads as follows:

"Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

EXHIBIT "ONE"

The premises are in Clackamas County and are described as follows:

Part of the SS White Donation Land Claim No. 41, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the Southeasterly line of said Claim, South 42° 30' West, 34 chains from the most Easterly corner of said Claim; thence continuing South 42° 30' West, 50 feet; thence North 47° 30' West, 258 feet; thence South 42° 30' West, 177 feet; thence North 47° 30' West, 122 feet; thence South 42° 30' West, 255 feet; thence North 47° 30' West, 280 feet along what is called McCord Road; thence North 42° 30' East, 660 feet; thence South 47° 30' East, 402 feet; thence South 42' 30" West, 178 feet; thence South 47° 30' East, 258 feet to the true point of beginning.

EXCEPTING THEREFROM that portion within the boundaries of public roads.

**Pavilion Park 3
Zone Change and Preliminary Subdivision Application
Application Narrative**

Project Information:

Date: April 2015

Applicant: Icon Construction and Development, LLC.
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
(503) 657-0406

Planning Consultant: Rick Givens
18680 Sunblaze Dr.
Oregon City, OR 97045
(503) 479-0097

Project Engineer: Bruce Goldson, P.E.
Theta Engineering
4260 Country Woods Ct
Lake Oswego, OR 9703
(503) 481-8822

Request: The applicant is requesting approval of a 25-lot subdivision and a zone change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District.

Location: The property is located at 19588 McCord Road.

Legal Description: 32E07B 4100

Site Area: 5.15 Acres

Zoning: R-10 (existing), R-6 (proposed).

Background Information:

This application involves property that is located at 19588 McCord Road in Oregon City. The property also has a narrow, 50-foot-wide frontage on Leland Road. The site is developed with one single-family home and associated outbuildings. It is in current use as a Christmas tree farm. The property has been recently annexed to the City of Oregon City and has the default zoning of R-10 applied to it. The abutting subdivision to the northwest (Pavilion Park) is zoned R-6 and is developed with single-family detached homes at that density. The Rian Park subdivision to the northeast is zoned R-3.5 and developed with single-family homes at that density pattern. Multiple streets (Anita Place, Pelican Lake Place, Joseph Way, Villard Place, and Ross Street) abut and are stubbed into the subject property from these adjoining subdivisions. This application proposes to rezone the subject property to R-6 and to develop a 25 lot subdivision that will provide for connectivity to complete the street pattern in this area.

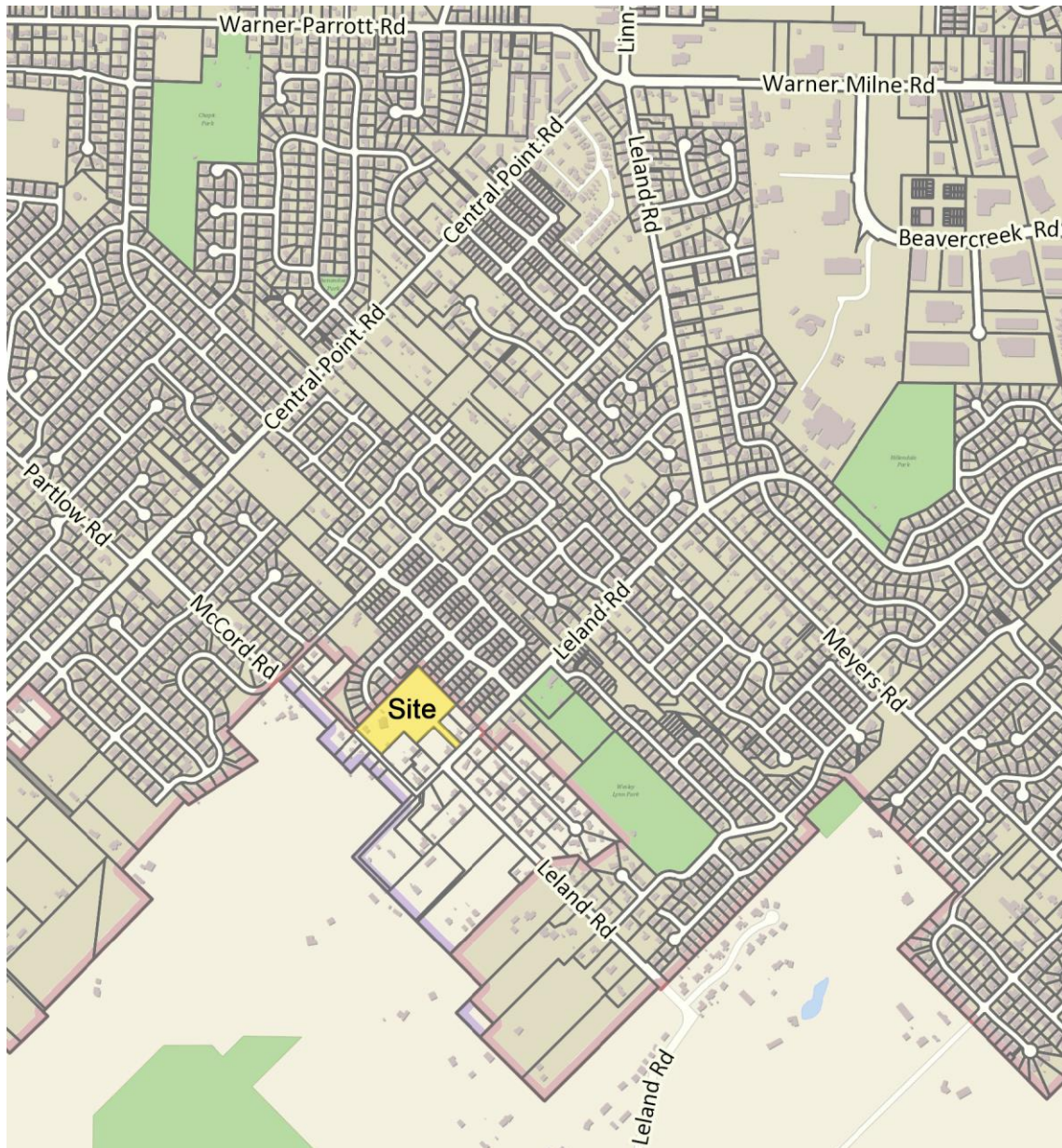


Figure 1- Vicinity Map

Approval Criteria: The relevant approval criteria for this subdivision are as follows:

Zone Change Application:

Chapter 17.68 – Zone Change

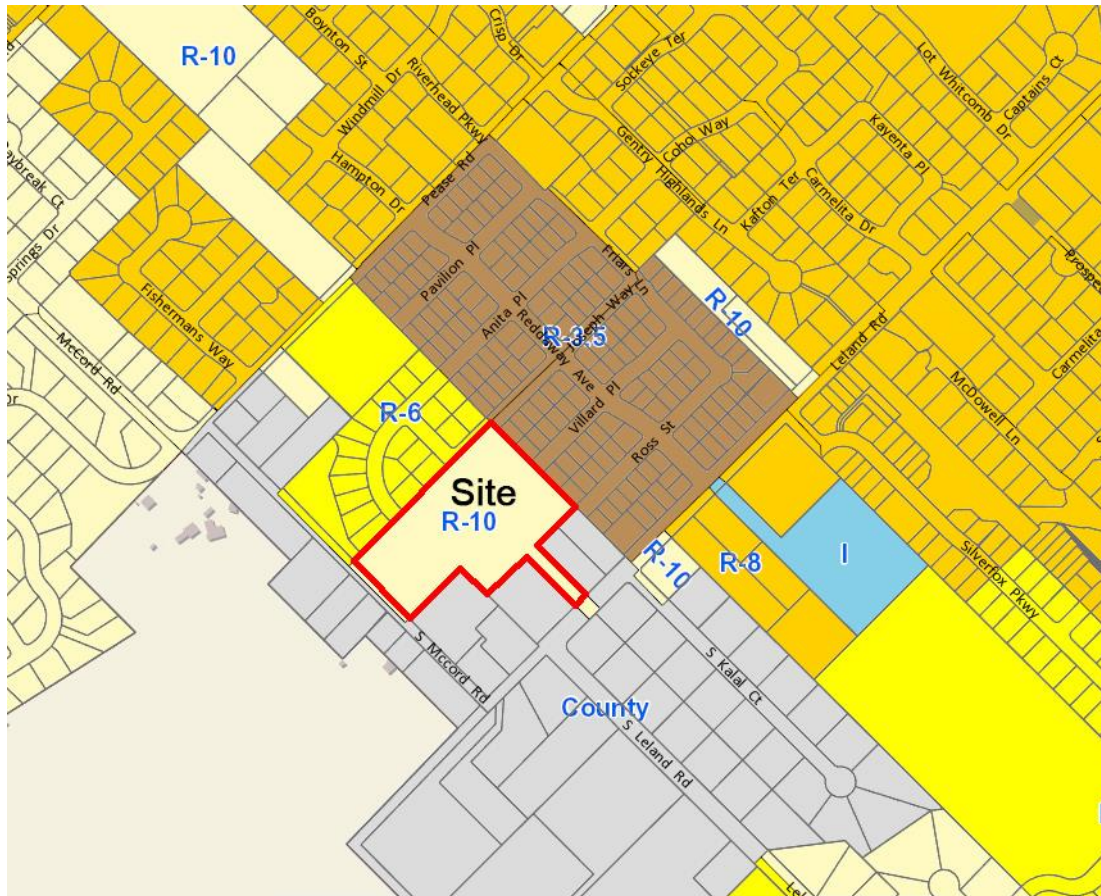
Subdivision Application:

OCMC 12.04 – Streets, Sidewalks and Public Places

OCMC 12.08 – Public and Street Trees

OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling and Excavating
OCMC 16.08 – Subdivisions – Process and Standards
OCMC 16.12 – Minimum Improvements and Design Standards for Land Divisions
OCMC 17.10 – “R-8” Single-Family Dwelling District
OCMC 17.20 – Residential Design Standards
OCMC 17.41 – Tree Protection Standards
OCMC 17.50 – Administration and Procedures

COMPLIANCE WITH OCMC – ZONE CHANGE CRITERIA



17.68.010 Initiation of the Amendment.

Comment: Consistent with Subsection C, this application is being initiated by the owners of the subject properties and with the provision of forms and materials specified by City procedures.

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.

Comment: The following goals and policies of the Comprehensive Plan apply to this zone change application:

Goal (1) Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Comment: The City's adopted development ordinances include provisions that ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. Consistent with these provisions, the applicant met with the Neighborhood Association prior to the submittal of this application. This meeting provided attendees with information regarding the proposal and the applicant took comments from the neighbors into consideration in preparing this application. City provisions provide for public notice prior to hearings that will take place before the Planning Commission and City Commission. All interested persons will have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

Goal (2) Land Use

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land Use Map as the official long-range planning guide for land use development of the City by type, density and location.

Comment: The Comprehensive Plan Land Use Map designates the subject property for Low Density Residential Development. The R-6 zoning district is a zone that implements this plan designation. Because the subject property is located in a neighborhood where developed properties are zoned R-6 or R-3.5, the application of this zoning on the subject property is appropriate.

Goal (5) Natural Resources

Policy 5.4.4: Maintain the Oregon City Comprehensive Plan Land Use Map as the official long-range planning guide for land use development of the City by type, density and location.

Comment: There are no natural resources identified on this property and the proposed zoning is consistent with the Oregon City Comprehensive Plan's land use designation for this site.

Goal (6) Quality of Air, Water and Land Resources

Policy 6.1.1: Promote land use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Comment: The R-6 density proposed for the subject property will be consistent with this policy. The somewhat higher density of development than the existing R-10 zoning makes for a more compact land use pattern that reduces the amount of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increased use of alternative modes of transportation. In particular, the proposed subdivision will provide for vehicular and pedestrian connections by completing the street system in this area. Public sidewalks will be provided on all streets within this project.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.

Comment: This policy is implemented by development standards that require appropriate handling of storm water runoff. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. The storm detention facility in the adjoining Pavilion Park subdivision is proposed to be expanded to provide capacity for this development, as depicted on the Preliminary Utility Plan.

Goal (10) Housing

Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Comment: The proposed zone change will change the zoning for this site to match the surrounding R-6 neighborhood. R-6 and R-3.5 zoning designations are applied to the adjoining properties that are developed to urban densities. This provides for a balance in the variety of homes in this area of the city.

Goal (11) Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Comment: All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Sanitary sewer is available from an existing 8" lines in the adjoining city streets and will be extended to service the property as shown on the Preliminary Utility Plan. Water is available from the adjacent subdivisions as well and will be extended to service the proposed subdivision and to provide for looping of the water system. Storm sewer will be provided in the proposed development and will be directed to the existing storm detention facility in the adjoining Pavilion Park subdivision to the northwest. This facility will be enlarged to provide capacity to service the 25 lots and impervious areas associated with streets and sidewalks. Oregon City

Public Schools provides education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City.

Goal (12) Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Comment: A Traffic Assessment Letter was prepared for this project by Lancaster Engineering and is included with this application submittal. This analysis shows adequate capacity exists to serve the proposed development.

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.

Comment: These public facilities and services have been addressed in the discussion of compliance with Goal 11, above. All of these services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

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.

Comment: The capacity of the transportation system is addressed in the Traffic Assessment Letter submitted with this application. As discussed under Goal 12, above, the transportation services is adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Comment: The statewide planning goals applicable to this proposed zone change have been addressed in specific goals and policies of the Oregon City Comprehensive Plan. City Goals and Policies addressed above are directly applicable to the corresponding statewide planning goals. No further comment is necessary.

As discussed above, the proposed zone change is in conformance with the approval criteria set forth in this chapter of the Oregon City Municipal Code. It would bring the subject property into conformance with the zoning of the adjacent subdivisions and would create a logical zoning pattern. Approval of the zone change would also make for a more efficient use of infrastructure such as streets and utilities and, by adding housing opportunities, would delay the time at which the urban growth boundary would need to be expanded to provide for population growth.

COMPLIANCE WITH SUBDIVISION APPROVAL CRITERIA

COMPLIANCE WITH CHAPTER 16.08

16.08.010 Purpose and General Provisions.

- A. Applicability. – As noted above, the proposed development is subject to the process and approval standards applicable to subdivisions including Chapters 16.08, 12.04, 16.12, and 17.50 of the Oregon City Municipal Code. Those provisions are addressed in this narrative and will be shown to be satisfied by this application.
- B. Process – Subdivision applications follow a Type II process. In this instance, however, the applicant is also requesting a zone change and the combined applications will be heard concurrently through a Type IV process.
- C. Purpose – The proposed design is consistent with basic design criteria so the use of a master plan provided under Chapter 17.65 or a variance per Chapter 16.60 is not necessary.
- D. Process Overview – This application for preliminary plat approval is being together with a zone change application, which requires a Type IV process, with hearings before the Planning Commission and City Commission. The final plat will be submitted at a later date and reviewed in accordance with a Type I process.

16.08.015 Preapplication Conference Required.

Consistent with City procedures, a pre-application conference was held on January 7, 2015 (PA 14-37).

16.08.020 Preliminary Subdivision Plat Application.

The preliminary plat is being submitted within six months of the pre-application conference date. This narrative and the other plans and documents submitted with it, contain the required information that will allow the City to determine compliance with relevant City standards.

16.08.025 Preliminary Subdivision Plat--Required Plans.

Consistent with City requirements, the preliminary plat application includes the following:

- A. Site Plan
- B. A shadow plat demonstrating connectivity sufficient for development of adjoining undeveloped property to the north.
- C. An Existing Conditions Map showing natural topography, and a Preliminary Grading & Drainage Plan.

- D. Archeological Monitoring Recommendation – The City has contacted SHPO regarding archaeological concerns for this site.

16.08.030 Preliminary Subdivision Plat--Narrative Statement.

- A. Subdivision Description – The background information section of this narrative provides the required statements regarding the use and ownership of lots within this proposed subdivision.
- B. Timely Provision of Public Services and Facilities
1. Water –Water service is available from existing water lines in the adjoining streets stubbed to the subject property. These lines will be extended to service the proposed lots in this subdivision. There is an 8" water line installed in South McCord Road and South Leland Road owned by Clackamas River Water District. This line will provide service to Lot 16 until such time as city water is extended in Leland Road.
 2. Sewer – There are Oregon City 8" PVC sanitary sewer pipes in Anita Place, Pelican Lake Place, Joseph Way, and Villard Place. The pipes in Anita Place and Pelican Lake Place end with manholes at the property line with the proposed development. The lines in Anita Place and Joseph Way will be extended to serve the lots in the proposed development.
 3. Storm Sewer – There is an existing storm detention facility located in Pavilion Park subdivision to the northwest of the subject property. The proposed Utility Plan shows the proposed storm sewer system and depicts the expansion of the existing Pavilion Park detention pond to accommodate storm water from the subject property.
 4. Parks and Recreation – There are no park facilities in the immediate vicinity of the subject property. The closest park is Wesley Lynn Park, which is located approximately 800 feet northeast of this site via Villard Place and Reddaway Avenue. Park System Development Charges will be paid at the time of building permit application.
 5. Traffic and Transportation – A Transportation Analysis Letter for the site has been prepared for this project by Lancaster Engineering, Inc. No capacity or safety issues have been identified that would impact the proposed development. Please refer to the attached TAL.
 6. Schools – The subject property is located within the service area of Oregon City Public Schools. Discussions with the School District indicate that there are no capacity issues at this time.
 7. Fire and Police Services – Clackamas County Fire District No. 1 provides fire protection services in this area. The Oregon City Police Department provides police protection. Prior to final plat approval, the

applicant will coordinate with Fire District No. 1 to ensure that their standards are met.

- C. Approval Criteria and Justification for Variances – No variances are being requested so these provisions do not apply. Other relevant approval criteria are addressed below in this narrative.
- D. Drafts of CC&Rs, maintenance agreements, homeowners association agreements, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision – The required documents will be submitted prior to final plat approval.
- E. Phasing – Not applicable. The project will be developed in a single phase.
- F. Overall Density – The subdivision proposes twenty-five lots for the construction of single family homes. The gross site area is 224,198 sq. ft., or 5.15 acres. The gross density of development is 4.85 units per acre.

16.08.040 Preliminary Subdivision Plat--Approval Standards and Decision.

The approval standards for subdivisions are addressed below in the discussion of compliance with Chapter 16.12. The dimensional standards applicable to the subdivision are those of the R-8 zone. Those standards are addressed in the discussion of Chapter 17.10.

16.08.045 Building Site--Frontage Width Requirement.

All lots in the proposed subdivision abut on a street or cul-de-sac for a width of at least twenty feet, as required by this section.

16.08.050 Flag Lots in Subdivisions

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

- A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.*
- B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.*
- C. The pole portion of the flag lot shall connect to a public street.*
- D. The pole shall be at least 8 feet wide for the entire length.*

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Comment: No flag lots are proposed

COMPLIANCE WITH CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.015 Street Design--Generally.

Street design standards for all new development and land divisions shall comply with Chapter 12.04 Street Design Standards.

Comment: Please see discussion of Chapter 12.04, below.

16.12.020 Blocks--Generally.

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

Comment: The proposed subdivision creates block patterns that provide for reasonable lot configurations and traffic connectivity.

16.12.030 Blocks--Width.

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

Comment: The proposed layout provides sufficient room for two tiers of lots and is consistent with this requirement.

16.12.040 Building Sites.

Comment: The buildings sites proposed that are appropriate in size, width, shape, and orientation for low-density residential development, consistent with the R-6 zoning of the property. The applicant is not requesting a variance to any dimensional standard and the exception provisions of this section are not applicable to this proposal.

16.12.045 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Comment: The net site area is 224,198 square feet (5.15 acres). The proposed R-6 zoning allows a density of one unit per 6,000 sq. ft. of net site area. Subtracting from the gross site area the street area (74,043 sq. ft.) leaves a net site area of

150,155 sq. ft. Dividing this area by minimum 6,000 square foot lot size of the R-6 zone yields a maximum density of 25 units. 80 percent of this maximum would be 20 units. The 25 units proposed in the subdivision meets this standard.

Chapter 16.12.050 Calculations of Lot Area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 Dwelling District may include lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Comment: The proposed subdivision does provide for lots that are up to 20% less in area than the minimum 6,000 sq. ft. standard of the R-6 zone. No lots of less than 4,800 sq. ft. are proposed. The smallest lot (Lot 22) contains 5,008 sq. ft. The largest (Lot 12) is 7,577 sq. ft. in area. As discussed under 16.12.045, above, the net site area is 150,155 sq. ft. Dividing the net site area by 25 lots yields an average lot size of 6,006 sq. ft., which is consistent with the requirements of this standard.

16.12.055 Building Site--Through Lots.

Comment: No through lots are proposed in this subdivision.

16.12.060 Building Site--Lot and Parcel Side Lines.

Comment: Consistent with this section, side lot lines are designed to be as close to perpendicular to the streets on which they face as practicable.

16.12.065 Building Site--Grading.

Comment: Site grading will be designed to conform to Chapter 18 of the Oregon Structural Specialty Code and City standards, as demonstrated by the plan submitted with this application.

16.12.070 Building Site--Setbacks and Building Location.

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. *The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.*

- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.*
- C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.*
- D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
 - 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
 - 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**
- E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.*

Comment: Leland Road is classified as a minor arterial and McCord Road is designated a collector street. These provisions are applicable to Lots 1, 2, 16 and 25. These lots face onto the adjoining arterial and collector streets and the houses built on them will have their most architecturally significant façade facing towards these streets, as required by these standards. Lot 16 is proposed to have a driveway with a turnaround so as to avoid having cars backing out onto Leland Road.

16.12.075 Building Site--Division of Lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the Community Development Director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Comment: No lots are proposed that are large enough to be capable of re-division. This section does not apply.

16.12.080 Protection of Trees.

Protection of trees shall comply with the provisions of Chapter 17.41 – Tree Protection.

Comment: See discussion of Chapter 17.41, below.

16.12.085 Easements.

Comment: A 10-foot wide utility easement will be provided along all street frontages within this plat. No other easements are required for unusual facilities, watercourses, access or resource protection.

16.12.090 Minimum Improvements--Procedures.

Comment: No construction will commence until required plans have been approved by the City. All improvements will be constructed under the inspection and approval of the city engineer and expenses relating to this will be paid prior to final plat approval. Erosion control measures will be installed as required and utilities will be installed prior to surfacing of the streets. All other standards relating to construction of site improvements will be met.

16.12.095 Minimum Improvements--Public Facilities and Services.

Comment: Compliance with the minimum improvement standards of this section will be reviewed with the construction plans submitted prior to site construction and final plat review. The applicant will comply with all City standards relating to these improvements.

16.12.100 Minimum Improvements--Road Standards and Requirements.

Comment: The streets created through this subdivision application will be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. No streets are proposed to be created by deed. All streets will be shown on the final plat for the subdivision.

16.12.105 Minimum Improvements--Timing Requirements.

Comment: The applicant will either complete construction of all public improvements required for the subdivision prior to application for final plat approval or will guarantee the construction of those improvements in a manner acceptable to the City Engineer.

16.12.110 Minimum Improvements -- Financial Guarantee.

Comment: If a financial guarantee is proposed for site improvements, the form, timing, and duration of the guarantee will comply with the provisions of this section.

COMPLIANCE WITH CHAPTER 17.12 – R-6 SINGLE-FAMILY DWELLING DISTRICT

17.12.020 - Permitted uses.

Comment: All lots in this subdivision are proposed to be used for construction of single-family detached homes, consistent with 17.12.020(A).

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;*

- B. *Minimum lot width, fifty feet;*
- C. *Minimum lot depth, seventy feet;*
- D. *Maximum building height, two and one-half stories, not to exceed thirty-five feet;*
- E. *Minimum required setbacks:*
 - 1. *Front yard, ten feet minimum setback,*
 - 2. *Front porch, five feet minimum setback,*
 - 3. *Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.*
 - 4. *Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,*
 - 5. *Corner side yard, fifteen feet minimum setback,*
 - 6. *Rear yard, twenty feet minimum setback,*
 - 7. *Rear porch, fifteen feet minimum setback.*
- F. *Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.*
- G. *Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.*

Comment: The minimum lot area standard of 6,000 sq. ft. may be averaged over the 25 lots in the subdivision, as discussed in the comments to Chapter 16.12.050, above. The proposed lots comply with this requirement. All proposed lots exceed the 50 foot minimum width and 70' minimum lot depth standards. Building height, setbacks, garage, and lot coverage standards will be reviewed at the time of building permit application. No variances to any dimensional standards are proposed.

COMPLIANCE WITH CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

Comment: The proposed subdivision is subject to the stormwater conveyance, stormwater quantity control, and stormwater quality control provisions of this chapter.

13.12.080 - Submittal requirements.

- A. *Timing and Scope of Required Submittal.*
 - 1. *Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.*
 - 2. *Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.*
 - 3. *Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.*
 - 4. *Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the city.*
- B. *Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*
- C. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Comment: A storm drainage report and preliminary storm drainage plan have been prepared by Theta Engineering for this proposed subdivision and are included in the application submittal package. These documents have been prepared in accordance with city standards.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 - 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 - 2. *Do not increase the potential for streambank erosion; and*

3. *Do not add volume to an off-site closed depression without providing for mitigation.*

Comment: The plan and report attached to this application demonstrate that the runoff from the project will be collected and directed to a storm detention/treatment facility that will be adequately sized to accommodate this subdivision. The storm sewer system has been designed to City standards and is adequately sized to convey runoff from the proposed development. No stream banks are impacted by the proposed storm sewer system.

D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:

1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*

Comment: The detention and treatment facility has been designed in accordance with City standards to accomplish these requirements. Please refer to the storm report attached to this application.

E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

Comment: All runoff from roofs, footings and streets will be collected by the storm sewer system, as shown on the attached preliminary storm plan.

F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

Comment: The proposed storm sewer system will be piped to a detention facility in the existing Pavilion Park subdivision. No open channels will exist between the site and the detention facility. This detention facility will be enlarged to provide storage for storm water consistent with City standards and will outflows at the pre-design rates.

G. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Comment: The storm water quantity control facilities will be dedicated to, and operated and maintained by, the City of Oregon City.

Chapter 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 - Applicability—Grading permit required.

- A. *A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:*
- 1. Grading activities in excess of ten cubic yards of earth;*
 - 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
 - 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
 - 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
 - 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*
- B. *Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.*

Comment: No major site grading is planned in conjunction with this site. As shown on the preliminary grading plan submitted with this application, grading for site development is limited to street right-of-way areas and the proposed storm detention facility. No site grading will be commenced until the required grading permit has been issued by the City of Oregon City. Grading for individual homes will be reviewed prior to the issuance of building permits.

COMPLIANCE WITH CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS

17.20.015 - Street trees.

All new single or two-family dwellings or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way. Existing trees may be used to meet this requirement. A picture of the planted tree shall be submitted to the planning division prior to issuance of occupancy. Upon approval by the community development director, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within ten feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County

Recorders Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of two-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location.

Comment: Street trees will be provided along the street frontages at a maximum spacing of 35 feet, as required by this section. A street tree plan will be submitted prior to final plat approval once locations of driveway approaches have been determined.

17.20.030 - Residential design options.

Comment: Compliance with the residential design options will be reviewed at the time of building permit application.

17.20.035 - Corner lots and through lots.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.040 - Residential design elements.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.050 - Main entrances.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

17.20.060 - Residential yard landscaping.

Comment: Compliance with these provisions will be reviewed at the time of building permit application.

COMPLIANCE WITH CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability.

Comment: The provisions of this chapter apply to all land divisions and, thus, are applicable to this subdivision.

12.04.005 Jurisdiction and management of the public rights-of-way.

Comment: Consistent with this section, no work will be done within existing or proposed street rights-of-way without obtaining appropriate permits from the City of Oregon City.

12.04.007 Modifications

The provisions of this section recognize that development of streets in full compliance with City standards is not always practicable and allow for approval of modifications when certain criteria are met. The following street modifications are being requested in conjunction with this application:

1. McCord Road Frontage Improvements: The proposed development includes frontage on South McCord Road, which is classified as a collector street (residential). The standards for a collector street are: 85' ROW, 59' pavement, (3) 11' travel lanes, curb and gutter, 6' bike lane, 7' street parking, 5' sidewalk, and 7.5' landscape strip. The existing right-of-way (ROW) on South McCord Road is 40' wide and the pavement is 22' wide, with two travel lanes, no curb or gutter, no street parking, no bike lane, no sidewalk, and no landscape strip.
2. Leland Road: The proposed development includes frontage 50' in width on South Leland Road, which is classified as a minor arterial street (residential). The standards for a minor arterial street are: 100' ROW, 68' pavement, curb & gutter, (3) 12' travel lanes, 7' street parking, 6' median, 6' bike lane, 5' sidewalk, and 10.5' landscape strip. The existing right-of-way (ROW) on the portion of South Leland Road fronting the proposed development is 60' and the pavement is 24' wide with two travel lanes, no curb or gutter, no street parking, no median, no bike lane, no sidewalk, and no landscape strip. The portion of South Leland Road fronting the proposed development appears to be the same section, but approximately 185 feet north of the frontage, South Leland Road widens to an apparent ROW of 70' with 48' wide pavement and street parking, bike lane, sidewalk, and landscape strip. This modification would allow for the use of this same street section along the frontage of the subject property. The site plan depicts the dedication of five feet of right-of-way to allow for this street section. Additionally, because the frontage is so short and improvements do not exist on either side of this site, it is proposed that the developer pay a fee in lieu of construction of this frontage so that the improvements would occur when adjacent properties are redeveloped or a larger road improvement project takes place.

The approval criteria for modifications are listed in Section 12.04.007:

- A. *The modification meets the intent of the standard;*
- B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. *The modification is consistent with an adopted plan; and*
- D. *The modification is complementary with a surrounding street design; or, in the alternative;*
- E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Compliance with Modification Approval Criteria:

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but may be reasonably presumed that they are intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, the subject property is located in an area where the right-of-way and street improvement widths of McCord Road and Leland Road were developed under previous City standards. These standards are adequately serving the surrounding neighborhoods, as demonstrated by the findings of the TAL submitted with this application. Given the little remaining undeveloped right-of-way in this area, it does not make sense to switch to the new standards.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing conditions as developed in nearby subdivisions on both Leland Road and McCord Road.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed matches the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

12.04.010 Construction specifications—Improved streets.

Comment: As required by this section, street, curb and sidewalk improvements will be constructed in accordance with approved plans designed to conform to City street standards.

12.04.020 Construction specifications—Unimproved streets.

Comment: Not applicable.

12.04.25 Street design--Curb cuts.

Comment: The applicant will work with City staff to ensure that curb cuts are designed and improved consistent with City standards.

12.04.030 Maintenance and repair.

Comment: Consistent with this section, the owner of land abutting the street where a sidewalk has been constructed will be responsible for maintaining the sidewalk and curb in good repair.

12.04.031 Liability for sidewalk injuries.

Comment: As set forth in this section, the future homeowners will be responsible for the liability associated with injuries resulting from failure to maintain sidewalks in good repair.

12.04.032 Required sidewalk repair through 12.040 Streets-Enforcement

Comment: Not applicable. These sections provide standards for notification and process issues relating to potential future sidewalk repairs. While they may impact future homeowners should sidewalks need repair, they are not directly applicable to this subdivision application.

12.04.050 Retaining walls--Required.

Comment: Not applicable. There are no grading issues that would require the use of a retaining wall on this site.

12.04.060 Retaining walls--Maintenance.

Comment: Not applicable. No retaining walls are proposed.

12.04.070 Removal of sliding dirt.

Comment: Future homeowners will have the responsibility to maintain street and sidewalk areas free of dirt and debris as required by this section.

12.04.080 Excavations--Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Comment: No excavation will be done in rights-of-ways without obtaining required permits.

12.04.090 Excavations--Permit restrictions.

Comment: The applicant will comply with any restrictions placed upon excavation permits associated with this project.

12.04.095 Street Design – Curb Cuts.

Comment: The applicant will comply with City standards regarding number and design of curb cuts.

12.04.100 Excavations – Restoration of Pavement

Comment: All excavations within street areas will be restored to appropriate condition per this standard.

12.04.110 Excavations--Nuisance--Penalty.

Comment: Not applicable.

12.04.120 Obstructions – Permit Required

Comment: Required permits will be obtained before any obstructions of street areas that may be necessary are undertaken.

12.04.130 Obstructions--Sidewalk sales.

Comment: Not applicable.

12.04.140 Obstructions--Nuisance--Penalty.

Comment: Not applicable.

12.04.150 Street and alley vacations--Cost.

Comment: Not applicable.

12.04.160 Street vacations--Restrictions.

Comment: Not applicable.

12.04.170 Street Design - Purpose and General Provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facility Master Plan and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Comment: The proposed street design provides for connections with multiple adjacent streets and will provide for the completion of this street system in a logical grid system.

12.04.175 Street Design--Generally.

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

an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.*

Comment: The proposed street pattern connects Villard Place, Joseph Way, Pelican Lake Place., and Anita Place, while providing for a future connection with Ross Street when abutting property is developed. This system provides a logical grid pattern that will achieve connectivity with adjoining developments. Stub streets are provided where reasonable to achieve future connection to Leland Road and Ross Street. Access control strips will be provided to meet the standards of section 12.04.200.

12.04.180 Street Design

Comment: The design of all proposed streets within the development will conform with city local street standards. The existing rights-of-way of Leland Road and McCord Road adjacent to this site do not conform to current standards for minor arterial and collector streets. Modifications pursuant to the criteria in Section 12.04.007 are being requested to allow dedications and improvements consistent with nearby development on these roads.

12.04.185 Street Design--Access Control.

Comment: Pursuant to the provisions of this section, access control strips will be required across the ends of Pelican Lake Place and Anita Place. These strips will be shown on the final plat.

12.04.190 Street Design--Alignment.

Comment: The proposed streets continue the alignments of adjacent streets and provides for a logical future connection to Leland Road at the 90 degree bend in that street.

12.04.194 Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Comment: The streets will be designed to conform to these standards.

12.04.195 Spacing Standards.

Comment: No blocks exceeding the 530 foot maximum spacing standard are proposed.

12.04.199 Pedestrian and bicycle accessways.

Comment: No pedestrian accessways are proposed or necessary.

12.04.205 Mobility Standards.

Comment: The Traffic Assessment Letter demonstrates that the proposed development will not cause any intersections in this area to exceed the levels of service criteria of this section. Please refer to that document.

12.04.210 Street design--Intersection Angles.

Comment: All intersections in this subdivision have been designed to intersect at angles as close as possible to 90 degrees. Curvature of Anita Place necessary to connect from the existing road stub and provide for a future connection with Leland Road prevents the intersection with Villard Place from being exactly at 90 degrees, but it is close enough that it will function without any difficulties. Traffic volumes and speeds are low, while sight clearance will remain unobstructed.

12.04.215 Street design--Off-Site Street Improvements.

Comment: No off-site improvements are needed or warranted in conjunction with this subdivision.

12.04.220 Street Design--Half Street.

Comment: The section of Anita Place adjacent to Lots 22 and 23 is not a full street. It has been designed in this manner to provide for the future extension of Anita Place to Leland Road. The street section proposed provides for a half-street plus 10 feet of paving on the other side of the road. The remainder of the street will be obtained when the adjoining property is developed.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.

Comment: No cul-de-sacs or dead end streets are proposed.

12.04.230 Street Design--Street Names.

Comment: No new street names are proposed as all streets are continuations of existing streets.

12.04.235 Street Design--Grades and Curves.

Comment: Grades and center line radii have been designed to conform to the standards in the City's street design standards and specifications.

12.04.240 Street Design--Development Abutting Arterial or Collector Street.

Comment: The site abuts McCord Road, a collector street, and Leland Road, a minor arterial street. Access to Lot 16, which abuts Leland Road, is being designed to provide for a turnaround in order to avoid vehicles backing out into this street. Lots 2 and 25 are corner lots located at the intersection of Villard Place and McCord Road. They can be accessed from Villard Place. Lot 1 would be accessed from McCord, but no safety concerns have been identified at that location in the TAL submitted with this application.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Comment: All local streets in the subdivision are proposed to be paved to a 32 foot width, which is consistent with local street standards. The proposed paving is narrow enough to inhibit use by non-local traffic. No extra traffic-calming designs are warranted. No crosswalks will occur within the proposed subdivision.

12.04.255 Street design--Alleys.

Comment: Not applicable. No alleys are proposed.

12.04.260 Street Design--Transit.

Comment: Not applicable. The proposed development does not contain or abut any transit streets.

12.04.265 Street design--Planter Strips.

Comment: Consistent with the requirements of this section, proposed street improvements include the provision of planter strips that will accommodate street trees.

12.04.270 Standard Construction Specifications.

Comment, as required by this section, the workmanship and materials for any work performed under permits issued per this chapter will be in accordance with City standards and the edition of the "Standard Specifications for Public Works Construction,"

as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.

COMPLIANCE WITH CHAPTER 12.08 PUBLIC AND STREET TREES

12.08.015 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.*
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;*
 - 2. Five feet from fire hydrants;*
 - 3. Twenty feet from intersections;*
 - 4. A minimum of five feet (at mature height) below power lines.**
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

Comment: A street tree planting plan will be submitted with the engineering drawings and will conform to the above standards.

12.08.020 Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Comment: The species of street trees will be submitted for review and approval of the community development director prior to final plat approval.

12.08.025 General tree maintenance.

Comment: As required by this section, abutting property owners will be responsible for maintenance of street trees along their street frontage.

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Comment: The proposed development will conform to this provision.

12.08.040 Heritage Trees and Groves.

Comment: No heritage trees or groves exist on the subject property.

COMPLIANCE WITH CHAPTER 17.41 – TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

Comment: The proposed subdivision is subject to the provisions of this chapter.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or*
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or*
- D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130*

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Comment: The subject property contains trees that are subject to the provisions of this section. A tree removal and planting plan will be submitted for approval prior to final plat submittal.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

- A. *Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.*
- B. *The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*
 - 1. *Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*
 - 2. *Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.*

Comment: The applicant proposes to make use of Mitigation Option 1. Trees not identified for removal will be protected outside of the construction area throughout the construction phase of the project. Replacement trees will be planted pursuant to the provisions of this section. A mitigation plan will be prepared by an arborist and submitted for review prior to final plat approval.

17.41.070 Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. *First Priority. Replanting on the development site.*
- B. *Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of*

replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Comment: Mitigation on-site is proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.130 - Regulated tree protection procedures during construction.

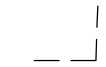
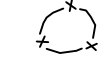

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.*
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:*
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

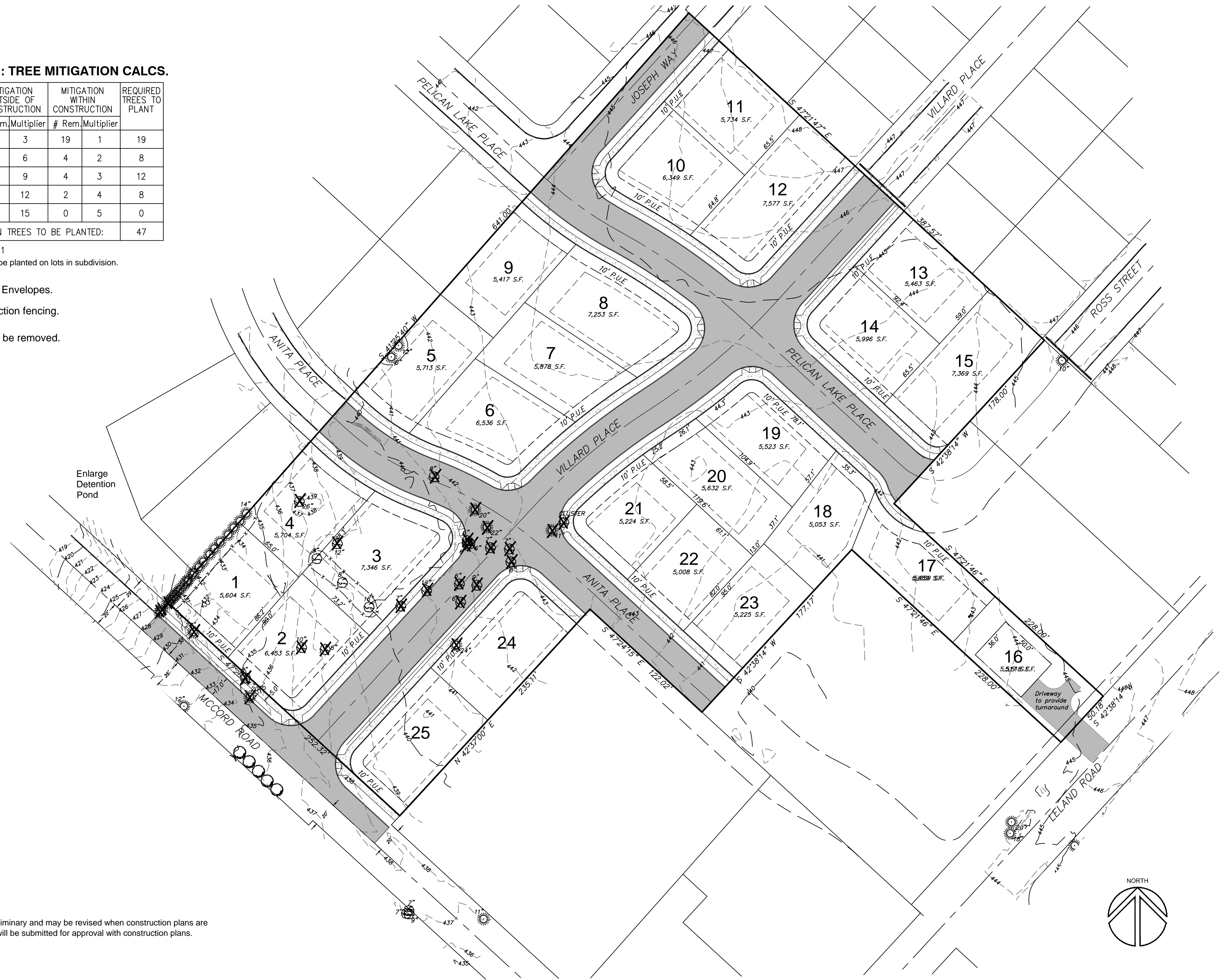
Comment: The required procedures and arborist recommendations will be followed throughout the period of construction activities on the site. Changes in soils hydrology and site drainage within tree protection areas will be avoided.

SCHEDULE 1: TREE MITIGATION CALCS.

SIZE TREE TO BE REMOVED	MITIGATION OUTSIDE OF CONSTRUCTION		MITIGATION WITHIN CONSTRUCTION		REQUIRED TREES TO PLANT
	# Rem.	Multiplier	# Rem.	Multiplier	
6 TO 12"	0	3	19	1	19
13 TO 18"	0	6	4	2	8
19 TO 24"	0	9	4	3	12
25 TO 30"	0	12	2	4	8
31" PLUS	0	15	0	5	0
TOTAL MITIGATION TREES TO BE PLANTED:					47

CODE 17.41.060-1
Mitigation trees to be planted on lots in subdivision.

-  Building Envelopes.
-  Construction fencing.
-  Trees to be removed.



Note: This plan is preliminary and may be revised when construction plans are prepared. Final plan will be submitted for approval with construction plans.

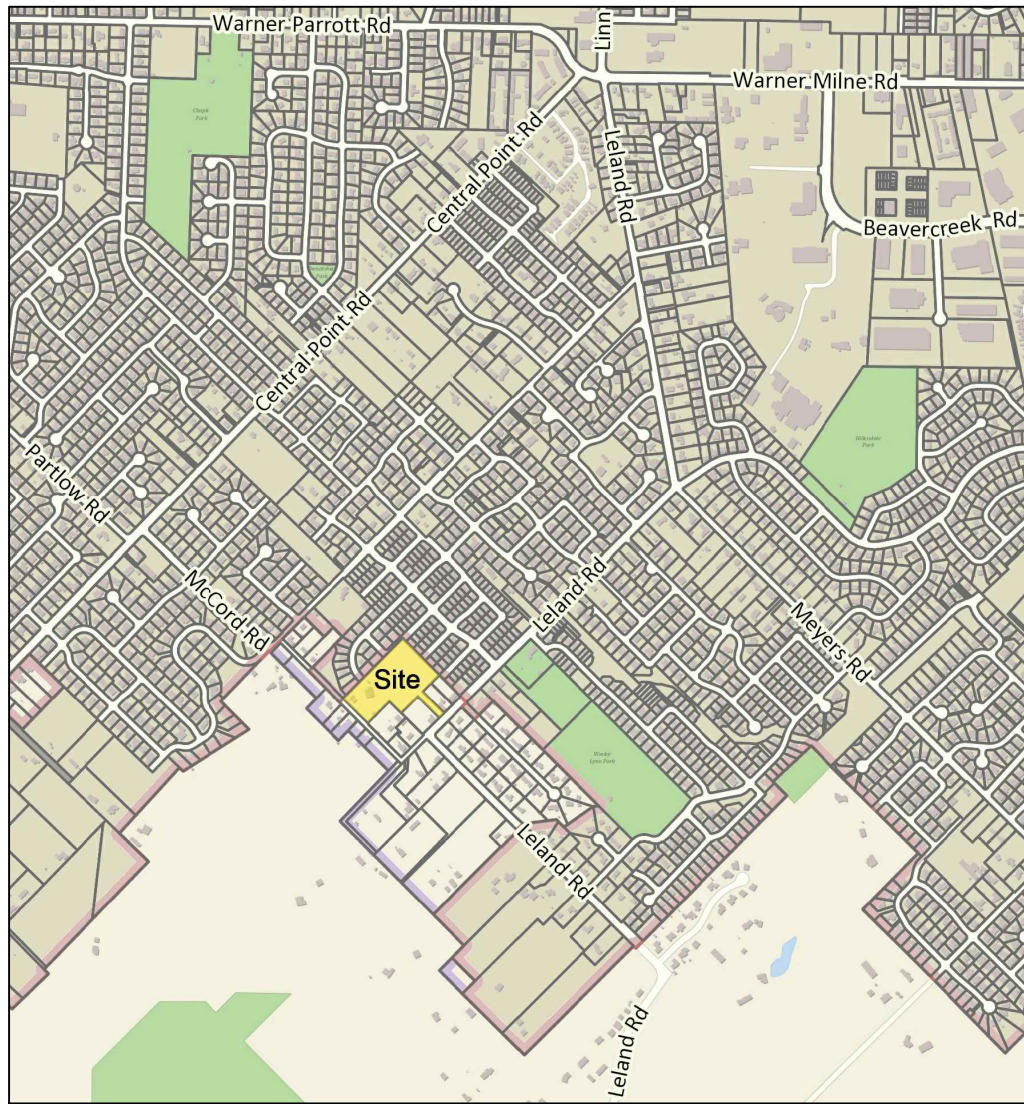
DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 50'			
DATE: June 2015			
FILE: 14-ICN-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park 3
Tree Removal, Protection & Mitigation Plan

SHEET:
1/1



Vicinity Map



Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Owner:
David & Dianne Douglass
19588 McCord Road
Oregon City, OR 97045
PH: (503) 201-4365

Legal: 3-2E-07B-4100

Water: City of Oregon City

Sewer: City of Oregon City

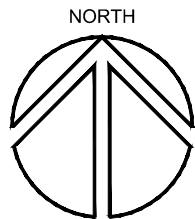
Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 5.15 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: R-10 (Existing), R-6 (Proposed)

Impervious Areas: Street - 52,124 sq. ft., Sidewalk - 13,873 sq. ft.



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 50'			
DATE: April 2015			
FILE: 14-ICN-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park 3 Preliminary Plan

SHEET:
1/1

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

July 30, 2015

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – 19588 MCCORD
ROAD SUBDIVISION – ZC15-02 TP15-03**

Dear Ms. Terway:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted for the proposed 25-lot subdivision at 19588 McCord Road. The site is located on the northeast side of McCord Road and the northwest side of Leland Road. The TAL, dated April 14, 2015 was prepared under the direction of Todd E. Mobley, PE of Lancaster Engineering.

A previous analysis associated with annexation to the city analyzed this parcel as a 21-lot subdivision. Under the proposed zoning, 25 lots are proposed. The proposal would create a new 25-lot subdivision by infilling within developed areas. Along the northwest and northeast boundaries of the site, street stubs for Anita Place, Pelican Lake Place, Joseph Way, and Villard Place will all be extended into the site. These streets are all local residential streets. Villard Place is proposed to be extended through the site to form a new intersection with McCord Road.

Overall

I find the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed subdivision.

Comments

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of 25 single-family dwellings on a site currently occupied by one. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual*. The subdivision is predicted to produce 18 new AM peak hour trips; 24 new PM peak hour trips; and 228 new weekday trips.
- 2. Access Locations.** Existing street stubs for Anita Place, Pelican Lake Place, Joseph Way, and Villard Place would all be extended into the site. In addition, Villard Place is proposed to be extended to form a new intersection with McCord Road. Most lots would have frontage on these new local streets. One would have frontage on Leland Road and one on McCord Road. For the parcel fronting on Leland Road, the engineer notes that no alternative access

is possible for this lot and proposed that an on-site turnaround be used to provide access from this parcel. I concur. Due to the speeds on Leland Road and proximity of the lot to the 90-degree curve on Leland Road, I recommend that any lot taking direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.

3. **Driveway Width.** The TAL does not indicate any impediments to meeting driveway width standards.
4. **Intersection Spacing.** The proposal will extend several existing streets and creates three new intersections on Villard Place, including the one at McCord Road. Intersection spacing is appropriate. It continues the layout of streets already established by the development of adjacent subdivisions.
5. **Sight Distance.** The engineer measured sight distance at the proposed intersection of McCord Road and Villard Place. He found sight distance was available in excess of 500 feet to the northwest and to southeast. This is far in excess of that necessary for the statutory speed or the observed speeds in that location. He also assessed sight distance for the proposed driveway for the parcel with access to Leland Road. He found intersection sight distance to the southwest to be adequate. To the northeast, he noted vegetation somewhat limit sight distance and noted that it may be removed with subsequent development. In the interim, he found that stopping sight distance was available for the driveway. It is critical that an on-site turnaround be provided for this parcel. I concur with the engineer's analysis of sight distance.
6. **Safety Issues.** With the exception of the sight distance issue associated with a single lot addressed above, the engineer did not identify any safety issues associated with the subdivision and notes that the traffic impacts will be negligible. I concur with the engineer's conclusion.
7. **Consistency with the Transportation System Plan (TSP).** Based on the materials submitted it appears that the streets would be developed in accordance with city standards and would be consistent with the TSP. The extension of streets from adjacent subdivisions and, especially the connection of Villard Drive to McCord Road, increase connectivity in the area and are consistent with the TSP.
8. **Transportation Planning Rule (TPR) Analysis.** Because the applicant is proposing to rezone the property from R-10 to R-6, a TPR analysis is also included. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. I concur.

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.

There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in black ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

August 10, 2015

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: SUPPLEMENTAL TRANSPORTATION ANALYSIS – 19588 MCCORD
ROAD SUBDIVISION – ZC15-02 TP15-03**

Dear Ms. Terway:

In response to your request, I have reviewed Dan Neils' July 17, 2015 comments related to the proposed 25-lot subdivision at 19588 McCord Road.

Mr. Neils raises concerns about safety, the proposed access to McCord Road, and issues related to the Master Plan related to densities and additional traffic.

In light of Mr. Neils' comments, I reviewed the applicant's Traffic Analysis Letter (TAL) with particular emphasis on the sections on sight distance and trip generation.

As described in the TAL, the applicant's traffic engineer performed measurements where Villard Drive is planned to intersect McCord Road. His measurements were conducted according to standard methods. He reports sight distance is far in excess of the minimum required for the statutory speed limit on McCord Road. In fact, he reports that the available sight distance is adequate for speeds up to 45 mph. I find no reason to revise my conclusion about the adequacy of sight distance or revise my conclusion about the appropriateness of a new intersection at the proposed location on McCord Road.

Mr. Neils also suggested that Leland Road is more appropriate for additional traffic than is McCord. The TAL notes the difficulty of providing adequate sight distance on Leland Road at the location where the parcel has frontage. While adequate for a driveway, this location is not recommended as a location for a new public street intersection. The layout of the proposed subdivision, with Villard Drive intersecting McCord Road, significantly improves connectivity by reinforcing the grid system in the area. I view the increased connectivity to be one of the principals supported by the adopted Transportation System Plan. Due to the increased connectivity afforded by this subdivision, I think it is likely that Villard Drive, Anita Place, and Joseph Way will help distribute traffic to and from the subdivision resulting in minimal changes to traffic volumes on McCord Road.

As described in the TAL, a previous analysis associated with annexation to the city analyzed this parcel as a 21-lot subdivision. Under the proposed zoning, 25 lots are proposed. An increase in 4 dwellings would not prove significant from a traffic standpoint at any location.

Because the proposal involves rezoning, the engineer conducted a Transportation Planning Rule analysis. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. In light of Mr. Neils' comments I reviewed the TPR analysis in the TAL and conclude that the engineer's analysis and conclusions were valid.

I leave it to others to comment on Mr. Neils' preference for a buffer between different zoning categories. As I stated above, the rezoning would allow four additional dwelling units above those allowed under current zoning. Four additional dwelling units will not produce a significant effect on the transportation system. As for the inadequacy of Pease Road, I see no reason to expect significant traffic from this subdivision to use Pease Road. I expect Pease Road will eventually be upgraded to appropriate standards, including the provision of sidewalks, as specified in the Transportation System Plan.

In conclusion, I did not find any arguments in Mr. Neils' comments to alter my conclusion that the TAL provides an adequate basis to assess the transportation impacts of the proposed subdivision. The proposed intersection of Villard Drive and McCord Road is appropriate and will have adequate sight distance. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.

There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in dark ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

From: Laura Terway
To: ["Dan Neils"](#)
Subject: RE: McCord Rd proposed zone change ZC15-02
Date: Monday, July 20, 2015 2:29:18 PM

Good Afternoon,

Thank you for your comments, I will include them in the staff report. Please feel free to contact me with any additional questions or concerns.



Laura Terway, AICP
Planner
Planning Division
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Direct - 503.496.1553
Planning Division - 503.722.3789
Fax 503.722.3880

Website: www.oregoncity.org | webmaps.oregoncity.org | Follow us on: [Facebook!](#) | [Twitter](#)

Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Dan Neils [mailto:danneils@gmail.com]
Sent: Friday, July 17, 2015 2:42 PM
To: Laura Terway
Subject: McCord Rd proposed zone change ZC15-02

July 17, 2015

Hello Ms. Terway,

I live at 19652 McCord Rd, just 2 houses from the pending development coming in the next year. I saw you were the planner assigned as contact regarding Icon's proposed change of ZC-15-02 from R-10 development to an R-6. As a concerned affected neighbor, I have a few safety concerns to address:

1. **SAFETY:** I've talked with a number of neighbors on McCord, and my biggest concern is safety should the plan change be approved (From R10 to R6 lots). Although S. McCord rd. is 25mph technically, with the large dip and narrow road, drivers regularly drive 35-45 mph. The new neighborhood street access is proposed to come out on McCord Rd, just on the top of the blind hill, which

would create and incredibly dangerous situation. McCord is a county road with no street lights. It is already a dangerous street, and adding a new access street would increase the danger to folks pulling out and the new pedestrians using the road. It would be much safer to have the new houses back up to McCord.

2. McCord is a country, county road. Most of the lots are from ½ to 1 acre, and further development is unlikely. Why have the new city street come out on McCord, and not on Leland, which is better able to handle to added travel?
3. MASTER PLAN: In the OC Master plan, the Reddaway St. area was set aside for high density housing. High density housing is great when buffered by lower density, as was set forth in the plan. Little Pease Rd. is a sorry street, narrow, and very unsafe for pedestrians as some points require you to walk on the street. Adding even more houses than ICON could build on the new lot would add even more cars to this already unsafe street. Leaving the plan at R-10 would leave a nice buffer between high density and the country.

We all have concerns that no one says no to ICON, and that it's not much use trying to thwart their proposed plans. It's our hope that in finishing up development of our little corner of Oregon City, that ICON could get one "No" to their constant drive to infill every space with large homes On tiny lots at the cost to neighborhood livability.

I appreciate your considering my concerns.

Sincerely,

Dan Neils

Agape Insurance

19652 McCord Rd
Oregon City, OR 97045

503-650-4325 Office
503-740-0535 Mobile/Texting
503-863-3821 E-Fax

Learn about health insurance,
dental plans & more at:

<http://www.agapeinsurance.net>

The Federal Marketplace is at: <http://www.healthcare.gov>
Should you apply add: Dan Neils NPN 757811

From: [Wes Rogers](#)
To: [Laura Terway](#)
Subject: RE: ZC 15-02 and TP 15-03 Applications
Date: Friday, July 10, 2015 12:37:35 PM

Laura, this property is on the school boundary for John McLoughlin and Gaffney Lane Elementary Schools. Elementary school attendance area will depend on existing enrollments when subdivision is built.

..wes

Wes Rogers, Director of Operations
Oregon City SD
503-785-8426

From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, July 07, 2015 3:05 PM
Subject: ZC 15-02 and TP 15-03 Applications

Good Afternoon,

Please review the proposed development posted [here](#) and provide your comments by August 4th.

COMMENTS DUE BY:	3:30 PM, August 4, 2015
HEARING DATE:	August 24 th , 2015
HEARING BODY:	___ Staff Review; <u>XX</u> PC; ___ CC
IN REFERENCE TO	
FILE # & TYPE:	ZC 15-02: Zone Change R-10 to R-6 TP 15-03: 25-Lot Subdivision
PLANNER:	Laura Terway, AICP, Planner (503) 496-1553
APPLICANT:	Icon Construction and Development, LLC
REPRESENTATIVE:	Rick Givens
REQUEST:	The applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District and a 25-Lot subdivision.
LOCATION:	19588 McCord Road, Oregon City, Oregon 97045, Clackamas County 3-2E-07B -04100

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 ensure prompt consideration of your recommendations.

Laura Terway, AICP
Planner
Planning Division
City of Oregon City
PO Box 3040



221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Direct - 503.496.1553
Planning Division - 503.722.3789
Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | Follow us on: [Facebook!](#) | [Twitter](#)

Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: [Scott Archer](#)
To: [Laura Terway](#)
Subject: RE: ZC 15-02 and TP 15-03 Applications
Date: Thursday, July 09, 2015 4:34:11 PM

Community Services Department (parks) has no concerns regarding this application.

Thank you,



Scott Archer
sarcher@orccity.org
Community Services Director
City of Oregon City
PO Box 3040
625 Center St.
Oregon City, Oregon 97045
503-496-1546 Direct phone
503-657-0891 City phone
503-657-7026 Fax

Website: www.orccity.org

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Laura Terway
Sent: Tuesday, July 07, 2015 3:05 PM
Subject: ZC 15-02 and TP 15-03 Applications

Good Afternoon,

Please review the proposed development posted [here](#) and provide your comments by August 4th.

COMMENTS DUE BY:	3:30 PM, August 4, 2015
HEARING DATE:	August 24 th , 2015
HEARING BODY:	___ Staff Review; <u>XX</u> PC; ___ CC
IN REFERENCE TO	
FILE # & TYPE:	ZC 15-02: Zone Change R-10 to R-6 TP 15-03: 25-Lot Subdivision
PLANNER:	Laura Terway, AICP, Planner (503) 496-1553
APPLICANT:	Icon Construction and Development, LLC
REPRESENTATIVE:	Rick Givens
REQUEST:	The applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District and a 25-

Lot subdivision.
LOCATION: 19588 McCord Road, Oregon City, Oregon 97045, Clackamas County 3-2E-07B -04100

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 ensure prompt consideration of your recommendations.



Laura Terway, AICP
Planner
Planning Division
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Direct - 503.496.1553
Planning Division - 503.722.3789
Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | Follow us on: [Facebook!](#) | [Twitter](#)
Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: [Scott Archer](#)
To: [Laura Terway](#)
Subject: RE: Completeness Review: ZC 15-02 / TP 15-02 (Pavilion Park III)
Date: Wednesday, May 06, 2015 8:40:07 PM
Attachments: [image003.png](#)

No comments from Community Services Department.

Thank you,



Scott Archer
sarcher@orc.city.oregon.or.us
**Community Services
Director**
City of Oregon City
PO Box 3040
625 Center St.
Oregon City, Oregon 97045
503-496-1546 Direct phone
503-657-0891 City phone
503-657-7026 Fax

Website: www.orcity.org

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Laura Terway
Sent: Wednesday, May 6, 2015 12:16 PM
To: Hunter Bennett-Daggett; 'Gordon Munro (gordon.munro@tetrattech.com)'; Aleta Froman-Goodrich; 'John Replinger (replinger-associates@comcast.net)'; Wes Rogers; 'Mike Boumann (mike.boumann@ClackamasFire.com)'; Mike Boumann; Chris Wadsworth; Denise Kai; Scott Archer; 'Bob George'; 'Betty Johnson'; 'Kent, Ken'; 'Deana Mulder (deanam@co.clackamas.or.us)'; 'ODOT Development Review (region1devrevapplications@odot.state.or.us)'; Martin Montalvo; Carla Morgan (carla.morgan@pgn.com); Dawn Hickson; Denise Kai; Don Kemp (donk@co.clackamas.or.us); Eric Underwood; James Band; Jennifer Stephen (jennifer.stephens@pgn.com); John Collins; Scott Archer; Tim Finlay (timfin@co.clackamas.or.us); Ugo DiLullo (ugodil@co.clackamas.or.us)
Cc: John M. Lewis
Subject: RE: Completeness Review: ZC 15-02 / TP 15-02 (Pavilion Park III)

All,

Please send comments regarding completeness to me by May 18th. Thanks



Laura Terway, AICP

Planner

Planning Division

City of Oregon City

PO Box 3040

221 Molalla Avenue, Suite 200

Oregon City, Oregon 97045

Direct - 503.496.1553

Planning Division - 503.722.3789

Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | Follow us on: [Facebook!](#) | [Twitter](#)

Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Pete Walter

Sent: Thursday, April 23, 2015 2:46 PM

To: Hunter Bennett-Daggett; Gordon Monro (gordon.munro@tetrattech.com); Aleta Froman-Goodrich; John Replinger (replinger-associates@comcast.net); 'Wes Rogers'; Mike Boumann (mike.boumann@ClackamasFire.com); Mike Boumann; Chris Wadsworth; Denise Kai; Scott Archer; Bob George; 'Betty Johnson'; Kent, Ken; Deana Mulder (deanam@co.clackamas.or.us); ODOT Development Review (region1devrevapplications@odot.state.or.us); Martin Montalvo; 'Carla Morgan' (carla.morgan@pgn.com); 'Dawn Hickson'; Denise Kai; 'Don Kemp' (donk@co.clackamas.or.us); Eric Underwood; James Band; 'Jennifer Stephen' (jennifer.stephens@pgn.com); 'John Collins' (johnc@sfbw.org); Scott Archer; 'Tim Finlay' (timfin@co.clackamas.or.us); 'Ugo DiLullo' (ugodil@co.clackamas.or.us)

Cc: Tony Konkol; John M. Lewis; rickgivens@gmail.com; 'Darren Gusdorf'

Subject: Completeness Review: ZC 15-02 / TP 15-02 (Pavilion Park III)

FOR COMPLETENESS PURPOSES ONLY

30-DAY DEADLINE: **May 22nd, 2015 – Please notify planner as early as possible of missing information**

IN REFERENCE TO: ZC 15-02: Zone Change R-10 to R-6
TP 15-03: 25-Lot Subdivision
NR 15-04 NROD Verification

REQUEST: Rezoning from R-10 to R-6 Single Family, 25-lot Subdivision

APPLICANT: Rick Givens for ICON Construction and Development

REVIEWING PLANNER: Pete Walter AICP, Phone: (503) 496-1568, Email:
pwalter@orcity.org
LOCATION: 19588 McCord Road, Clackamas County 3-2E-07B -04100
WEBSITE: <http://www.orcity.org/planning/landusecase/zc-15-02-tp-15-03>

DOWNLOAD LINK: <https://orcity.sharefile.com/d-s301246dfc334b1e9>

Per OCMC [17.50.070 Completeness review and one hundred twenty-day rule](#). This application material is referred to you for your information, study and official comments. *Upon submission, the community development director shall date stamp the application form and verify that the appropriate application fee has been submitted. The community development director 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 community development director 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. Please determine if any additional issues need to be addressed for a complete application. This transmittal is for completeness purposes only. Please retain the information enclosed.*




Pete Walter, AICP, Associate Planner
pwalter@orcity.org
Community Development Department
Planning Division
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045
503-496-1568 Direct
503-722-3789 Front Desk
503-722-3880 Fax
Website: www.orcity.org
New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



Need Zoning and other Tax Lot Information? - [Generate a Property Report](#)

Online Mapping is available at [OCWebMaps](#)

 Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



NOTICE OF DECISION

DATE OF MAILING OF NOTICE OF DECISION: August 7, 2014

FILE NO.: AN 14-01

APPLICATION TYPE: Annexation (Approximately 5.5 acres)

HEARING DATE: City Commission – August 6, 2014

APPLICANT: Brian D'Ambrosio and Valerie Hunter, 3336 SE Belmont, Portland, OR 97215

REPRESENTATIVE: AKS Engineering, 13910 SW Galbreath Dr, Ste. 100, Sherwood, OR 97214

OWNER: David G. Douglass, 19588 S McCord Road, Oregon City, OR 97045

REQUEST: Annexation of approximately 5.5 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.

LOCATION: 19588 S. McCord Road, Oregon City, OR 97045
Located on the northeast side of McCord Road, west of Leland Road
Clackamas County Map 3-2E-07B -04100

DECISION: On August 6, 2014, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the City Commission concluded that the criteria for the annexation had been met. Accordingly, the City Commission approved Resolution 14-18 sending the annexation to the voters on November 4, 2014 for final approval, adopted as its own the Staff Report and Findings, attached as exhibits to File Number AN 14-01. All materials are on file at the Planning Division.

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. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Suite 200, Oregon City, OR 97045, (503) 722-3789, between the hours of 8am and 5pm. Copies of these documents are available (for a fee) upon request.

CITY COMMISSION FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS
AN 14-01

Based on the Findings in the Staff Report, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Clackamas County Comprehensive Plan also states annexation which converts Future Urban lands to Immediate Urban lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the Oregon City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement (UGMA) specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Staff Report Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has adequately addressed compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060.
11. The City Commission recognizes that the Urban Growth Management Agreement with Clackamas County requires that the annexation proposal shall include the adjacent road right-of-way of the property proposed for annexation.
12. The City Commission concurs with the Clackamas River Water District (CRW) recommendation that the property be served by the City and withdrawn from CRW's service area.
13. The City Commission recognizes that the Applicant shall provide all necessary mapping and legal property descriptions for approval by the Oregon Department of Revenue to ensure completion of the annexation.
14. The City Commission recognizes that the property shall be rezoned ministerially to R-10 Single Family Residential following approval of the annexation pursuant to OCMC 17.68.025(A).

ORDINANCE NO. 14-1019

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY AND APPROVING THE ELECTION RESULTS FOR AN 14-01

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The City of Oregon City proposed that certain property, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the City found that the proposal complied with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

WHEREAS, Chapter I, section 3 of the Oregon City Charter of 1982 requires voter approval for annexations such as the one proposed; and

WHEREAS, the annexation of the identified property was submitted to the voters of the City of Oregon City at a special election held on November 4th, 2014; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 4th, 2014; and

WHEREAS, the official figures returned by the Clackamas County Clerk attached hereto as Exhibit "C" indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified property (7,985 yes: 3,777 no); and

WHEREAS, the identified property is currently within Clackamas County Fire District # 1; and will remain in said District upon annexation to the City of Oregon City; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and upon annexation the Oregon City Police Department will be responsible for police services to the identified property;

WHEREAS, the identified property is currently within and served by the Clackamas River Water (CRW) District service area; and

WHEREAS, with approval of the annexation, the property will be withdrawn from Clackamas River Water (CRW) District and future development will be connected to the Oregon City water distribution system; and


WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified property into their sewer district; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

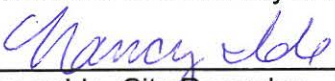
- Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall be withdrawn from the Clackamas River Water (CRW) District and connected to the Oregon City water distribution system upon development.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.
- Section 6. That the territory identified in Exhibit "A" is designated as Low Density Residential on the Oregon City Comprehensive Plan land use map and in accordance with the findings in Exhibit "B" shall be rezoned to R-10 Single Family Residential on the Oregon City Zoning map.
- Section 7. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 21st day of January, 2015, and the foregoing ordinance was finally enacted by the City Commission this 21st day of January, 2015.



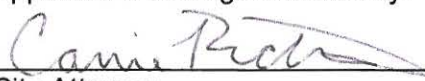
DAN HOLLADAY, Mayor

Attested to this 21st day of January 2015:



Nancy Ide, City Recorder

Approved as to legal sufficiency:



Carrie Becker, City Attorney

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969
AKS Job #3523



**LANDSCAPE ARCHITECTURE
SURVEYING**

AKS Group of Companies:
SHERWOOD, OREGON
SALEM, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

EXHIBIT A

A tract of land located in the Northwest One-Quarter of Section 7, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

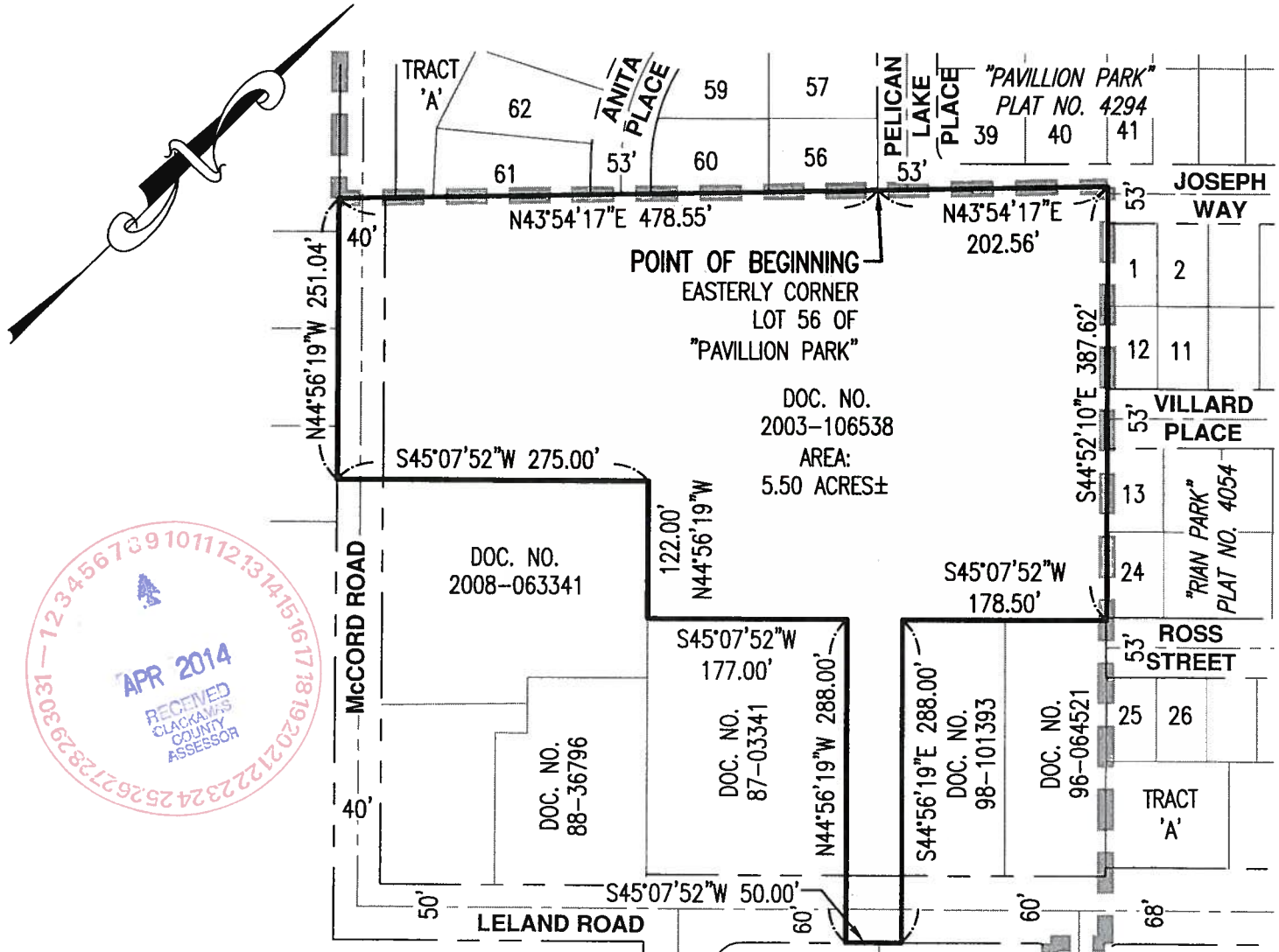
Beginning at the easterly corner of Lot 56 of the Plat of "Pavillion Park", thence along the southeasterly line of said Plat and the city limits of Oregon City, North 43°54'17" East 202.56 feet to the westerly corner of the Plat of "Rian Park"; thence along the southwesterly line of said Plat of "Rian Park" and being the city limits of Oregon City, South 44°52'10" East 387.62 feet to the northerly corner of that tract of land conveyed to Bond A. Fisher and Kellie I. Fisher in Document Number 96-064521, Clackamas County deed records; thence along the northwesterly line of the Fisher tract and the northwesterly line of that tract land conveyed to Dennis Mark Brown in Document Number 98-101393, Clackamas County deed records, South 45°07'52" West 178.50 feet to the westerly corner of the Brown tract; thence along the southwesterly line of the Brown tract and the southeasterly extension thereof, South 44°56'19" East 288.00 feet to a point on the southeasterly right-of-way line of Leland Road (30.00 feet from centerline); thence along said southeasterly right-of-way line, South 45°07'52" West 50.00 feet to a point on the southeasterly extension of the northeasterly line of that tract of land conveyed to Judy J. Douglass in Document Number 87-03341, Clackamas County deed records; thence along said southeasterly extension and the northeasterly line of the Douglass tract, North 44°56'19" West 288.00 feet to the northerly corner thereof; thence along the northwesterly line of the Douglass tract, South 45°07'52" West 177.00 feet to the westerly corner thereof, being a point on the northeasterly line of that tract of land conveyed to Bill Creel and Dana Creel in Document Number 2008-063341, Clackamas County deed records; thence along the northeasterly line of the Creel tract, North 44°56'19" West 122.00 feet to the northerly corner thereof; thence along the northwesterly line of the Creel tract and the southwesterly extension thereof, South 45°07'52" West 275.00 feet to a point on the southwesterly right-of-way line of McCord Road (20.00 feet from centerline); thence along said southwesterly right-of-way line, North 44°56'19" West 251.04 feet to a point on the southwesterly extension of the southeasterly line of the Plat of "Pavillion Park"; thence along said southwesterly extension of the southeasterly line of said Plat, being the city limits of Oregon City, North 43°54'17" East 478.55 feet to the Point of Beginning.

The above described tract of land contains 5.50 acres, more or less.



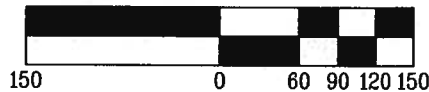
EXHIBIT B

A TRACT OF LAND LOCATED IN THE NW 1/4 OF SEC. 7,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M.,
CLACKAMAS COUNTY, OREGON



PREPARED FOR
H&H PREFERRED REAL ESTATE

SCALE 1" = 150 FEET



LEGEND

CITY OF OREGON CITY
CITY LIMITS

08-01-13
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEW: 12/31/14

JOB NAME: McCORD ROAD

JOB NUMBER: 3523

DRAWN BY: MSK

CHECKED BY: RDR

DWG NO.: ANNEX-1

AKS ENGINEERING AND FORESTRY, LLC
13910 SW GALBREATH DR
SUITE 100
SHERWOOD, OR 97140
PHONE: 503.925.8799
FAX: 503.925.8969

AKS

ENGINEERING · PLANNING · SURVEYING
FORESTRY · LANDSCAPE ARCHITECTURE



NOTICE OF DECISION

DATE OF MAILING OF NOTICE OF DECISION: August 7, 2014

FILE NO.: AN 14-01

APPLICATION TYPE: Annexation (Approximately 5.5 acres)

HEARING DATE: City Commission – August 6, 2014

APPLICANT: Brian D'Ambrosio and Valerie Hunter, 3336 SE Belmont, Portland, OR 97215

REPRESENTATIVE: AKS Engineering, 13910 SW Galbreath Dr, Ste. 100, Sherwood, OR 97214

OWNER: David G. Douglass, 19588 S McCord Road, Oregon City, OR 97045

REQUEST: Annexation of approximately 5.5 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.

LOCATION: 19588 S. McCord Road, Oregon City, OR 97045
Located on the northeast side of McCord Road, west of Leland Road
Clackamas County Map 3-2E-07B -04100

DECISION: On August 6, 2014, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the City Commission concluded that the criteria for the annexation had been met. Accordingly, the City Commission approved Resolution 14-18 sending the annexation to the voters on November 4, 2014 for final approval, adopted as its own the Staff Report and Findings, attached as exhibits to File Number AN 14-01. All materials are on file at the Planning Division.

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. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Suite 200, Oregon City, OR 97045, (503) 722-3789, between the hours of 8am and 5pm. Copies of these documents are available (for a fee) upon request.

CITY COMMISSION FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS
AN 14-01

Based on the Findings in the Staff Report, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Clackamas County Comprehensive Plan also states annexation which converts Future Urban lands to Immediate Urban lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the Oregon City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement (UGMA) specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Staff Report Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has adequately addressed compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060.
11. The City Commission recognizes that the Urban Growth Management Agreement with Clackamas County requires that the annexation proposal shall include the adjacent road right-of-way of the property proposed for annexation.
12. The City Commission concurs with the Clackamas River Water District (CRW) recommendation that the property be served by the City and withdrawn from CRW's service area.
13. The City Commission recognizes that the Applicant shall provide all necessary mapping and legal property descriptions for approval by the Oregon Department of Revenue to ensure completion of the annexation.
14. The City Commission recognizes that the property shall be rezoned ministerially to R-10 Single Family Residential following approval of the annexation pursuant to OCMC 17.68.025(A).

From: [Darren Gusdorf](#)
To: [Laura Terway](#)
Cc: [Wendy Marshall](#); [Aleta Froman-Goodrich](#); ["Bruce Goldson"](#); ["Rick Givens"](#); ["Mark Handris"](#); ["CARRIE A. RICHTER"](#); [Matthew Palmer](#); [MRobinson@perkinscoie.com](#)
Subject: RE: Pavilion Park III (TP-15-03) - Revised Staff Report
Date: Tuesday, September 08, 2015 10:41:30 AM
Attachments: [image001.png](#)
[RE Pavilion Park III\(TP-15-03\).msg](#)
[san water memo.docx](#)
[sanitary memo.docx](#)
[leland road estimate.docx](#)
[Water Line Exrension.pdf](#)
Importance: High

Good morning Laura,

Please understand that we are appreciative of you and all other OC staff, and in no way are we trying to be problematic without fair reason. Unfortunately in this case, we're not able to align with the city's position that condition of approval #10 is proportionate to the application. As written, it is requiring us to extend the city water main approximately 228' and fully burden the cost associated with this city improvement. As you know, we can service lot #16 through our subdivision. The cost to extend the city's waterline down to our frontage is over \$60k, and nearly offsets the value of lot 16 itself. If deemed not proportionate, it must be deemed a taking.

At this time, we are only hoping for further resolution to Condition #10. Like OC's engineering department, we have concluded that condition #21 can easily be met.

I'm providing you with the following documents:

- An e-mail response from Mike Robinson, Perkins Coie, regarding condition of approval #10.
- A construction cost estimate prepared by Bruce Goldson reflecting the costs affiliated with conditions of approval #10 and #21 broken out.
- Documentation from Bruce Goldson in response to Matt Palmer's comments below about Oregon State Law and sewer and waterline placement in a private easement.
 - o The City does not think the Applicant can meet Oregon State Law with regard to minimum spacing between sanitary sewer services and water services within a 10-foot private easement across Lot 17.
- Documentation from Bruce Goldson pertaining to condition #21 demonstrating that this condition can be met.
 - o Generally, we are stating that the Applicant is to extend this existing 8-inch sanitary sewer main in Leland Road, unless the Applicant can demonstrate to the City that all other adjacent properties can be served via gravity sewer service by some other means. John, Wendy, and I all believe this is achievable, but this would need to be demonstrated by your Engineer prior to waiving this condition. We feel this is a reasonable position. If this condition is waived, Lot 16 can run their sanitary sewer lateral across Lot 17 within a private easement and discharge into the sanitary sewer system in Pelican Lake Place as originally proposed.

We are hopeful that we can work together quickly and before the hearing, and come up with a reasonable and proportionate resolution to CofA #10. If an outright removal of this condition can't

be made, we're hopeful the city will explore other mechanisms that could fairly reimburse us for this (or portions of) this extension. For example, maybe Icon is responsible for the costs affiliated with its 50' frontage (\$13,158 +/-) and the city is responsible for the costs affiliated with the 178' non-frontage (\$46,842 +/-)? We're open to any ideas that would result in a more fairly distributed cost of this improvement.

Thank you,

Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net
www.iconconstruction.net



From: Laura Terway [mailto:lterway@ci.oregon-city.or.us]
Sent: Tuesday, September 08, 2015 8:28 AM
To: Darren Gusdorf <darren@iconconstruction.net>
Cc: Wendy Marshall <wmarshall@ci.oregon-city.or.us>; Aleta Froman-Goodrich <afroman-goodrich@ci.oregon-city.or.us>; 'Bruce Goldson' <thetaeng@comcast.net>; 'Rick Givens' <rickgivens@gmail.com>; 'Mark Handris' <handris@aol.com>; 'CARRIE A. RICHTER' <crichter@gsblaw.com>; Matthew Palmer <mpalmer@ci.oregon-city.or.us>
Subject: RE: Pavilion Park III (TP-15-03) - Revised Staff Report

Darren,

We are required to send out the Planning Commission agenda and associated staff report today. I have been out of the office and wanted to check in on this and see if you had any additional information or issues for the City to consider before issuing the report. In order to adequately respond to your comments and amend the staff report if necessary, can you reply to this email by 11am with your outstanding concerns or additional information? Thank you, I appreciate your willingness to work with us to understand and address your concerns.



Laura Terway, AICP
Planner
Planning Division
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
Direct - 503.496.1553
Planning Division - 503.722.3789



Pavilion Park III

Pavilion III Preliminary cost estimate Sept 1, 2015

Item	units	Quantity	unit Cost	total Cost
SANITARY IMPROVEMENTS				
1. 8-inch PVC	LF	228	\$57.00	\$12,996.00
2. 48" manhole	EA	1	\$3,600.00	\$3,600.00
3. Testing	LS	1	\$800.00	\$800.00
4. grind and overlay	SY	329	\$97.00	\$31,913.00
5. Traffic Control	LS	1	\$2,500.00	\$2,500.00
		Total		\$51,809.00
WATER IMPROVEMENTS (assume 228LF with 8" Ductile Iron)				
1. 8-inch Ductile Iron	LF	228	\$55.00	\$12,540.00
2. blowoff assembly w/ 8" gate valve	EA	1	\$1,500.00	\$1,500.00
3. 1" copper service	EA	1	\$1,000.00	\$1,000.00
4. testing and Tie in	LS	1	\$2,000.00	\$2,000.00
5. grind and overlay	SY	329	\$97.00	\$31,913.00
6. Traffic control	LS	1	\$2,500.00	\$2,500.00
		total		\$51,453.00
Water Improvements (assume 228 LF with 12" ductile Iron)				
1. 12-inch Ductile Iron	LF	228	\$75.00	\$17,100.00
2. blowoff assembly w/ 12 GV	EA	1	\$2,000.00	\$2,000.00
3. 1" copper Service	EA	1	\$1,000.00	\$1,000.00
4. testing and tie in	LS	1	\$2,000.00	\$2,000.00
5. grind and overlay	SY	329	\$97.00	\$31,913.00
6. Traffic Control	LS	1	\$2,500.00	\$2,500.00
		total		\$56,513.00
design engineering each option	LS	1	\$2,000.00	\$2,000.00
Survey layout each option	LS	1	\$400.00	\$400.00
Inspection each option	LS	1	\$1,500.00	\$1,500.00
Geotech compaction testing each	LS	1	\$1,000.00	\$1,000.00
Review fees each option (approx)	LS	1	\$2,800.00	\$2,800.00
		total		\$7,700.00

This estimate is based on concept plan, without any site visits. Assumes 12-foot grind and overlay per Std Detail 532, and assumed no rock excavation.

Prepared by Bruce D. Goldson, PE ; September 2, 2015; sanitary & water on Leland Road for lot 16

From: [Robinson, Michael C. \(Perkins Coie\)](#)
To: darren@iconconstruction.net
Cc: "Mark Handris"
Subject: RE: Pavilion Park III(TP-15-03)
Date: Tuesday, September 08, 2015 9:58:22 AM
Attachments: [image001.png](#)
[image002.png](#)

Michael C. Robinson | Perkins Coie LLP

PARTNER

1120 N.W. Couch Street Tenth Floor
Portland, OR 97209-4128
D. +1.503.727.2264
C. +1.503.407.2578
F. +1.503.346.2264
E. MRobinson@perkinscoie.com



Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"

From: Robinson, Michael C. (Perkins Coie)
Sent: Tuesday, September 08, 2015 9:51 AM
To: darren@iconconstruction.net
Cc: Mark Handris
Subject: Pavilion Park III(TP-15-03)

Darren, I've reviewed the materials that you've provided me, including the staff report for the September 14 public hearing. You've asked me to comment on the constitutionality of proposed condition of approval 10 which requires the extension of a city water line to serve a single lot at the approximate cost of \$50-60,000 to the applicant.

This proposed condition of approval is an unconstitutional exaction under relevant US Supreme Court decisions. The costly extension of an off-site public improvement to serve a single line is not proportional to the impacts of the application where the evidence shows that the lot can be served in a different way without the extraordinary costs. Further, the City has the burden of proof to show that the conditional meets the tests established by the US Supreme Court. Oregon City Development Code("OCDC")section 16.12.095 provides that public facilities, including water lines, shall be required for a land division unless the decision-maker determines that the improvement is not proportional to the impact by the application on the City's public system and facilities. In fact, the City has the legal burden to first show that the impact is proportional to the impacts of the application and the City has not met its burden.

I'd suggest that we schedule a call with the City and see if we can work through this issue so that a modified condition of approval can be issued before the public hearing.

Michael C. Robinson | Perkins Coie LLP

PARTNER

1120 N.W. Couch Street Tenth Floor
Portland, OR 97209-4128
D. +1.503.727.2264
C. +1.503.407.2578
F. +1.503.346.2264
E. MRobinson@perkinscoie.com



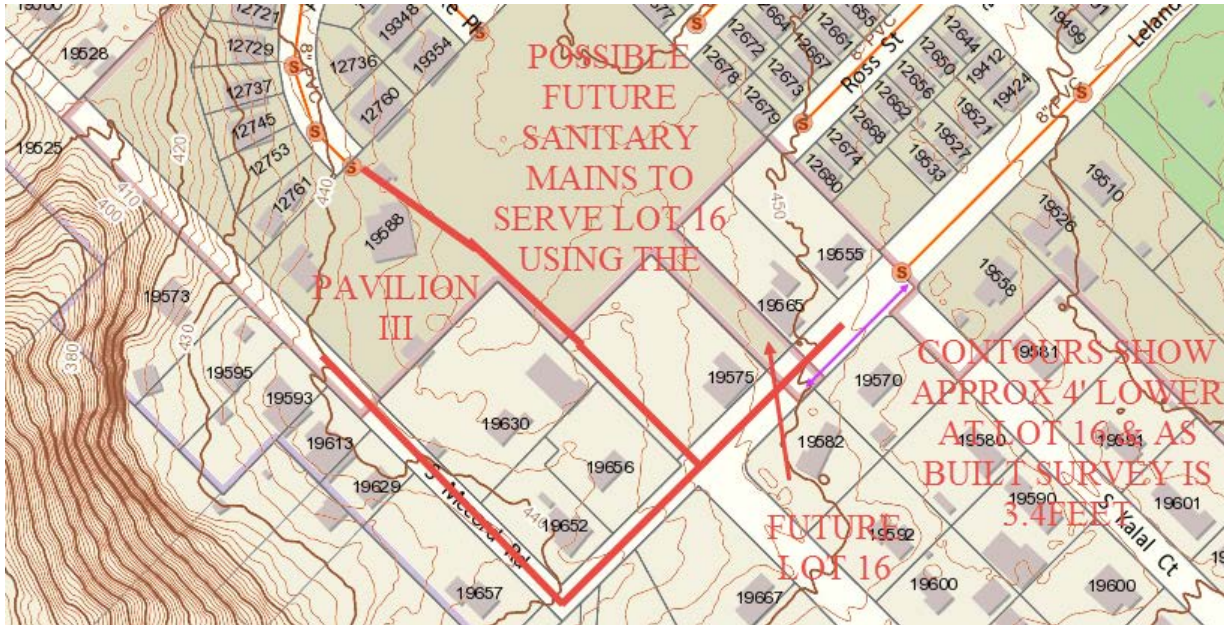
Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.



PAVALION III

COA # 21





Site

Anita Pl

Pelican Lake Pl

Villard Pl

Ross St

Reddaway Ave

Leland Rd

S Leland Rd 22' 12" W

S Kalal Ct

S Mccord Rd

0 50 100ft



G A R V E Y S C H U B E R T B A R E R
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

PORTLAND OFFICE
eleventh floor
121 sw morrison street
portland, oregon 97204-3141

TEL 503 228 3939 FAX 503 226 0259

anchorage, alaska
beijing, china
new york, new york
seattle, washington
washington, d.c.
GSBLAW.COM

Please reply to CARRIE A. RICHTER
crichter@gsblaw.com
Direct Dial 503 553 3118

MEMORANDUM

TO: City of Oregon City Planning Commission
FROM: Carrie A. Richter, Deputy City Attorney
DATE: September 14, 2015
RE: Pavilion Park III – ZC 15-02 and TP 15-03

Icon Construction and Development LLC submitted an application for approval of a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District (Planning file ZC 15-02) and a 25-Lot subdivision (Planning file TP 15-03). Staff has drafted a staff report with findings to applicable sections of the Oregon City Municipal Code (OCMC) and recommended conditions for the Planning Commission and City Commission review.

In the revised Condition 10, city staff has recommended extension of the existing 12-inch water main located at the intersection of Leland Road and Kalal Court to the southwestern most boundary of the proposed development’s frontage along Leland Road. This condition requires extending the line approximately 182’ along Leland Road, in front of two existing properties not subject to this application, to reach the 50’ of frontage within the proposed development, also known as Lot 16. The applicant objects to this condition arguing that it imposes off-site improvements to serve a single lot that are not roughly proportional. The applicant claims that the cost of extending the city water line to serve this single lot is \$50,000 to \$60,000, nearly offsetting the value of the lot itself.¹

Essential Nexus Analysis

As explained in the staff report, the existing CRW water mains in this area are in poor condition. They are scheduled to be abandoned in the future, and new lines are needed to serve the subject property. Section 1.03 of the Water Distribution System Design Standards states that permanent distribution facilities shall be provided to all lots created by subdivision, and along the subject site frontage. Section 2.00 of the standards states that the main shall be extended across the street frontage when the main is located within the right-of-way. The only way to satisfy these standards, given the connective, linear nature of a water line, is to require that in addition to installing the pipe along the frontage of Lot 16, the applicant must also extend the line approximately 182 feet as necessary to reach the lot in the first instance.

¹ The applicant’s cost estimate assumes an obligation to construct 228 linear feet of water line along Leland Road. As shown in the attached exhibit, the city calculates the total obligation to be 232 feet, although 50 of those feet do front Lot 16. If the applicant’s objection is to the off-site improvements, they extend for 182 feet and applying the applicant’s cost estimate, would impose an additional burden of \$41,071.



The City's 2012 Water Distribution System Master Plan Figure ES-2 shows a future system pipeline extending along Leland Road in a southwesterly direction onto S. McCord Road and then turning northward along McCord Road and connecting with the S. McCord Road line that must also be constructed by the applicant. In addition to providing service to Lot 16, the extension of the water line within Leland Road towards McCord Road serves all of the Pavilion Park III lots because once the McCord Road / Leland Road lines are connected, the entire development will benefit in the following ways:

1. The water line will provide increased water pressure for the entire property subject to the zone change.
2. The water line will provide increased public safety by enhancing fire flows for the entire property subject to the zone change.
3. Improved system connectivity will increase the water quality enjoyed by the entire property subject to the zone change.
4. Looping provides a redundancy benefit allowing for service to the entire property in the event of an outage.

As a result, Lot 16 is not the only lot that will benefit by the requirement to construct an additional 182' off-site improvement. The whole of the Pavilion Park III development benefits from a connected, complete waterline within the public right-of-way. Thus, it appears that the *Nollan v. California Coastal Commission* requirement for an essential nexus is met – the condition of approval requiring construction of water improvements has an essential nexus to the connectivity contemplated in the OCMC and the Water Master Plan necessary to serve this development.

Rough Proportionality Analysis

Determining the proportional share of improvements that should be shouldered by this applicant requires an individualized determination that the required improvements are related both in nature and extent to the impact of the proposed development. In a case called, *McClure v. City of Springfield*, the court upheld a local government's use of ratios to justify such a determination.

ZC 15-02 is a request to increase the number of homes that could be placed on the subject property from 16 lots, assuming that there is no zone change to 25 lots. This additional 9 units of density places an increased demand on the city water system.

The total length of pipe installation necessary to provide the enhanced connectivity benefits to all of the proposed development, from the existing water line terminus at Leland Road to the northwest corner of the subject property on McCord Road is 1,625 feet. As shown in the attached exhibit, the conditions of approval require that the applicant install a total of 800 feet of water line, including 308 feet necessary to connect the existing line to the northeast corner of the property fronting McCord Road, 260 feet fronting the subject property along McCord Road, 50 feet along the Lot 16 frontage and 182 feet to connect to the existing terminus on Leland Road. Dividing the necessary 800 feet of water line by the 25 lots that will benefit by this improvement results in an allocation of 32 linear feet of pipe exaction per lot.

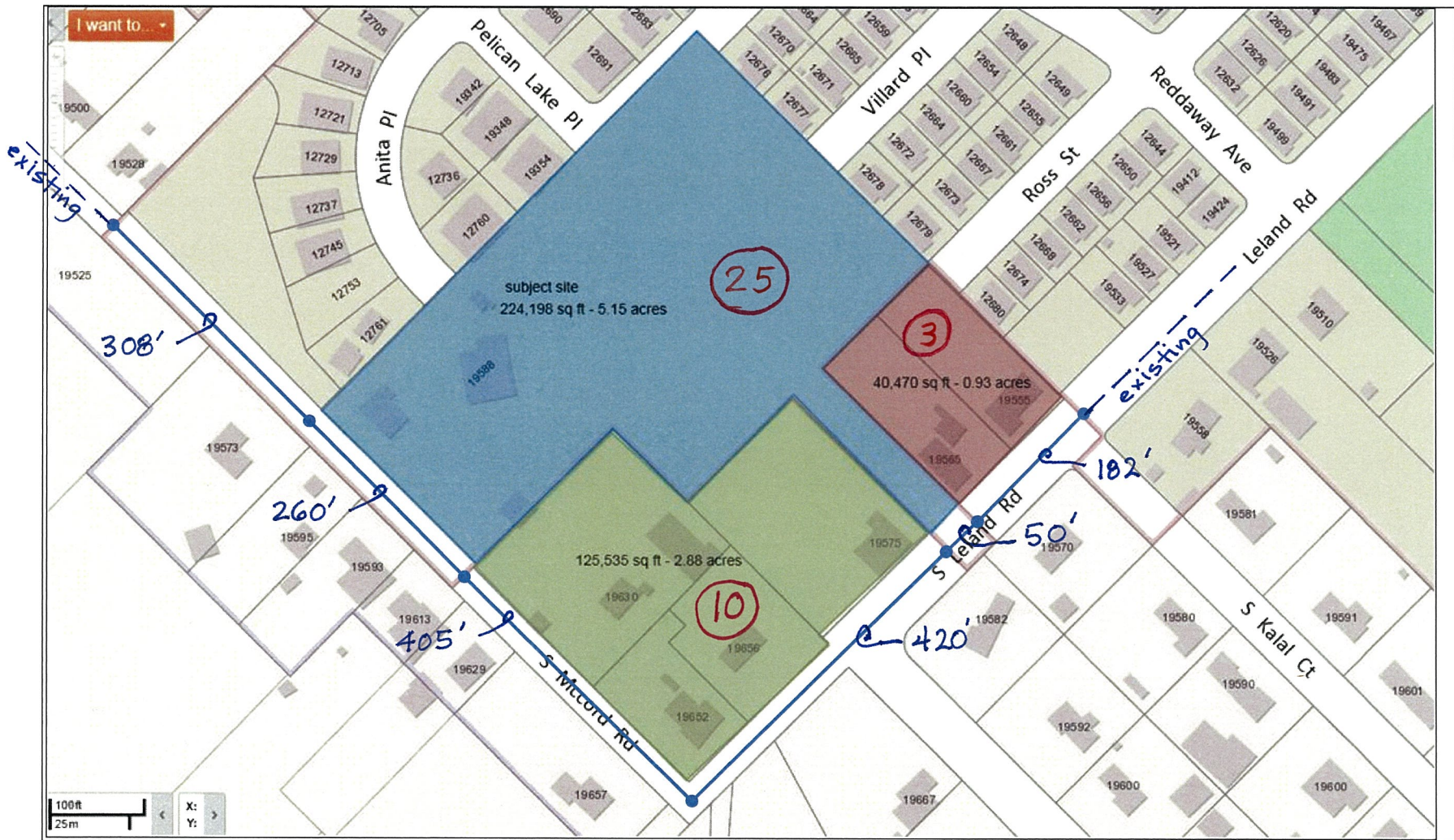
To determine if this 32 linear feet exaction is proportional to the impacts of development, it is compared against the amount of pipe that would need to be installed to serve the adjacent properties at their maximum development potential under existing zoning. The length of pipe necessary to serve the area south of the proposed development, noted in green on the map, is 825 feet. This area could be redeveloped to include 10 lots. Thus, the extension per lot allocation for this area would be 82 linear feet per lot, significantly higher than that the



obligation imposed for this development. Similarly, the frontage extension obligation for the two lots located northeast of the subject property along Leland Road, noted in red on the map, is 182 feet. If three lots were developed within the red portion of the map, the extension per lot benefit would be 61 feet per lot. Again, this suggests that the obligation to construct only 32 feet per lot is less than or at least proportional to the per lot benefit realized by the proposed development.

Another way to look at this would be to consider the total land area affected by development. As explained above, the applicant is being asked to install 492 feet of a 1,317 foot total water system or 37% of the system. The applicant is rezoning and subdividing a total of 224,198 square feet of land. The total land area that will benefit by the fully connected water line is 390,204 square feet. Taken together, the applicant is proposing to develop 57% of the land but is being asked to pay for only 37% of the total system necessary to serve that land.

As the Supreme Court noted in *Dolan v. City of Tigard*, “no precise mathematical calculation is required,” only rough proportionality. Because the proposed development will increase the demand on the City’s water system as necessary to support the proposed 25 lots in a per lot assessment or total area basis that is less than would be imposed on the remaining lots that will receive the same benefit, it appears that the condition is roughly proportional to the impacts from the development.



Frontage extension to benefit Subject: $308 + 260 + 50 + 182 = 800$ LF/25 lots = 32 LF/lot

Frontage extension to benefit Green: $405 + 420 = 825$ LF/10 lots = 82 LF/lot

Frontage extension to benefit Red: 182 LF/3 lots = 61 LF/lot



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Planning Commission

Monday, April 13, 2015

7:00 PM

Commission Chambers

1. Call to Order

Vice Chair McGriff called the meeting to order at 7:00 PM.

Present: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Absent: 2 - Charles Kidwell and Damon Mabee

Staffers: 3 - Pete Walter, Laura Terway and Aleta Froman-Goodrich

2. Approval of the Minutes

2a [15-208](#)

Approval of Planning Commission Meeting Minutes for August 11, August 25, September 8, and September 15, 2014.

A motion was made by Commissioner Espe, seconded by Commissioner Geil, to approve the Planning Commission Meeting Minutes for August 11, 2014. The motion carried by the following vote:

Aye: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

A motion was made by Commissioner Henkin, seconded by Commissioner McGriff, to approve the Planning Commission Meeting Minutes for August 25, 2014. The motion carried by the following vote:

Aye: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Commissioner Espe noted he was in attendance for this meeting, but came in late.

Commissioner McGriff said there was a missing name under public testimony, and it should be Don Dielo.

A motion was made by Commissioner Geil, seconded by Commissioner Espe, to approve the Planning Commission Meeting Minutes for September 8, 2014 as amended. The motion carried by the following vote:

Aye: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

A motion was made by Commissioner Geil, seconded by Commissioner Mahoney, to approve the Planning Commission Meeting Minutes for September 15, 2014. The motion carried by the following vote:

Aye: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

3. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

4. Public Hearings

4a [PC 15-165](#)

Legislative File: L 15-01 - Adoption of Stormwater and Grading Design Standards

Vice Chair McGriff opened the public hearing.

Pete Walter, Planner, presented the staff report. This was an update to the Oregon City Stormwater and Grading Design Standards. The reason for the update was the City's Stormwater Management Program was subject to a National Pollution Discharge Elimination System MS4 Permit which required a comprehensive study of the Stormwater Management Program. It included establishing controls for stormwater run off from developing areas. As an amendment to the City's Comprehensive Plan, there was a requirement for a public hearing process. The proposal was presented to the Natural Resources Committee on April 8 and they unanimously recommended approval. Once the standards were adopted by the City Commission the City would file a post-acknowledgement plan amendment to DLCD. He explained the plan update considerations and how it was consistent with the Statewide Goals and Comprehensive Plan. Staff recommended approval of the amendments.

Aleta Froman-Goodrich, City Engineer, said Brown and Caldwell had been the stormwater consultant for the project. The new standards provided design details for grading and stormwater.

Alissa Maxwell, Civil Engineer with Brown and Caldwell, discussed the history of Oregon City's stormwater management, the City's existing standards, stormwater regulations in Oregon City, and MS4 NPDES Permit requirements. The new standards were supposed to be adopted by November 1, 2014, and staff let DEQ know the City was working diligently on this. The State seemed ok with the City showing due diligence in moving forward with the new standards. She then explained the manual development process, policy workshops, and new Stormwater and Grading Design Standards Manual. She summarized the changes to the stormwater and grading design standards including meeting the NPDES MS4 Permit requirements, single set of thresholds for water quality and flow control, prioritizing LIDs, flow control standards require duration matching, facility planting guidance, maintenance requirements, regional consistency, and a stormwater facility sizing tool. She gave a stormwater standards case study from a recent commercial development for design and costs. She then discussed the timeline and next steps. This would be brought to the City Commission in May. At the City Commission Work Session they suggested a 90 day adoption period.

There was discussion regarding how the new standards would work.

The Commission went through the draft document and suggested changes. For page 1, It was clarified these were modifications to existing development, as well as new development. Staff would take out the word "new" development, and say "any" development. For page 2, staff would change "as amended from time to time" to "as periodically amended." On Page 3, the applicant definition needed to be consistent in the document. It was also clarified that tree removal did not trigger compliance with

stormwater standards, and the Erosion Control Manual addressed the removal of trees and exposed soil. For page 5, add definition of person. Regarding page 8, it was clarified erosion and sediment control applied to private and public sites.

There was discussion regarding Oregon drainage law, and how a person could not alter natural flow or discharge storm water at a higher rate than before construction. They had to contain water flowing into property and do a downstream analysis. There were standards for short intensity storm events included in the document rather than only looking at 60 years of rainfall data. There was further discussion regarding the two year maintenance period for the detention ponds and where developers had to pay the City for when the City took over the facilities and maintenance. The City had a landscape contractor who did the maintenance to keep these ponds up to City standards.

There was discussion regarding enforcement on Page 15, and staff would change "will" to "shall."

There was no public testimony.

Vice Chair McGriff closed the public hearing.

A motion was made by Commissioner Geil, seconded by Commissioner Mahoney, to recommend City Commission approval of L 15-01, adoption of the Stormwater and Grading Design Standards as amended. The motion carried by the following vote:

Aye: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

5. Communications

Mr. Walter reported on the Arbor Day celebration.

Ms. Terway said the Sign Code would go before the City Commission on Wednesday. She explained the changes that were made to the draft.

There was discussion regarding enforcement of the new Sign Code and how several City departments had committed a number of hours for enforcement.

Ms. Terway said the Sign Code would be effective November 1 and a thorough public education and outreach campaign would be done before implementation.

Mr. Walter said the management of the CIC was now under the Planning Department. The neighborhood associations had been divided among the four planners.

Ms. Terway said the CIC was drafting Code language for their restructuring and focus on land use and citizen involvement plan.

Commissioner McGriff would like the Planning Commission to see the draft Code before it went to the City Commission.

Mr. Walter said the Building Department hired two new inspectors and an administrative tech. Three teams had been selected to submit a design for the River Walk for the Willamette Falls Legacy Project and the final selection would be made in June.

Commissioner McGriff said there was an application coming up from the School District for the bus barn.

6. Adjournment

Vice Chair McGriff adjourned the meeting at 8:51 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Planning Commission

Monday, January 26, 2015

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 PM.

Present: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Staffers: 2 - Laura Terway and Carrie Richter

2. Public Comments

There were no public comments.

5. Public Hearing

5a. [PC 15-149](#)

SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use Determination and US 14-05: Geologic Hazards Overlay District. The applicant submitted a request to construct a specialty retail structure for Discount Tire (formally known as America's Tire) within the Mixed Use Downtown District at 2002 Washington Street (near the intersection of highway 213 and Prairie Schooner Way). The application includes a Code Interpretation / Similar Use Determination to confirm the use is permitted as well as Geologic Hazards Overlay District Review.

Chair Kidwell opened the public hearing. He asked if any Commissioner had a conflict of interest or ex parte contact to declare or a visit to the site.

Commissioners McGriff and Espe visited the site. Commissioner Kidwell knew the site well.

Laura Terway, Planner, presented the staff report. This was a proposal for construction of a building at 202 Washington Street. It was near the Home Depot, Metro transfer station, and on top of the old landfill. She explained the proposed landscaping plan, building elevations, site plans for the two story building, and compliance with Code criteria. Conditions 3 and 5 had been changed to give the applicant more time to complete. She then discussed the proposed use as motor vehicle and recreational vehicle repair/service and sales was prohibited and this was an application for retail sales of tires and wheels. There were ancillary services associated with the product purchased on site, such as installation, rotation, and balancing. There would be no repair or installation of brakes, shocks, batteries, engines, etc. The business hours would be Monday to Saturday from 8 a.m. to 6 p.m. (5 p.m. on Saturday) and closed on Sunday. There would be no outdoor storage and the application was consistent with the design guidelines and Mixed Use

Downtown (MUD) description in the Code. Staff recommended approval with conditions.

There was discussion regarding access, parking, and MUD zoning.

Dana Krawczuk and Scott Fournier were representing the applicant. Home Depot would be their landlord and was motivated to make sure there was access to the site and adequate parking. This was a unique zoning for the site, but this use would get them closer to what the MUD zone was trying to accomplish. These were large lots without sidewalks near Highway 213 and on the old landfill. This was a use well suited to the site and they had exceeded the standards and it would be done at human scale. Ms. Krawczuk discussed the design and landscaping. The Code was ambiguous regarding the uses allowed and she discussed the definitions of permitted and prohibited uses and retail store. The application was for only purchasing tires and wheels and their installation. She thought this was a retail store, not an automotive service store.

Mr. Fournier gave a background on Discount Tire Company. From the beginning the only thing they sold was tires and wheels and had no automotive repair. All the work was done in the stores and the stores were modern and efficient. They expected to stay in Oregon City for at least 30 years and keep the store fresh and new with long term maintenance. The policy was to get customers in and out within 30 to 45 minutes and they offered free services for flat repairs and air checks. They would try to hire within the community and they provided good employee benefits. They wanted to come to Oregon City because it was a wonderful community and there was growth potential. It was expensive to build on this site due to the foundation work, methane gas mitigation, and aesthetics of the building, however they felt like they fit in this location. It would be successful for everyone.

Ms. Krawczuk discussed why this was a retail use as opposed to a service use. Buying tires was a different experience than getting a car repaired. This was a significant allocation of square footage and they had worked hard on how the site would be oriented and to make it as pedestrian friendly as possible. This interpretation would be for this site and this user and this design only.

There was discussion regarding the methane mitigation and approval from DEQ and the retail use.

Chair Kidwell closed the public hearing.

Commissioner Mabee thought this application did fall under the retail store definition and was well within the conforming uses.

Commissioner McGriff agreed it was a retail store, but it was a retail store that catered to automobiles. She thought it was an automotive use and auto oriented use.

Commissioner Geil was in agreement with Commissioner Mabee.

Commissioner Espe appreciated the building design and pedestrian oriented frontage as it was a gateway to the City. He was concerned about the generic look and suggested an aspect of the building that would create uniqueness to Oregon City. It did fall under specialty uses as it was exclusive sale of one item. It was a difficult site and he thought it would be a compatible use. He also had concern about the landscape island and cars and trucks backing out. There needed to be screening for the ground mechanical units.

Ms. Terway clarified the applicant was not proposing to install ground mounted mechanical units.

Commissioner Mahoney thought it was a good application. It was a good location for the store. He was in support.

Commissioner Henkin thought the problem was the word service. Repairing and replacing tires was service, but he did not think that was the intent of the Code. This would be a good fit and he was in support.

Commissioner McGriff asked if the Commission approved this application, would this interpretation apply only to this application. Carrie Richter, City Attorney, said yes, that was how every approval was.

Chair Kidwell was also in support of the application. They were splitting hairs between definitions, and this particular use was appropriate for this particular site. The design was compatible with the existing Home Depot building and improved the overall look of the intersection. The retail use proposed at this location was consistent with the intent of the zoning for the site.

Commissioner Espe asked if the applicant was going to put in a monument sign. Ms. Terway replied there was no sign proposed in the application. Sign permits were approved over the counter.

Commissioner Espe thought signs should be reviewed with development applications. He wanted to make sure the sign incorporated natural materials and was externally lit.

Commissioner McGriff suggested adding a condition for the sign. Ms. Terway said the condition would say all signage on the site would comply with the signage standards.

Chair Kidwell reopened the public hearing to discuss signs with the applicant.

Mr. Fournier said the monument sign would blend in with the aesthetics of the surrounding. It would be the same scheme as the building and the lease with Home Depot had restrictions as well. They were willing to be in compliance with the new Sign Code even though it had not been adopted yet.

Commissioner Mahoney suggested a sign that reflected the spirit of Oregon City and the end of the Oregon Trail.

Mr. Fournier was agreeable to adding Condition 29, that any monument sign would be subject to compliance with the new Sign Code and using primarily natural materials.

Chair Kidwell closed the public hearing.

A motion was made by Commissioner Geil, seconded by Commissioner Espe, to approve SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use Determination, and US 14-05: Geologic Hazards Overlay District with the conditions as amended. The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

4. Adoption of Minutes

- 4a. [15-026](#) Request to approve draft Planning Commission Minutes for July 14 and July 28, 2014.

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the Planning Commission minutes for July 14, 2014. The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the Planning Commission minutes for July 28, 2014. The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3. Election of Planning Commission Chair and Vice-Chair

A motion was made by Commissioner Mabee, seconded by Chair Kidwell, to nominate Charles Kidwell for Planning Commission Chair and Denyse McGriff for Planning Commission Vice-Chair. The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

6. Communications

Commissioner McGriff recommended the Commission make every effort to do site visits.

There was discussion regarding the benefits of site visits.

Ms. Terway gave an update on the Willamette Falls Legacy Project. An RFP had gone out for the River Walk design. There was a master plan application for a transportation facility for the School District. The Parks Master Plan and a zone change and Comprehensive Plan amendment for a property near Highway 213 and Beaver Creek would also be coming before the Commission in the future.

7. Adjournment

Chair Kidwell adjourned the meeting at 8:20 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Planning Commission

Monday, January 12, 2015

7:00 PM

Commission Chambers

1. Call to Order

Vice Chair McGriff called the meeting to order at 7:00 PM.

Present: 4 - Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

Absent: 3 - Charles Kidwell, Tom Geil and Paul Espe

Staffers: 2 - Tony Konkol and Laura Terway

2. Public Comments

There were no public comments.

3. Public Hearing

3a. [PC 14-143](#)

SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use Determination and US 14-05: Geologic Hazards Overlay District. The applicant submitted a request to construct a specialty retail structure for Discount Tire (formally known as America's Tire) within the Mixed Use Downtown District at 2002 Washington Street (near the intersection of highway 213 and Prairie Schooner Way). The application includes a Code Interpretation / Similar Use Determination to confirm the use is permitted as well as Geologic Hazards Overlay District Review.

Vice Chair McGriff opened the public hearing and read the hearing format. She asked if any Commissioner had visited the site.

Commissioners Mabee and Henkin had driven by the site many times.

Commissioner Mahoney visited the site earlier that day.

Commissioner McGriff had also been to the site.

Laura Terway, Planner, said the applicant was requesting a continuance to January 26, 2015.

Dana Krawczuk, representing the applicant, was there to listen to any issues or concerns that would need to be addressed at the next hearing. She confirmed the applicants were committed to this location and to coming to Oregon City. It was a uniquely zoned site and the presence of the methane did limit the types of uses that could be there. She thought this retail store was a good fit for the site.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to continue SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use, and US 14-05: Geologic Hazards Overlay District to January 26, 2015. The motion carried by the following vote:

Aye: 4 - Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

4. Communications

Tony Konkol, Community Development Director, said the financing plan for five million dollars for the Willamette Falls Legacy Project and River Walk from the Governor's Office was submitted on December 15 and was accepted. The RFP for the River Walk design would be going out next week. The City would be responsible for the operation and maintenance of the River Walk once it was constructed. He then discussed other funding options for the project.

5. Adjournment

Vice Chair McGriff adjourned the meeting at 7:25 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Planning Commission

Monday, December 8, 2014

7:00 PM

Commission Chambers

Revised

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 PM.

Present: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

Staffers: 2 - Tony Konkol and Pete Walter

2. Public Hearing

2a. [PC 14-137](#)

Continuance of SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use and US 14-05: Geologic Hazards Overlay District. The applicant submitted a request that the Planning Commission review their application to construct a new specialty retail structure for America's Tire within the Mixed Use Downtown District at 2002 Washington Street on January 12, 2015.

Chair Kidwell opened the public hearing.

Tony Konkol, Community Development Director, said the applicant was requesting a continuance to January 12, 2015.

There was no public testimony.

A motion was made by Commissioner Espe, seconded by Commissioner Henkin, to continue the hearing for SP 14-16: Site Plan and Design Review, CD 14-01: Code Interpretation / Similar Use, and US 14-05: Geologic Hazards Overlay District to January 12, 2015. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

3. Worksession

3a. [PC 14-138](#)

Worksession - Heritage Tree Ordinance

Pete Walter, Planner, said from June to October the Natural Resources Committee began drafting amendments to the current Heritage Tree Ordinance. Four trees and one grove had been designated so far. He brought this to the Planning Commission to get comments and concerns and then would take the document to the City Commission for adoption. The amendments provided more structure to the process in terms of timeliness and clarity. There was also more clarification on how the

owner or jurisdiction would consent to the designation. There was a requirement for an arborist report that looked at the condition of the tree which would be paid for by the applicant. He then explained the approval process, criteria for designation, and the definitions in the Code.

There was discussion regarding the process to remove the tree if it became diseased or damaged. The Commission wanted to compare the original ordinance to the changes made.

There was further discussion regarding how the ordinance worked for designation and tree protection and getting consent for nominations.

Staff would bring this back for Commission approval in January.

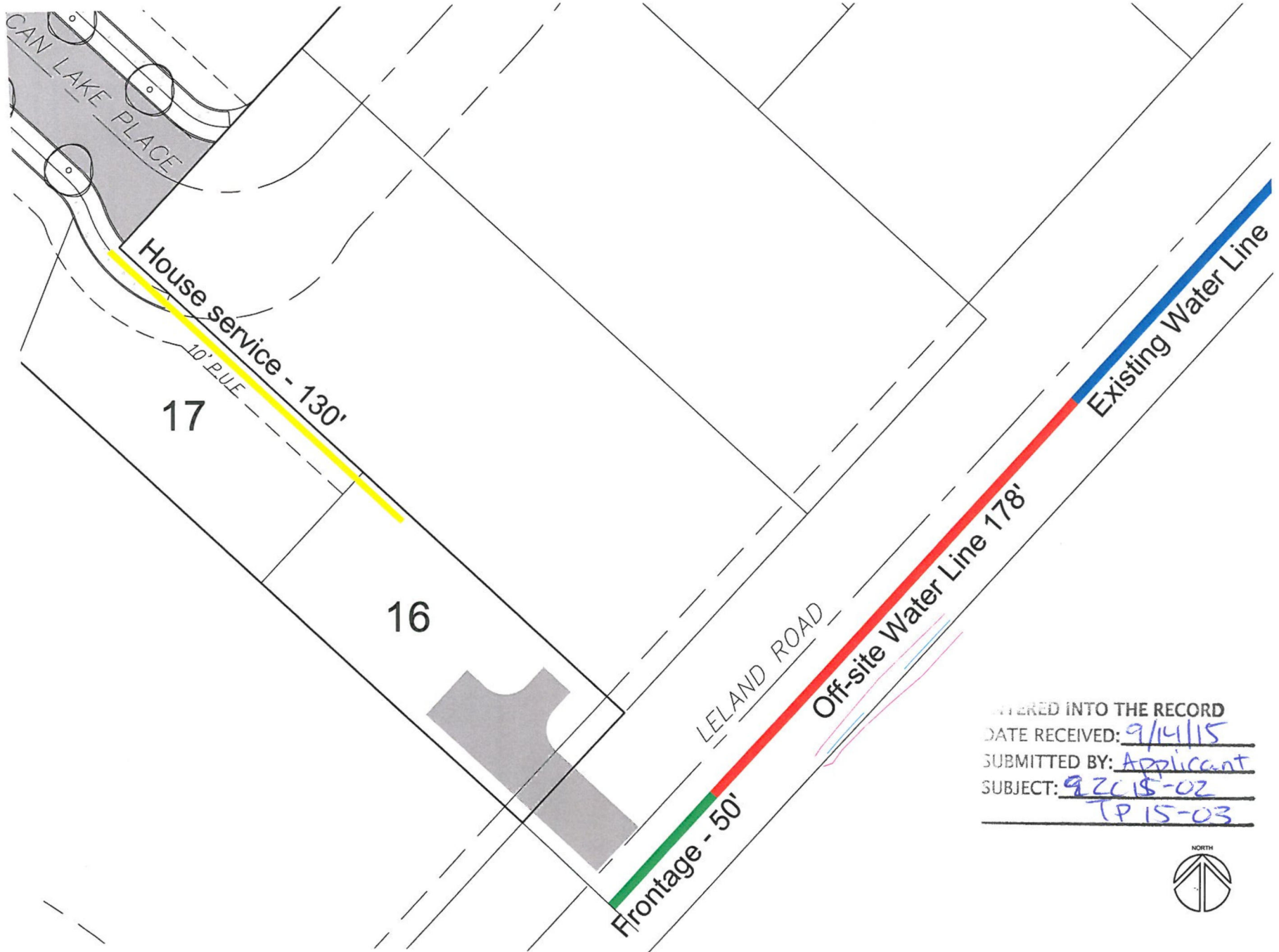
4. Communications

Mr. Konkol reported on the Willamette Falls Legacy Project including recent approvals and funding application with the Governor's office. Staff was prepared to release an RFP for the River Walk and was negotiating with PGE for an easement across the dam. There was a Memorandum of Understanding with all of the partners as well. The City would be responsible for operation and maintenance once the River Walk was constructed. Construction of the River Walk would be in spring/summer of 2016. A Friends group was also being initiated. He then discussed the upcoming application for America's Tire, Beaver Creek Road Concept Plan, and Sign Code.

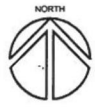
Commissioner McGriff discussed removal of trees during new construction and how it was difficult to replace them.

5. Adjournment

Chair Kidwell adjourned the meeting at 8:15 PM.



ENTERED INTO THE RECORD
 DATE RECEIVED: 9/14/15
 SUBMITTED BY: Applicant
 SUBJECT: 92C18-02
TP 15-03



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 20'			
DATE: Sept. 2015			
FILE: 14-CH-108	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
 18680 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
 1680 Willamette Falls Drive, Suite 200
 West Linn, OR 97068
 PH: (503) 657-0406

Pavilion Park 3
 Water Line Exhibit

SHEET:
 1/1

ENTERED INTO THE RECORD

DATE RECEIVED: 9/14/15

SUBMITTED BY: Applicant

SUBJECT: ZC 15-02

TP 15-03

- (6) (a) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (b) of this subsection or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (c) of this subsection.
- (b) If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
- (c) If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (7) of this section.
- (d) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 (Final action on permit or zone change application) or 227.178 (Final action on certain applications required within 120 days) and ORS 215.429 (Mandamus proceeding when county fails to take final action on land use application within specified time) or 227.179 (Petition for writ of mandamus authorized when city fails to take final action on land use application within 120 days), unless the continuance or extension is requested or agreed to by the applicant.
- (e) Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicants final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 (Final action on permit or zone change application) or 227.178 (Final action on certain applications

required within 120 days) and ORS 215.429 (Mandamus proceeding when county fails to take final action on land use application within specified time) or 227.179 (Petition for writ of mandamus authorized when city fails to take final action on land use application within 120 days).



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 9/14/15

Board Members Present

P. Espe
T. Geil
D. McGriff
D. Mabee
Z. Henkin
B. Mahoney
C. Kidwell

Staff Present

T. Kankol
L. Terway
C. Richter

Agenda Item: 2a Record closed submit final written argument 12:00
Decision: Approve with Conditions Approve Deny Continue to 9/28/15 9/21/15

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil		✓	✓			
Commissioner McGriff	✓		✓			
Commissioner Mabee			✓			
Commissioner Henkin			✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			

Agenda Item: 12/8/15

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			✓			
Commissioner McGriff	✓		✓			
Commissioner Mabee		✓	✓			
Commissioner Henkin			✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 9/14/15

Board Members Present

Staff Present

Agenda Item: 1/12/15

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			✓			
Commissioner McGriff	✓		✓			
Commissioner Mabee			✓			
Commissioner Henkin			✓			
Commissioner Espe		✓	✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			

Agenda Item: 1/26/15

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			✓			
Commissioner McGriff		✓	✓			
Commissioner Mabee	✓		✓			
Commissioner Henkin			✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 9/14/15

Board Members Present

Staff Present

Agenda Item: 4/13/15

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			2			
Commissioner McGriff			2			
Commissioner Mabee		6			0	
Commissioner Henkin	6		8			
Commissioner Espe			8			
Commissioner Mahoney			6			
Chair Kidwell			8			

Agenda Item: _____

Decision: Approve with Conditions Approve Deny Continue to _____

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil						
Commissioner McGriff						
Commissioner Mabee						
Commissioner Henkin						
Commissioner Espe						
Commissioner Mahoney						
Chair Kidwell						