



City of Oregon City

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

Meeting Agenda Planning Commission

Monday, February 25, 2013

7:00 PM

Commission Chambers

1. Call To Order

3. Public Comments

4. Public Hearing

- 4a. **PC 13-012** 19370 Pease Road: Request for a Zone Change and approval of an 11-lot subdivision and geologic hazards review. Planning Files ZC 12-01, TP12-04 and US 12-01.

Staff: Community Development Director Tony Konkol

Attachments: Commission Report
TP 12-04 Staff Report
Exhibit 1: Vicinity Map
Exhibit 2: Applicant's Submittal
Exhibit 3: Comments from John Replinger of Replinger and Associates
Exhibit 4: Engineering Policy EP 11-01
Exhibit 5: Planning File NR 12-04 Staff Report for Natural Resource Exemption

- 4b. [PC 13-011](#) Clackamas County Master Plan: Planning Files CP 12-01 and DP 12-01

Staff: Community Development Director Tony Konkol

Attachments: [Commission Report](#)
[Continuance Request](#)

5. Communications

6. Adjournment



City of Oregon City

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Staff Report

File Number: PC 13-012

Agenda Date: 2/25/2013

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Community Development Director Tony Konkol

File Type: Planning Item

SUBJECT:

TP 12-04: 11-Lot Subdivision, ZC 12-01: Zone Change and US 12-01: Geologic Hazards

RECOMMENDED ACTION (Motion):

Staff recommends the Planning Commission recommend approval with conditions of Planning files TP 12-04, ZC 12-01 and US 12-01 to the City Commission for their consideration at the March 20, 2013 hearing.

BACKGROUND:

The Applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District as well as an 11-lot subdivision and a Geologic Hazards review for the property located at 19370 Pease Road, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-7B, TL 3300.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:

**TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
February 18, 2013**

FILE NO.: TP 12-04: 11-Lot Subdivision
ZC 12-01: Zone Change
US 12-01: Geologic Hazards

OWNER: Icon Construction and Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, Oregon 97068

APPLICANT: Rick Givens
11303 Brandow Street
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 as well as an 11-lot subdivision and a Geologic Hazards review.

LOCATION: 19370 Pease Road, Oregon City, Oregon 97045
Clackamas County Map 3-2E-7B, TL 3300

REVIEWER: Laura Terway, AICP, Planner
Gordon Munro, Development Services

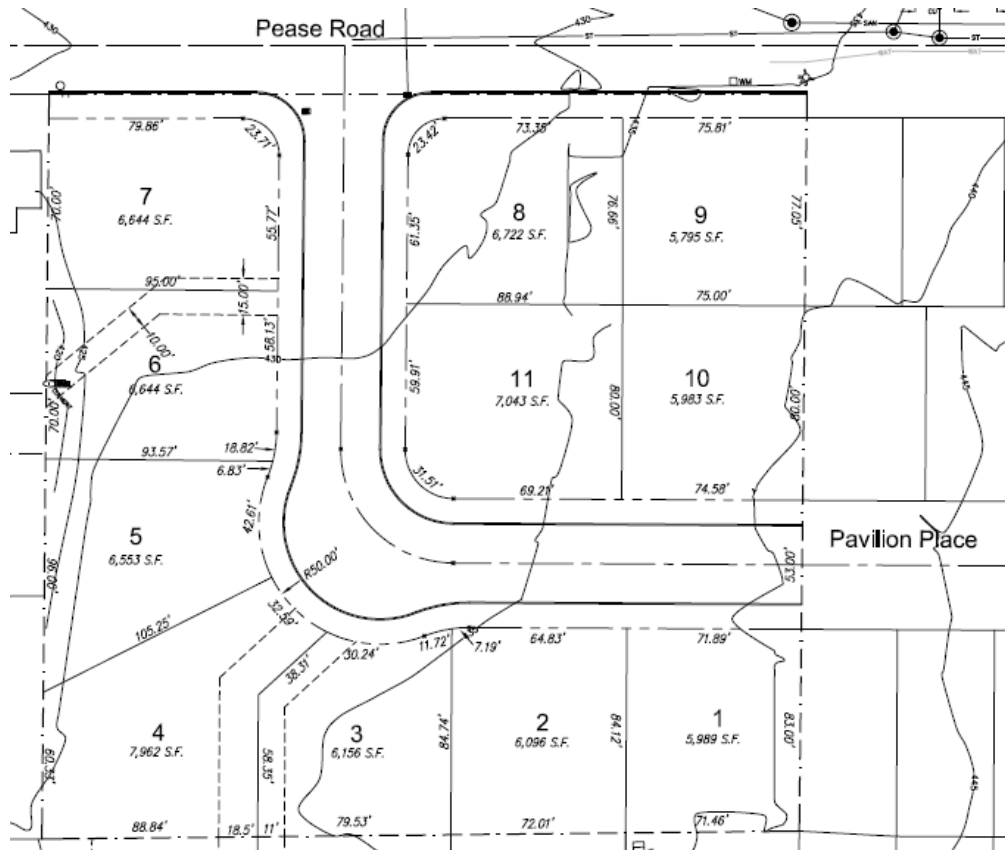
RECOMMENDATION: Staff recommends the Planning Commission recommend approval with conditions of Planning files TP 12-04, ZC 12-01 and US 12-01 to the City Commission for their consideration at the March 20, 2013 hearing.

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.

I. BACKGROUND AND PROPOSED DEVELOPMENT:

The property located at 19370 Pease Road, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-7B, TL 3300 was annexed into Oregon City from Clackamas County in 2008 by Planning file AN 07-07. As with all properties within the “LR” Low Density Residential Comprehensive Plan Designation, the 2.2 acre property was assigned the “R-10” Single-Family Dwelling District zoning designation upon annexation. The Applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District as well as an 11-lot subdivision and a Geologic Hazards review.



The site contains an existing single-family home and a large shop building which are proposed to be removed to allow development of the site.

The Pavilion Place subdivision abuts the subject site. This application would continue Pavilion Place which currently ends at the property line to provide access to Pease Road. City sewer and water services have been previously located within the alignment of the planned roadway.

The subject property is a rectangular-shaped parcel that is relatively level, sloping gently to the southwest. Fill material was placed on the southwest property line in approximately 1991. A rock retaining wall extends along the fill and there is a drop of approximately 6-8 feet in grade between this parcel and the property to the southwest. A geotechnical report for the property was provided with this application.

Surrounding Uses:

Property northeast of the site is within the “R-3.5” Dwelling District and is developed as the Pavilion Park subdivision. The property southeast of the site is within the “R-6” Single-Family Dwelling District and is also part of the Pavilion Park subdivision. The properties southwest of the site are within the “R-10” Single-Family Dwelling District and in Clackamas County (zoned Low density

residential) while northwest of the site there is the “R-10” Single-Family Dwelling District and the Chinook Landing subdivision zoned R-8.

City/Public Comments:

No other comments were received regarding this application prior to February 11, 2013. Any comments received after February 11, 2013 will be forwarded to the Planning Commission.

Oregon City Municipal Code Standards and Requirements

Chapter 16.08, Subdivisions-Process and Standards

Title 12: Streets, Sidewalks and Public Places:

Chapter 12.08, Public and Street Trees

Chapter 13.12, Stormwater Management

Chapter 17.08, R-10 Single Family Dwelling District

Chapter 17.41, Tree Protection

Chapter 17.47, Erosion and Sediment Control

III. COMPLIANCE WITH APPROVAL CRITERIA

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 a neighborhood association prior to submitting this application. This meeting provided attendees with information regarding the proposal and the Applicant indicated that they took comments from the neighbors into consideration in preparing this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, 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 more appropriate than the existing R-10 designation. This standard has been met.

Goal (5) Natural Resources

Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Finding: Complies as Proposed. This policy is implemented by the application of the Natural Resources Overlay District (NROD). The subject property is located within the NROD boundary, but has previously received an exemption from the overlay with Planning file NR 12-04 (Exhibit 5). This standard has been met.

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 creating a more compact land use pattern and reducing 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. 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 existing storm detention facility within the adjacent Pavilion Park neighborhood has been designed with sufficient capacity to accommodate surface runoff from this project. 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. This standard has been met.

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. Sanitary sewer is available from an existing 8-inch line that is installed on the property. Water service is available from a 12-inch City line in Pease Road and from an 8-inch line in Pavilion Place. The service will be extended through the site as shown on the preliminary utility plan. Storm water facilities are also proposed, as shown on the preliminary utility plan. Oregon City Public Schools provide education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City. Wesley Lynn Park is located approximately a quarter mile southwest of the subject property to meet recreational needs. Please refer to the findings within this report : Chapter 16.08.030 paragraph B.

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 as Proposed. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. 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. Please refer to the findings within this report.

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 Traffic Assessment Letter (TAL) was prepared for this project, dated October 9, 2012, under the direction of Todd E. Mobley, PE of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic and will reinforce the existing local street network and increase connectivity. There are no transportation-related issues associated with this subdivision requiring mitigation" (Exhibit 3). This standard has been met.

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 in the discussion of compliance with Goal 11, above and 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. This standard has been met.

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 as Proposed. The proposed development would maintain the Comprehensive Plan designation of Low Density Residential. The proposed Zone Change would retain the use of the site as for single-family dwellings. A Traffic Assessment Letter (TAL) was prepared for this project, dated October 9, 2012, under the direction of Todd E. Mobley, PE of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic and will reinforce the existing local street network and increase connectivity. There are no transportation-related issues associated with this subdivision requiring mitigation" (Exhibit 3). This standard has been met.

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

Finding: Complies as Proposed. The Applicant has addressed statewide planning goals in addition to the Goals and Policies of the Comprehensive Plan as outlined below. This standard has been met.

Statewide Planning Goal 1: Citizen Involvement - OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use Planning process. The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

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 a neighborhood association prior to submitting this application. This meeting provided attendees with information regarding the proposal and the Applicant indicated that they took comments from the neighbors into consideration in preparing this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, 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.

Statewide Planning Goal 2: Land Use Planning - OAR 660-015-0000(2)

PART I -- PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and action.

Finding: Complies as Proposed. As demonstrated within this report, the development proposal was reviewed by the Oregon City Planning Division in a public process which concluded that the application will

comply with all applicable City Code sections, the City Comprehensive Plan, Statewide Goals, Metro designations, etc. with conditions. The application is being reviewed as a Type IV decision which entails a quasi-judicial process with at least one public hearing by the planning commission and one public hearing by the city commission. The Applicant has been prepared pursuant to the applicable Administration and Procedures codified in OCMC Chapter 17.50 and the process for Zone Changes and Plan Amendments in OCMC 17.68. This standard has been met.

Statewide Planning Goal 6: Air, Water And Land Resources Quality - OAR 660-015-0000(6)

To maintain and improve the quality of the air, water and land resources of the state. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Finding: Complies as Proposed. The proposed zone change request will allow for the subject property to be utilized in a more efficient manner than the existing zoning designation. Public facilities are capable of supporting the zone change and the property is exempt from the Natural Resource Overlay District. This standard has been met.

Statewide Goal 10: Housing - OAR 660-015-0000(10)

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Finding: Complies as Proposed. The proposed zone change will result in the construction of more housing than the existing zoning designation, creating additional housing inventory within the City. This standard has been met.

Statewide Goal 11: Public Facilities and Services - OAR 660-015-0000(11)

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Complies as Proposed. The subject site will utilize public facilities. Development of the subject site will allow for timely, orderly and efficient use of public services. This standard is met.

Statewide Goal 12: Transportation - OAR 660-015-0000(12)

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Finding: Complies as Proposed. The Pavilion Place subdivision abuts the subject site. This application would continue Pavilion Place which currently ends at the property line to provide access to Pease Road. A Traffic Assessment Letter (TAL) was prepared for this project, dated October 9, 2012, under the direction of Todd E. Mobley, PE of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic and will reinforce the existing local street network and increase connectivity. There are no

transportation-related issues associated with this subdivision requiring mitigation” (Exhibit 3). This standard has been met.

Statewide Goal 14: Urbanization - OAR 660-015-0000(14)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

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. All necessary public utilities are available to the site at this time in order to allow for its development to urban densities. For this reason, this application is consistent with an orderly and efficient transition from rural to urban land use. This standard has been met.

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 subdivision, on average, meets 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. Lot 9 is the smallest lot proposed and measures 5,795 square feet in area. The average lot size for the entire subdivision is 6,501 square feet. This standard has been met.

Lot Number	Size (Sq. Ft.)
1	5,989
2	6,096
3	6,156
4	7,962
5	6,553
6	6,644
7	6,644
8	6,722
9	5,795
10	5,983
11	7,043

17.12.040. B. Minimum lot width, fifty feet;

Finding: Complies as proposed. As demonstrated below, the proposed lot widths exceed the minimum lot width of 50 feet. This standard has been met.

Lot	Lot Width Ft.
1	71.46
2	72.01
3	79.53
4	64.00
5	72.00
6	70.00
7	70.00
8	76.66
9	75.00
10	74.58
11	80.00

17.12.040. C. Minimum lot depth, seventy feet;

Finding: Complies as Proposed. As demonstrated below, the proposed lot depths exceed the minimum lot depth of 50 feet. This standard has been met.

Lot	Lot Depth Ft.
1	83.00
2	84.12
3	84.74
4	140.00
5	93.57
6	95.00
7	95.00
8	88.94
9	76.66
10	80.00
11	80.00

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

Finding: Not Applicable. The Applicant did not propose to construct a structure with the proposed development. Building heights will be reviewed upon submission of a building permit.

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 site contains an existing single-family home and a large shop building which are proposed to be removed to allow development of the site. Prior to final plat, the Applicant shall remove all existing structures onsite. The Applicant did not propose to construct a structure with the proposed development. Setbacks will be reviewed upon submission of a building permit. **The Applicant can meet this standard through Condition of Approval 1.**

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

Finding: Complies with Condition. The site contains an existing single-family home and a large shop building which are proposed to be removed to allow development of the site. Prior to final plat, the Applicant shall remove all existing structures onsite. The Applicant did not propose to construct a structure with the proposed development. Setbacks will be reviewed upon submission of a building permit. **The Applicant can meet this standard through Condition of Approval 1.**

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 site contains an existing single-family home and a large shop building which are proposed to be removed to allow development of the site. Prior to final plat, the Applicant shall remove all existing structures onsite. The Applicant did not propose to construct a structure

with the proposed development. Setbacks will be reviewed upon submission of a building permit. **The Applicant can meet this standard through Condition of Approval 1.**

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. **The Applicant can meet this standard through all Conditions of Approval.**

16.08.015 *Preapplication conference required.*

Finding: Complies as Proposed. The Applicant held a pre-application conference on April 10, 2012. This standard is met.

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. This application was submitted on October 10, 2012, within 6 months of the pre-application conference on April 10, 2012. The application was reviewed and determined to be incomplete on November 9, 2012, and was deemed complete on January 10, 2013 after additional materials were submitted. This standard is met.

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.

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.

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 preliminary site plan as well as a Transportation Analysis Letter, prepared by Todd E. Mobley, PE of Lancaster Engineering (Exhibit 2). This standard is met.

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. An exemption to the Natural Resource Overlay District (Planning file NR 12-04) has been previously approved for the site (Exhibit 5). This standard is met.

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. This standard is met.

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:

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. This standard has been met.

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:*

1. Water

Finding: Complies with Condition. There is an existing ductile iron 8-inch Oregon City (City) water main in Pavilion Place and an existing ductile iron 12-inch water main in Pease Road. The Applicant proposed the water line be installed in the proposed street connecting the two existing pipes with an 8-inch pipe.

All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

Staff concurs that sufficient water mains are installed. This application was transmitted to Clackamas County Fire District No. 1, though no comments regarding the application were submitted. Prior to final plat, the Applicant shall submit the proposed development to Clackamas County Fire District No. 1 for review. 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. The Applicant has 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. 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 4, and 5.**

2. Sanitary Sewer

Finding: Complies with Condition. There are existing 8-inch gravity sanitary sewer mains in Pavilion Place that extends through the proposed development. A new public sanitary sewer main is not required. The Applicant has proposed to provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer system will meet City code requirements with a few modifications. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. 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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, and 6.**

3. Storm Sewer and Storm Water Drainage

Finding: Complies with Condition. The subject site is located off of Pease Road and at the existing dead end of Pavilion Place. A storm water management report was completed as part of the original Pavilion Park subdivision which included the land in Pavilion Park II. Both treatment and detention facilities were constructed as part of Pavilion Park, which were sized to accommodate Pavilion Park II. No additional treatment or detention is required.

There is existing storm drainage collection pipe in portions of the proposed subdivision. A 12-inch pipe enters the site between lots 3 and 4, and then is located in Pavilion Place moving to the east in front of lots 1, 2, 10 and 11. There is a second 12 inch pipe that begins at Pease Road and runs diagonally through the proposed subdivision to the south. At the southerly edge of the proposed subdivision there is an outfall to a natural drainage way. The Applicant has proposed to realign a portion of the pipe such that it is parallel with Pavilion Place, then runs between lots 6 and 7, and finally connecting to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point is near an existing rock retaining wall along the property line would remain the same.

Storm sewer improvements will be necessary for the proposed development. Storm sewer will be designed to collect and convey on-site drainage. Each lot shall drain to Pavilion Place if possible or an alternate location approved during construction plan review. The new storm sewer system shall be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards.

Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The proposed sanitary sewer system will meet City code requirements with a few modifications that can be addressed during design. There shall be an 8-foot wide grass crete (or similar surfacing) access road above the pipe on lot 6 from the street to the manhole located on the property. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the storm drainage easement may need to be adjusted based upon the actual depth of the pipe.

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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, and 8.**

4. Parks and Recreation

Finding: Complies as Proposed. The closest park to the subject property is Wesley Lynn Park. It is located approximately one quarter mile to the southeast of the subject property on the southeast side of Leland Road. Park System Development Charges will be paid at the time building permits are issued for each lot in the subdivision. This standard is met.

5. Traffic and Transportation

Finding: Complies as Proposed. A Transportation Analysis Letter was prepared for the site in October 2012 under the direction of Todd Mobley, PE of Lancaster Engineering (Exhibit 2). In a letter dated February 6, 2013, John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). Mr. Replinger 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

and will reinforce the existing local street network and increase connectivity. There are no transportation-related issues associated with this subdivision requiring mitigation” (Exhibit 3). This standard is met.

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 with future building permits for the homes. This standard is met.

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 order to assure adequate protection new fire hydrants shall be located and installed as required per Clackamas County Fire District No. 1. Staff concurs that sufficient water mains are installed. 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.

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 protection services. **The Applicant can meet this standard through Condition of Approval 5.**

B. 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.

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.

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 included draft CC&R's in the application submittal. A preliminary review of the draft CC&Rs reveals a conflict with the maximum fence height permitted in the front yard of the dwellings with the standard identified in OCMC 17.54.100. Prior to final plat the Applicant shall submit revised CC&Rs that do not conflict with the standards of the Oregon City Municipal Code. **The Applicant can meet this standard through Condition of Approval 9.**

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. This standard has been met.

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

Finding: Complies as Proposed. The subdivision proposed eleven lots which would subsequently be developed with single family homes. The site area is 2.2 acres, for a gross density of 5.05 units per acre. The site measures 95,031 sq. ft. in area and proposed rights-of-way total 23,520 sq. ft. Subtracting street area, the net site area is 71,511 square feet, or 1.642 acres. The average lot size is 6,501 square feet and the net

density is 6.7 units per acre, consistent with the proposed R-6 zoning for the site. This standard has been met.

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 as Proposed. 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. This standard is met.

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. This standard is met.

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

Chapter 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.

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 provides for the completion of Pavilion Place through the site and back out to Pease Road, providing for connectivity and avoiding a dead-end street. This pattern provides for improved pedestrian, bicycle and motor vehicular circulation in this area. There is no bus service in this area. There is no need for street stubs to adjoining properties because of pre-existing development patterns and constraints imposed by grade differential and a seasonal stream corridor offsite to the south west. 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 length between Reddaway Avenue, to the northeast, and the proposed intersection of Pavilion Place with Pease Road measures approximately 425 feet.

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 results in a formation of a new block which provides two tiers of lots.

16.12.035 Blocks-Pedestrian and Bicycle Access

Finding: Complies as Proposed. The proposal includes a fully contiguous street system that minimizes out-of-direction travel by pedestrians and bicyclist with installation of sidewalks and a street system. Separate pedestrian and bicycle access ways are neither proposed nor required. 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.

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. This standard is met.

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.

Finding: Complies as Proposed. The subject site is approximately 2.2 acres in size. Subtracting street area, the net site area for the proposed subdivision is 71,511 square feet. Dividing this net area by the 6,000 square foot minimum lot size of the R-6 zone yields a maximum density of 11.91 units. The minimum density allowable would be 80 percent of the maximum, or 9.5 units. The proposed density of 11 units meets this standard.

16.12.050 Calculations of Lot Area.

A subdivision in the R-10, R-8, R-6, R-3.5 and R-2 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.

Finding: Complies as Proposed. This standard allows lots within 20 percent of the 6,000 square foot minimum lot size (4,800 square feet). In the R-6 zone, the 20% standard would allow lots as small as 4,800 square feet. The smallest lot proposed is Lot 9 and it measures 5,795 sq. ft. in area. The average lot size for the entire subdivision is 6,501 square feet. This standard is met.

16.12.055 Building Sites -Through Lots

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

Finding: Not Applicable. The Applicant did not propose a through lot.

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 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. 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. **The Applicant can meet this standard through Conditions of Approval 2 and 10.**

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. The purpose of this standard is to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists by orienting front yards to collector and minor arterial roads, and to design the most architecturally significant elevation of the primary structure to face the neighborhood collector street. Lots 7, 8, and 9 abut Pease Road which is designated as a neighborhood collector in the Transportation System Plan. Lots 7, 8, and 9 shall orient the front setback and the most architecturally significant elevation face Pease Road. In addition, if access to lots 8 and 9 is taken from Pease Road, the lots shall combine their access into a single driveway to the right-of-way. **Staff has determined that it is likely and reasonable that the Applicant can meet this standard through Condition of Approval 11.**

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: Not Applicable. No lots have been proposed which are capable of redivision in accordance with this chapter.

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:

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 public utility easements (PUE's) along all street frontages. The easement for the public storm sewer shall be revised for the modified location and properties impacted. 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. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of 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. **The Applicant can meet this standard through Conditions of Approval 2, 8 and 12.**

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.

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. There are no watercourses traversing or bounding the site.

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. There are no access easements proposed or required with this development.

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. There are no identified significant natural features that require resource protection pursuant to this section.

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. Inspection will be provided for as required by this standards and city policy. 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. 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. **The Applicant can meet this standard through Conditions of Approval 2 and 3.**

16.12.095 Same--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:

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 or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Finding: Complies as Proposed. A Transportation Analysis Letter was prepared for the site in October 2012 under the direction of Todd Mobley, PE of Lancaster Engineering (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer, reviewed the analysis and 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 and will reinforce the existing local street network and increase connectivity. There are no transportation-related issues associated with this subdivision requiring mitigation" (Exhibit 3). This standard is met.

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. The subject site is located off of Pease Road and at the existing dead end of Pavilion Place. A storm water management report was completed as part of the original Pavilion Park subdivision which included the land in Pavilion Park II. Both treatment and detention facilities were constructed as part of Pavilion Park, which were sized to accommodate Pavilion Park II. No additional treatment or detention is required.

There is existing storm drainage collection pipe in portions of the proposed subdivision. A 12-inch pipe enters the site between lots 3 and 4, and then is located in Pavilion Place moving to the east in front of lots 1, 2, 10 and 11. There is a second 12 inch pipe that begins at Pease Road and runs diagonally through the proposed subdivision to the south. At the southerly edge of the proposed subdivision there is an outfall to a natural drainage way. The Applicant has proposed to realign a portion of the pipe such that it is parallel with Pavilion Place, then runs between lots 6 and 7, and finally connecting to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point is near an existing rock retaining wall along the property line would remain the same.

Storm sewer improvements will be necessary for the proposed development. Storm sewer will be designed to collect and convey on-site drainage. Each lot shall drain to Pavilion Place if possible or an alternate location approved during construction plan review. The new storm sewer system shall be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards.

Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The proposed sanitary sewer system will meet City code requirements with a few modifications that can be addressed during design. There shall be an 8-foot wide grass crete (or similar surfacing) access road above the pipe on lot 6 from the street to the manhole located on the property. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the storm drainage easement may need to be adjusted based upon the actual depth of the pipe.

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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, and 8.**

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. There are existing 8-inch gravity sanitary sewer mains in Pavilion Place that extends through the proposed development. A new public sanitary sewer main is not required. The Applicant has proposed to provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer system will 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. 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, and 6.**

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. There is an existing ductile iron 8-inch Oregon City (City) water main in Pavilion Place and an existing ductile iron 12-inch water main in Pease Road. The Applicant proposed the water line be installed in the proposed street connecting the two existing pipes with an 8-inch pipe.

All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

Staff concurs that sufficient water mains are installed. 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. The Applicant has 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. 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 4, and 5.**

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. Pavilion Place is classified as a local street in the Oregon City Transportation System Plan, which requires a right-of-way width of 42 to 54 feet. The proposed right-of-way is 53-feet.

A Local Street in the Oregon City Transportation System Plan identifies a pavement width of 20 to 32 feet, a 5 foot planter strip on both sides and a 5-foot sidewalk on both sides. The Applicant has proposed 32 feet of pavement, 5 feet planter strips including the curb, and 5 feet sidewalks. The Applicant has also proposed an eyebrow where Pavilion Place will have a 90-degree turn. The improvements as proposed comply with the code requirements.

Pease Road is classified as a Neighborhood Collector street in the Oregon City Transportation System Plan, requiring a right-of-way width of 52 to 81 feet. Currently Pease Road in this location is approximately 28 feet wide with a curb, landscape strip and sidewalk on the north side. The Applicant has proposed to dedicate right-of-way to provide 30 feet from the centerline of Pease Road. A Neighborhood Collector Street in the Oregon City Transportation System Plan requires a pavement width of 30 to 59 feet, a 5 foot planter strip on both sides and a 5-foot sidewalk on both sides. The Applicant proposed to provide a half street improvement that includes 10-feet of pavement west of the centerline line, 19 feet of pavement east of the centerline, 5 foot planter strip including the curb, and 5 foot sidewalk. The pavement width west of the centerline includes an 11 foot travel lane and an 8 foot parking lane.

Immediately north of the proposed project the east side of Pease Road has 24 feet of pavement and is striped with parking, a bike lane and a travel lane. The centerline of the street has been striped such that the centerline shifts 5-feet to the east moving from the north end to the south end of the proposed development. In order to provide continuity with the bike lane and continue the bike lane in front of the proposed development, it must be restriped such that there is no parking in front of the proposed development and the bike lane is against the curb.

The Applicant has proposed a street system that will meet City 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. 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 13, 14 and 15.**

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

G. Street Name Signs and Traffic Control Devices. The applicant shall pay the city and the city installs street name signs at all street intersections. The applicant shall install 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.

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.

The Applicant has proposed a street system that will meet City 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. **The Applicant can meet this standard through Conditions of Approval 2, 13, 14 and 15.**

I. Street Trees.

Finding: Please refer to Chapter 12.08, Street Trees.

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.

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.

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.

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. **The Applicant can meet this standard through Condition of Approval 10.**

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.*

Finding: 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 as Proposed. 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. This standard is met.

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 as Proposed. The Applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application. This standard is met.

CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES

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.

Finding: Complies as Proposed. 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. This standard is met.

12.04.180 Street design--Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

B. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives

and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

Finding: Complies with Condition. Pavilion Place is classified as a local street in the Oregon City Transportation System Plan, which requires a right-of-way width of 42 to 54 feet. The proposed right-of-way is 53-feet.

A Local Street in the Oregon City Transportation System Plan identifies a pavement width of 20 to 32 feet, a 5 foot planter strip on both sides and a 5-foot sidewalk on both sides. The Applicant has proposed 32 feet of pavement, 5 feet planter strips including the curb, and 5 feet sidewalks. The Applicant has also proposed an eyebrow where Pavilion Place will have a 90-degree turn. The improvements as proposed comply with the code requirements.

Pease Road is classified as a Neighborhood Collector street in the Oregon City Transportation System Plan, requiring a right-of-way width of 52 to 81 feet. Currently Pease Road in this location is approximately 28 feet wide with a curb, landscape strip and sidewalk on the north side. The Applicant has proposed to dedicate right-of-way to provide 30 feet from the centerline of Pease Road. A Neighborhood Collector Street in the Oregon City Transportation System Plan requires a pavement width of 30 to 59 feet, a 5 foot planter strip on both sides and a 5-foot sidewalk on both sides. The Applicant proposed to provide a half street improvement that includes 10-feet of pavement west of the centerline line, 19 feet of pavement east of the centerline, 5 foot planter strip including the curb, and 5 foot sidewalk. The pavement width west of the centerline includes an 11 foot travel lane and an 8 foot parking lane.

Immediately north of the proposed project the east side of Pease Road has 24 feet of pavement and is striped with parking, a bike lane and a travel lane. The centerline of the street has been striped such that the centerline shifts 5-feet to the east moving from the north end to the south end of the proposed development. In order to provide continuity with the bike lane and continue the bike lane in front of the proposed development, it should be striped such that there is no parking in front of the proposed development and the bike lane is against the curb.

The Applicant has proposed a street system that will meet City 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. 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 13, 14 and 15.**

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: Not Applicable. There is no street that dead ends at the boundary of the development, and no half street dedication. The proposed development will extend an existing dead end street.

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 ten 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 centerline alignments meet the City requirements. This standard is met.

12.04.195 Street design—Minimum Street Intersection Spacing.

A. All new development and redevelopment shall meet the following public street intersection spacing standards:

Table 12.04.040—Public Street Intersection Spacing Standards

	Distance in Feet between Streets of Various Classifications								
	Between Arterial & Arterial	Between Arterial & Collector	Between Arterial & Nbhd Collector	Between Arterial & Local Street	Between Collector Street & Collector Street	Between Collector Street & Nbhd Collector	Between Collector & Local Street	Between Nbhd Collector & Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured along a Collector Street	800	800	600	300	600	300	150	150	150
Measured along a Nbhd Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	600	600	300	300	300	150	150	150	150
Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.									

or

B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

Finding: Complies as Proposed. The distance between two local street intersections measured along a neighborhood collector street is 150-feet. The proposed street intersection on Pease Road is more than 150-feet from the intersection to the north and south. This standard is met.

12.04.200 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	30 to 40 feet	20 to less than 32 feet

Finding: Complies as Proposed. There are no proposed constrained streets or right-of-ways.

12.04.205 *Intersection Level of Service Standards.*

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Finding: Complies as Proposed. A Transportation Analysis Letter was prepared for the site in October, 2012 by Lancaster Engineering. The report concluded that there were no safety concerns and that there is minimal impact to existing traffic. The report was reviewed by John Replinger of Replinger and Associates, a City consultant, who concurred with the report (Exhibit X). This standard is met.

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 as Proposed. All proposed street intersections in the subdivision have intersection angles of approximately 90-degrees and meet the 50-foot tangent requirement for local streets. This standard is met.

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: Complies as Proposed. The existing streets abutting the proposed development meet the City standards. This standard is met.

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 as described in 12.04.200 may be required to preserve the objectives of half streets.

Finding: Complies as Proposed. Pease Road in this section is an existing half street improvement. The applicant will complete the street adjacent to the proposed development. This standard is met.

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 unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebright-of-way widening of a street where needed to provide adequate lot coverage.

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. The Applicant has not proposed to construct a new cul-de-sac or dead end street.

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: Not Applicable. The Applicant has not proposed a new street name with the development proposal.

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. (Prior code §9-4-1)

Finding: Complies as Proposed. The Applicant indicated that the proposed street will be designed to conform to City standards. The Applicant has satisfied this standard as proposed. This standard is met.

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 with Conditions. The proposed development abuts a neighborhood collector street. Screen plantings, walls or other protective devices have not been used on Pease Road. To stay in character with the existing street, no protective devices are recommended. However, if access is taken from Pease Road for Lots 8 and 9, the access shall be combined to a single accessway. **The Applicant can meet this standard through Conditions of Approval 11.**

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 Applicant has not proposed additional protective measures at the intersection of Pavilion Place and Pease Road. This intersection is a “T” intersection with a stop sign. The section of Pavilion Place leading up to the intersection is short such that vehicles will not be able to pick up speed before they have to slow down to stop. There is no pedestrian crossing of Pease Road in this location. This standard is met.

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. (Prior code §9-4-3)

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

Finding: Not Applicable. No alleys are proposed or required.

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 Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 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. The subject site does not abut a transit street.

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.

Finding: Complies with Conditions. The Applicant proposed to construct an 5-foot planter strip along the Pavilion Place and Pease Road frontage. The Applicant shall construct half-street improvements for Pease Road. The improved street portion the Applicant is required to provide includes, but is not limited to, base rock, paved street width of 19 feet on the Applicant’s side of the centerline of right-of-way plus 10 feet on the opposing side of the centerline, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk, curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. The curb line should match the existing curb line north of the property on Pease Road. This includes a bike lane and symbols striped to establish a transition from the existing location at the north end of the property (between the parking and travel lane) to curb tight such that there is no parking lane. The transition should follow the existing painted centerline. Right of way should be dedicated to provide 30-feet from centerline.

The Applicant shall construct improvements on Pavilion Place that include dedication of 53-feet of right-of-way, and improvements that include, but is not limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights.

The Applicant shall dedicate sufficient right-of-way to provide an eyebrow on Pavilion Place with a radius of 50-feet. The pavement shall be wider in this section. **The Applicant can meet this standard through Conditions of Approval 13, 14 and 15.**

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 as Proposed. The Applicant indicated compliance with this section. All rights-of-way will be within the City jurisdiction. This standard is met.

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.

Finding: Complies with Condition. The Applicant proposed to construct a 5-foot planter strip including curb width along the Pease Road frontage and a 5-foot planter strip along the Pavilion Place frontage. The Applicant submitted a tree mitigation and connectivity plan including 30 total street trees spaced evenly throughout the frontage of the site. The plan did not identify the location of street lights, fire hydrants, or power lines or the size of the proposed street trees. Furthermore, the plan included two street trees within 20 feet from the intersection of Pease Road and Pavilion Place. Prior to final plat the Applicant shall submit a revised Street Tree Plan in accordance with OCMC chapter 12.08. **The Applicant can meet this standard through Conditions of Approval 16.**

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 indicated that the street trees would be a species identified on an approved Oregon City List but did not identify a specific species. Prior to final plat the

Applicant shall submit a final Street Tree Plan for the frontage of the properties in accordance with OCMC chapter 12.08. **The Applicant can meet this standard through Conditions of Approval 16.**

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. There are no existing street trees proposed to be removed with this development.

Chapter 17.41 TREE PROTECTION STANDARDS

17.41.010-040 Tree Protection.

New development shall be designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements shall provide for the protection of tree resources to the maximum extent practicable. This applies to all subdivision, partition and site plan and design review applications.

Finding: Applicable. The Applicant has proposed a subdivision. Compliance with this section is detailed below.

17.41.050 Same--Compliance options.

Applicants for review shall comply with these requirements through one 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; or*
- B. Option 2 -- Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Section 17.41.080, or*
- C. Option 3 -- Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Section 17.41.090.*

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, dying 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.*

Farm or forest resources. An applicant for development may claim that the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning set out in ORS 30.930. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930. "Farm use" as used in this subsection shall have the meaning set out in ORS 215.203. In this case, the applicant may propose an alternative mitigation plan to be approved by the community development director.

Finding: Complies with Condition. The subject site contains a total of seventeen trees that are subject to the provisions of this section. Four of these trees are proposed to remain while 13 trees are proposed to be removed. The Applicant did not identify the size of three deciduous trees located on lot 9. Prior to final plat, the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41. **The Applicant can meet this standard through Conditions of Approval 17.**

17.41.060 Tree removal and replanting--Mitigation (Option 1).

Regulated trees that are removed outside of the construction area, if removed shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated 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

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
6 to 12"	3	1
13 to 18"	5	2
19 to 24"	8	3
25 to 30"	10	4
31 and over"	15	5

Finding: Complies with Condition. The subject site contains a total of seventeen trees that are subject to the provisions of this section. Four of these trees are proposed to remain while 13 trees are proposed to be removed. The Applicant did not identify the size of three deciduous trees located on lot 9, and thus the mitigation cannot be identified. Prior to final plat, the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41. **The Applicant can meet this standard through Conditions of Approval 17.**

17.41.070 *Planting area priority for mitigation (Option 1).*

Development applications which opt for removal or trees with subsequent replanting pursuant to Section 17.41.050A. and shall be required to mitigate for tree cutting by complying with the following priority for replanting standards C.1.--4. below:

First Priority. Replanting on the development site. First priority for replacement tree locations shall be planting on-site.

Finding: Complies with Condition. The Applicant indicated a tree mitigation plan will be prepared and submitted prior to final plat approval. Prior to final plat, the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41. **The Applicant can meet this standard through Conditions of Approval 17.**

17.41.075 –125 *Tree Mitigation Options*

These code sections provide a variety of compliance options for land use applications, including preservation and mitigation of trees, the use of flexible lots sizes and setbacks, on-site density transfer, preservation tracts, and fee-in-lieu of planting.

Finding: Not Applicable. The Applicant did not seek compliance based on these options.

17.41.130. *Regulated Tree Protection Procedures During Construction.*

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 OCMC 17.41.130(B). No trees designated for removal shall be removed without prior written approval from the Community Development Director.

Finding: Complies as Proposed. The Applicant indicated that 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.

Stormwater Conveyance, Quantity and Quality in Chapter 13.12

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.*

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. The subject site is located off of Pease Road and at the existing dead end of Pavilion Place. A storm water management report was completed as part of the original Pavilion Park subdivision which included the land in Pavilion Park II. Both treatment and detention facilities were constructed as part of Pavilion Park, which were sized to accommodate Pavilion Park II. No additional treatment or detention is required.

There is existing storm drainage collection pipe in portions of the proposed subdivision. A 12-inch pipe enters the site between lots 3 and 4, and then is located in Pavilion Place moving to the east in front of lots 1, 2, 10 and 11. There is a second 12 inch pipe that begins at Pease Road and runs diagonally through the proposed subdivision to the south. At the southerly edge of the proposed subdivision there is an outfall to a natural drainage way. The Applicant has proposed to realign a portion of the pipe such that it is parallel with Pavilion Place, then runs between lots 6 and 7, and finally connecting to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point is near an existing rock retaining wall along the property line would remain the same.

Storm sewer improvements will be necessary for the proposed development. Storm sewer will be designed to collect and convey on-site drainage. Each lot shall drain to Pavilion Place if possible or an alternate approved during construction plan review. The new storm sewer system shall be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards.

Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The proposed sanitary sewer system will meet City code requirements with a few modifications that can be addressed during design. There shall be an 8-foot wide grass crete (or similar surfacing) access road above the pipe on lot 6 from the street to the manhole located on the property. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the storm drainage easement may need to be adjusted based upon the actual depth of the pipe.

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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, and 8.**

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: Not applicable. The development is not in a Natural Resource Overlay District.

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. The subject site is located off of Pease Road and at the existing dead end of Pavilion Place. A storm water management report was completed as part of the original Pavilion Park subdivision which included the land in Pavilion Park II. Both treatment and detention facilities were

constructed as part of Pavilion Park, which were sized to accommodate Pavilion Park II. No additional treatment or detention is required.

There is an existing storm drainage collection pipe in portions of the proposed subdivision. A 12-inch pipe enters the site between lots 3 and 4, and then extends under Pavilion Place moving to the east in front of lots 1, 2, 10 and 11. There is a second 12 inch pipe that begins at Pease Road and runs diagonally through the proposed subdivision to the south. At the southerly edge of the proposed subdivision there is an outfall to a natural drainage way. The Applicant has proposed to realign a portion of the pipe such that it is parallel with Pavilion Place, then runs between lots 6 and 7, and finally connecting to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point is near an existing rock retaining wall along the property line would remain the same.

Storm sewer improvements will be necessary for the proposed development. Storm sewer will be designed to collect and convey on-site drainage. Each lot shall drain to Pavilion Place if possible or an alternate location approved during construction plan review. The new storm sewer system shall be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards.

Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The proposed sanitary sewer system will meet City code requirements with a few modifications that can be addressed during design. There shall be an 8-foot wide grass crete (or similar surfacing) access road above the pipe on lot 6 from the street to the manhole located on the property. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the storm drainage easement may need to be adjusted based upon the actual depth of the pipe.

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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, and 8.**

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. The subject site is located off of Pease Road and at the existing dead end of Pavilion Place. A storm water management report was completed as part of the original Pavilion Park subdivision which included the land in Pavilion Park II. Both treatment and detention facilities were constructed as part of Pavilion Park, which were sized to accommodate Pavilion Park II. No additional treatment or detention is required.

There is existing storm drainage collection pipe in portions of the proposed subdivision. A 12-inch pipe enters the site between lots 3 and 4, and then is located in Pavilion Place moving to the north in front of lots 1, 2, 10 and 11. There is a second 12 inch pipe that begins at Pease Road and runs diagonally through the proposed subdivision to the south. At the southerly edge of the proposed subdivision there is an outfall to a natural drainage way. The Applicant has proposed to realign a portion of the pipe such that it is parallel with Pavilion Place, then runs between lots 6 and 7, and finally connecting to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point is near an existing rock retaining wall along the property line would remain the same.

Storm sewer improvements will be necessary for the proposed development. Storm sewer will be designed to collect and convey on-site drainage. Each lot shall drain to Pavilion Place if possible or an alternate location approved during construction plan review. The new storm sewer system shall be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards.

Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The proposed sanitary sewer system will meet City code requirements with a few modifications that can be addressed during design. There shall be an 8-foot wide grass crete (or similar surfacing) access road above the pipe on lot 6 from the street to the manhole located on the property. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the storm drainage easement may need to be adjusted based upon the actual depth of the pipe.

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 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. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, and 8.**

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 waste discharges or new stormwater flow will occur with this development.

CHAPTER 17.44 GEOLOGIC HAZARDS

17.44.025 *When required; regulated activities; permit and approval requirements.*

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

A. Installation or construction of an accessory structure greater than 500 square feet in area;

B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;

C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.

D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Complies with Condition. The proposed removal of undocumented fill exceeding two feet in depth and exceeding 25 yards of volume under the future homes will require permits for each home or one permit for the subdivision project construction. The Applicant shall obtain geotechnical fill permits for each home or one permit for the subdivision prior to construction. **The Applicant can satisfy this section by complying with Condition of Approval 18.**

17.44.035 - *Exemptions.*

The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;

C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;

D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;

E. The removal or control of noxious vegetation;

F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. The proposed project does not qualify for an exemption.

17.44.050 *Development—Application requirements and review procedures and approvals.*

Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:

A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field

reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

- a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, *Geology and Geological Hazards of North Clackamas County, Oregon* (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
 - e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;
 - c. Building setbacks from slopes;
 - d. Erosion control techniques applicable to the site;
 - e. Surface drainage control to mitigate existing and potential geologic hazards;
 - f. Subdrainage and/or management of groundwater seepage;
 - g. Foundations;
 - h. Embedded/retaining walls;
 - i. Management of surface water and irrigation water; and
 - j. Impact of the development on the slope stability of the lot and the adjacent properties.
 10. Scaled drawings that describe topography and proposed site work, including:
 - a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
 - b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
 - c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.
 11. For properties greater than one acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.
- B. Review procedures and approvals require the following:
1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.

2. *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*
3. *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*

C. *The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.*

Finding: Complies with Conditions. The proposed project submitted a report titled Geotechnical Fill Evaluation Pease Road Subdivision – Lots 4-7, Oregon City, Oregon by GeoPacific Engineering Inc dated September 26, 2012 written by James Imbrie, GE, CEG and Benjamin Anderson, EIT. This report satisfies subsection A. 1, and 3-8. The Applicant's Geotech Engineer shall address subsection A. 9-11 in a special addendum to the original report and address appropriate construction items on the subdivision plans. The City Engineer waives subsection B. 3 as appropriate conditions of approval are contained in this decision document. Subsection B. 1 and 2 are satisfied in the report. **The Applicant can satisfy this section by complying with Condition of Approval 19.**

17.44.060 *Development standards.*

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

A. *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*

Finding: Complies with Conditions. The applicant proposes performing geotechnical remediation of existing undocumented fill and does not change natural topography, vegetation or soils any more than any other subdivision. **The Applicant can satisfy this section by complying with Condition of Approval 21 and 22.**

B. *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The city engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.*

Finding: Complies with Condition. The proposed project's geotechnical remediation shall only occur from May 1 to October 31 unless they petition the City Engineer for exceptions to extend the dates to March 16 thru November 30 per this section. **The Applicant can satisfy this section by complying with Condition of Approval 20.**

C. *Designs shall minimize the number and size of cuts and fills.*

Finding: Complies as Proposed. The proposed project's geotechnical remediation will minimize the number of cuts and fills to what is required to allow home construction.

D. Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies as Proposed. The proposed project will not create any further cut or fill slopes. Undocumented fill is being geotechnically remediated under the foundation areas. This standard is met.

E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.

Finding: Complies with Condition. The Applicant shall follow the Geotechnical report for placing structural fill. **The Applicant can satisfy this section by complying with Condition of Approval 21.**

F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.

Finding: Not Applicable. The proposed project does not propose to build any retaining walls.

G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Complies as Proposed. The development does not propose any streets in any areas that would require minimizing width. The Applicant shall follow the Geotechnical report as to removing undocumented fill under street areas. **The Applicant can satisfy this section by complying with Condition of Approval 22.**

H. Density shall be determined as follows:

- 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;*
- 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
- 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4. of this section.*

Finding: Complies as Proposed. The proposed subdivision does not propose to construct on slopes nor modify any existing slopes.

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks:

- 1. For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
- 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*
- 3. No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.*
- 4. For those portions of the property with slopes over thirty-five percent between grade breaks:*
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit*

development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Finding: Not Applicable. The proposed subdivision does not propose to construct on slopes nor modify any existing slopes.

J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.

Finding: Complies with Condition. The Applicant's Geotechnical Engineer shall review final grading, drainage, and foundation plans and specifications, perform special inspections, and confirm in writing that they are in conformance with the recommendations provided in their report. **The Applicant can satisfy this section by complying with Condition of Approval 23.**

K. At the city's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the city. The applicant's geotechnical engineer shall respond to written comments provided by the city's peer reviewer prior to issuance of building permit.

Finding: Complies as Proposed. The City Engineer does not require this project to have peer review.

L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

Finding: Complies as Proposed. The City Engineer has determined that this project's geotechnical remediation is feasible and adequate to prevent landslides or damage to property and safety.

17.44.070 Access to property.

A. Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.

B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.

C. Points of access to arterials and collectors shall be minimized.

D. The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Complies with Condition. The proposed subdivision layout includes frontage on Lots 8 and 9 along Pease Road. As a neighborhood collector, access to Pease Road shall be limited to ensure greater safety. If access for lots 8 and 9 is obtained from Pease Road, access shall be combined into one driveway.

The Applicant can satisfy this section by complying with Condition of Approval 11.

17.44.080 Utilities.

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.

Finding: Complies with Condition. The proposed project's utility plans call for most utilities in the right-of-way. However, a relocation of a public stormwater line is proposed thru the remediation area. Full depth select fill shall be placed during the stormwater line relocation. **The Applicant can satisfy this section by complying with Condition of Approval 24.**

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the city commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Finding: Complies with Conditions. See section 13.12.

17.44.100 Construction standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.

Finding: Complies with Condition. The proposed subdivision does not modify the existing slope. Any noxious weeds and invasive plant cleanup shall provide proper erosion control and reseeding/replanting. **The Applicant can satisfy this section by complying with Condition of Approval 25.**

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

Finding: Complies with Condition. The proposed subdivision plans shall include a grading plan as part of the construction plans and a separate erosion control plan submitted to the City's Erosion Control Officer for approval. **The Applicant can satisfy this section by complying with Condition of Approval 26.**

C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

Finding: Complies as Proposed. The proposed project does not require any earthwork on the slope.

D. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.

Finding: Complies with Condition. The proposed subdivision does not modify the existing slope. Any noxious weeds and invasive plant cleanup shall provide proper erosion control and reseeding/replanting. **The Applicant can satisfy this section by complying with Condition of Approval 25.**

E. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the city.

Finding: Complies with Condition. The proposed subdivision does not modify the existing slope. Any noxious weeds and invasive plant cleanup shall provide proper erosion control and reseeding/replanting. **The Applicant can satisfy this section by complying with Condition of Approval 25.**

F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.

Finding: Not Applicable. The proposed project does not require any disturbance to the watercourse.

G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Complies with Condition. The proposed subdivision plans shall include a grading plan as part of the construction plans and a separate erosion control plan submitted to the City's Erosion Control Officer for approval. **The Applicant can satisfy this section by complying with Condition of Approval 26.**

H. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of thirty-five percent or less.

Finding: Complies as Proposed. The proposed lots will meet this criterion.

I. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.

Finding: Please refer to the analysis in 17.44.060 J.

J. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.

Finding: Complies with Condition. This section requires a geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. Prior to issuing an occupancy permit the Applicant shall provide a geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations to the City Building Division. **The Applicant can satisfy this section by complying with Condition of Approval 27.**

17.44.110 Approval of development.

The city engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the city engineer's opinion, a particular development poses such a hazard, the city engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and March 31st.

Finding: Complies with Conditions. The City Engineer has written Conditions of Approval to be met allowing this project to be constructed. **The Applicant can satisfy this section by complying with Condition of Approval 18-21.**

IV. CONCLUSION AND DECISION:

In conclusion, the proposed zone change, geological hazards review, and 11-lot subdivision located at 19370 Pease Road and identified as Clackamas County Map 3-2E-7B, Tax Lot 3300, can meet the approval standards outlined in this Staff Report, subject to the Applicant's proposal and attached Conditions of Approval contained in this report. Therefore, the Community Development Director recommends approval of the application with Conditions.

V. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map
2. Applicant's Submittal
3. Comments from John Replinger of Replinger and Associates
4. Engineering Policy EP 11-01
5. Planning File NR 12-04 Staff Report for Natural Resource Exemption

PROPOSED CONDITIONS OF APPROVAL TP 12-04

1. Prior to final plat approval, the Applicant shall remove all existing structures onsite. *(P)*
2. 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. *(DS)*
3. Prior to final plat approval, 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. *(DS)*
4. All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter. *(DS)*
5. Prior to final plat, the Applicant shall submit the proposed development to Clackamas County Fire District No. 1 for review. 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. *(F)*
6. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. *(DS)*
7. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage in a manner suitable to the Public Works Department. There shall be an 8-foot wide grass crete (or similar material) access road above the pipe on lot 6 from the street to the manhole on the lot 6. *(DS)*
8. The existing storm drainage easement will be rewritten to reflect the new location and property owners. The width of the easement will be adjusted based upon the depth of the pipe. *(DS)*
9. Prior to final plat approval the Applicant shall submit revised CC&Rs that do not conflict with the standards of the Oregon City Municipal Code. *(P)*
10. Prior to final plat approval, 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. *(DS)*
11. Lots 7, 8, and 9 shall orient the front setback and the most architecturally significant elevation face Pease Road. In addition, if access to lots 8 and 9 is taken from Pease Road, the lots shall combine their access into a single driveway to the right-of-way. *(P)*

12. 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. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans. *(DS)*
13. The Applicant shall construct half-street improvements for Pease Road. The improved street portion the Applicant is required to provide includes, but is not limited to, base rock, paved street width of 19 feet on the Applicant's side of the centerline of right-of-way plus 10 feet on the opposing side of the centerline, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk, curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. The curb line should match the existing curb line north of the property on Pease Road. This includes a bike lane and symbols striped such that it transitions from the existing location at the north end of the property (between the parking and travel lane) to curb tight such that there is no parking lane. The transition should follow the existing painted centerline. Right of way should be dedicated to provide 30-feet from centerline. The Applicant shall provide non-vehicular access (NVA) strips along all curb returns. Some modification of the NVA locations may be allowed as approved by the City on a case-by-case basis at time of plat review. *(DS)*
14. The Applicant shall construct improvements on Pavilion Place that include dedication of 53-feet of right-of-way, and improvements that include, but is not limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. *(DS)*
15. The Applicant shall dedicate sufficient right-of-way to provide an eyebrow on Pavilion Place with a radius of 50-feet. The pavement shall be wider in this section. *(DS)*
16. Prior to final plat approval the Applicant shall submit a revised Street Tree Plan in accordance with OCMC Chapter 12.08. *(P)*
17. Prior to final plat approval the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41. *(P)*
18. The Applicant shall obtain geotechnical fill permits for each home or one permit for the subdivision prior to construction. *(DS)*
19. The Applicant's Geotech Engineer shall address subsection A. 9-11 in a special addendum to the original report and address appropriate construction items on the subdivision plans. *(DS)*
20. The proposed project's geotechnical remediation shall only occur from May 1 to October 31 unless the Applicant petitions the City Engineer for exceptions to extend the dates to March 16 thru November 30 per section 17.44.060.B. *(DS)*
21. The Applicant shall follow the Geotechnical report for placing structural fill. *(DS)*
22. The Applicant shall follow the Geotechnical report as to removing undocumented fill under street areas. *(DS)*
23. The Applicant's Geotechnical Engineer shall review final grading, drainage, and foundation plans and specifications, perform special inspections, and confirm in writing that they are in conformance with the recommendations provided in their report. *(DS)*
24. Full depth select fill shall be placed during the stormwater line relocation. *(DS)*
25. Any noxious weeds and invasive plant cleanup shall provide proper erosion control and reseeding/replanting. *(DS)*
26. The proposed subdivision plans shall include a grading plan as part of the construction plans and a separate erosion control plan submitted to the City's Erosion Control Officer for approval. *(DS)*
27. Prior to issuing an occupancy permit the Applicant shall provide a geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations to the City Building Division. *(DS)*

(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.

(F) = Verify that condition of approval has been met with the Clackamas County Fire Department.

TP 12-04 11-lot Subdivision, ZC 12-01 Zone Change, US 12-01 Geologic

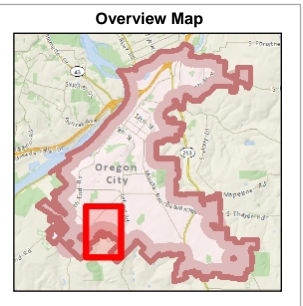


Legend

- Taxlots
- Zoning
 - R-10 - Single Family Dwelling
 - R-8 - Single Family Dwelling
 - R-6 - Single Family Dwelling
 - RC-4 - McLoughlin Conditions
 - RD4-MDP - Manufactured Dw
 - R-3.5 - Medium Density Resic
 - R-2 - Multi-Family Dwelling
 - C - General Commercial
 - MUC-2 - Mixed Use Corridor
 - MUC-1 - Mixed Use Corridor
 - LO - Limited Office
 - NC - Neighborhood Commerc
 - HC - Historic Commercial
 - MUD - Mixed Use Downtown
 - MUE - Mixed Use Employer
 - GI - General Industrial
 - CI - Campus Industrial
 - I - Institutional
 - FU-10 - County Zoning
 - County
- City Limits
- UGB

Notes

The applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District as well as an 11-lot subdivision and a Geologic Hazards review.



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.



0 625 Feet
1: 7,503

19370 Pease Road

Map created 1/15/2013

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





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
<input type="checkbox"/> Compatibility Review	<input type="checkbox"/> Extension	<input type="checkbox"/> Annexation
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Detailed Development Review	<input type="checkbox"/> Code Interpretation / Similar Use
<input type="checkbox"/> Non-Conforming Use Review	<input checked="" type="checkbox"/> Geotechnical Hazards	<input type="checkbox"/> Concept Development Plan
<input type="checkbox"/> Natural Resource (NROD) Verification	<input type="checkbox"/> Minor Partition (<4 lots)	<input type="checkbox"/> Conditional Use
	<input type="checkbox"/> Minor Site Plan & Design Review	<input type="checkbox"/> Comprehensive Plan Amendment (Text/Map)
	<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Detailed Development Plan
	<input type="checkbox"/> Site Plan and Design Review	<input type="checkbox"/> Historic Review
	<input checked="" type="checkbox"/> Subdivision (4+ lots)	<input type="checkbox"/> Municipal Code Amendment
	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Variance
	<input type="checkbox"/> Natural Resource (NROD) Review	<input checked="" type="checkbox"/> Zone Change

File Number(s): _____

Proposed Land Use or Activity: Preliminary plat approval for an eleven lot subdivision, zone change from R-10 to R-6, and Geologic Hazards Review due to the presence of fill on the property.

Project Name: Pavilion Park 2 Number of Lots Proposed (If Applicable): 11

Physical Address of Site: 19370 Pease Road

Clackamas County Map and Tax Lot Number(s): 3-2E-07B 03300

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: Icon Construction & Development, LLC Date: Oct. 8, 2012

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: Same as Applicant

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

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

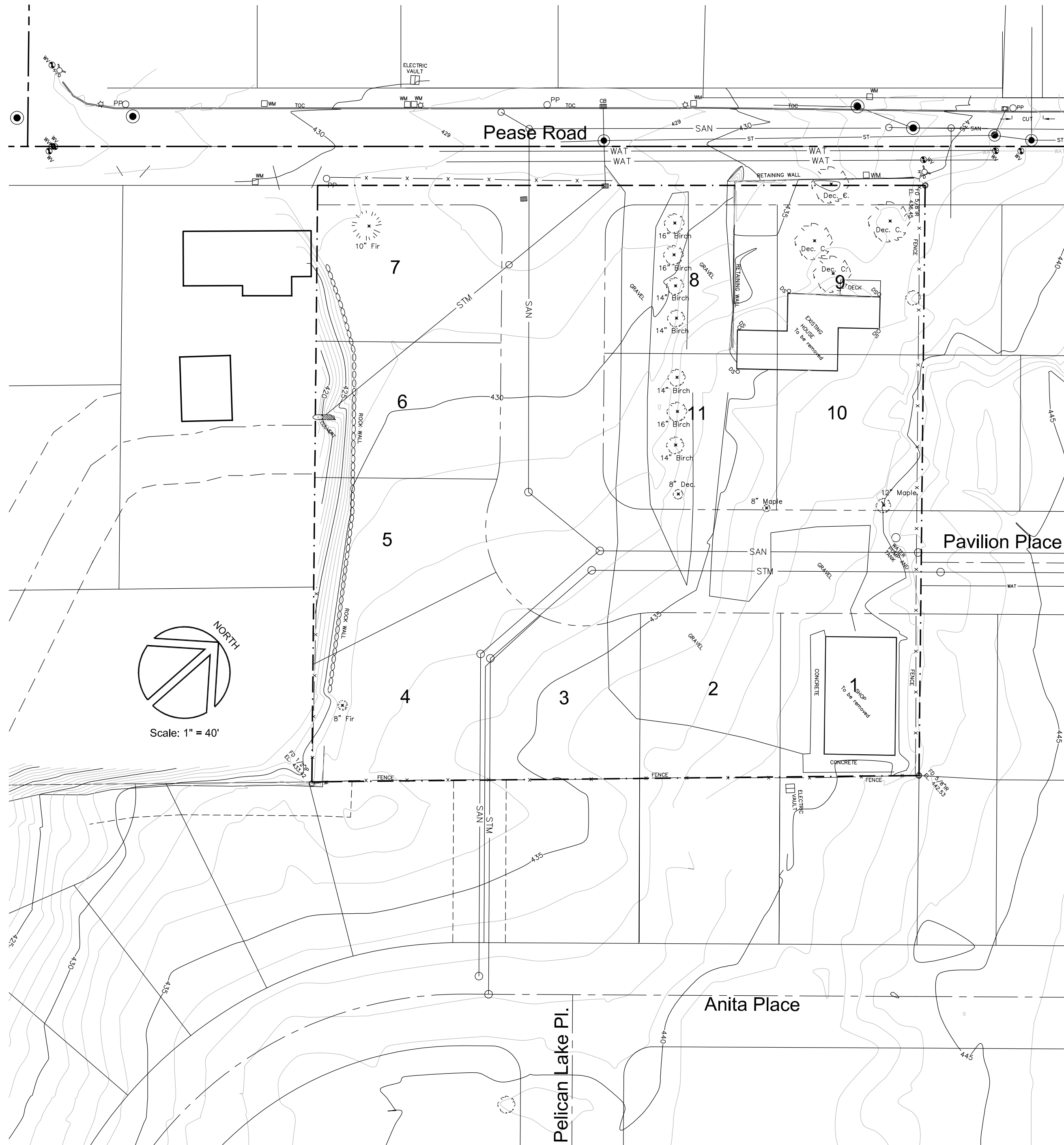
Representative(s) Signature: _____

Representative (s) Name Printed: Rick Givens Date: Oct. 8, 2012

Mailing Address: 11303 Brandow St., Oregon City, OR 97045

Phone: 503-479-0097 Fax: 503-479-0097 Email: rgivens@wbcable.net

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.



Owner/Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Legal: 3 2E 07B TL 3300

Water: City of Oregon City

Sewer: City of Oregon City

Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 2.21 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: Existing - R-10, Zone Change to R-6 Proposed

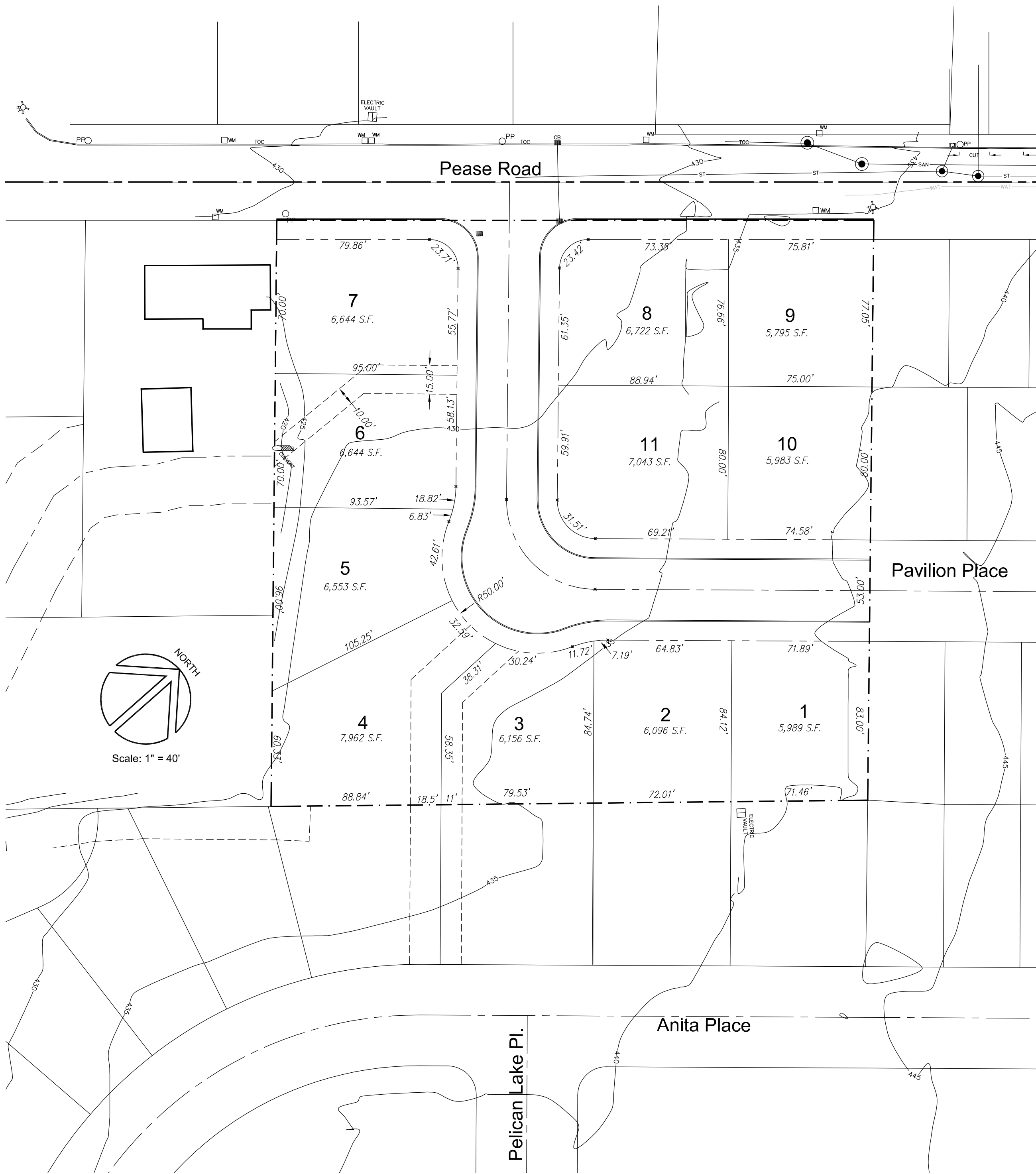
DESIGNED:	REG			
DRAWN:	REG			
SCALE:	1" = 40'			
DATE:	October 2012			
FILE:	12-ICN-100	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
11303 Bradow St.
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 II Existing Conditions

SHEET:
2/3



Vicinity Map

Owner/Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Legal: 3 2E 07B TL 3300

Water: City of Oregon City

Sewer: City of Oregon City

Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 2.18 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

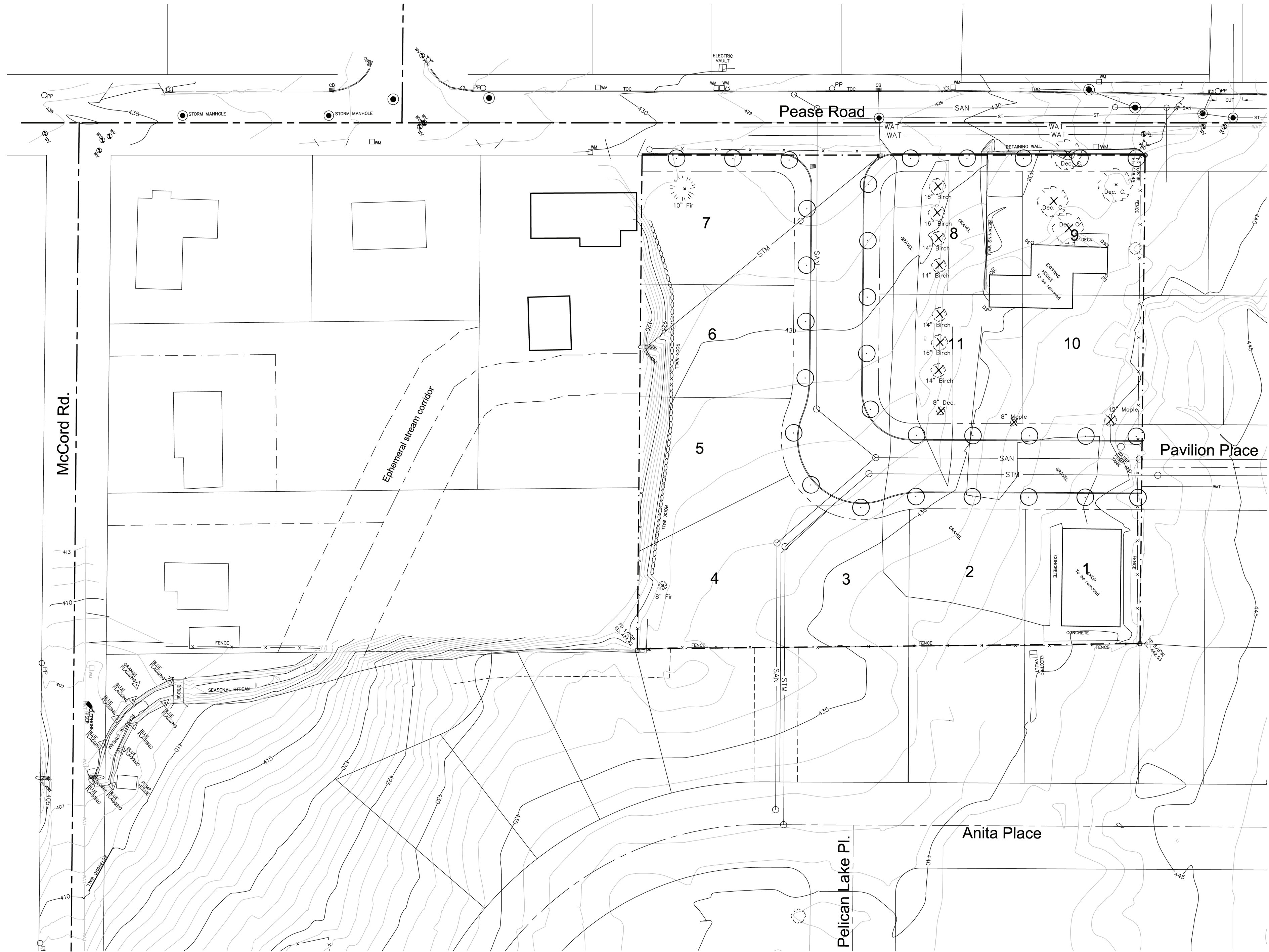
Zoning: Existing - R-10, Zone Change to R-6 Proposed

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SCALE:	1" = 40'			
DATE:	Oct. 2012			
FILE:	12-ICN-100	DATE	NO.	REVISION

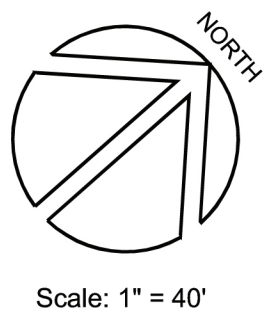
Richard E. Givens, Planning Consultant
11303 Brandow St.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park II
Preliminary Plan



- Proposed Street Tree
Species to be from approved City list.
- ✕ Trees to be removed.
Mitigation to be via planting
of equal number of trees in
rear yard areas.



DESIGNED:	REG			
DRAWN:	REG			
SCALE:	1" = 40'			
DATE:	October 2012			
FILE:	12-ICN-100	DATE	NO.	REVISION

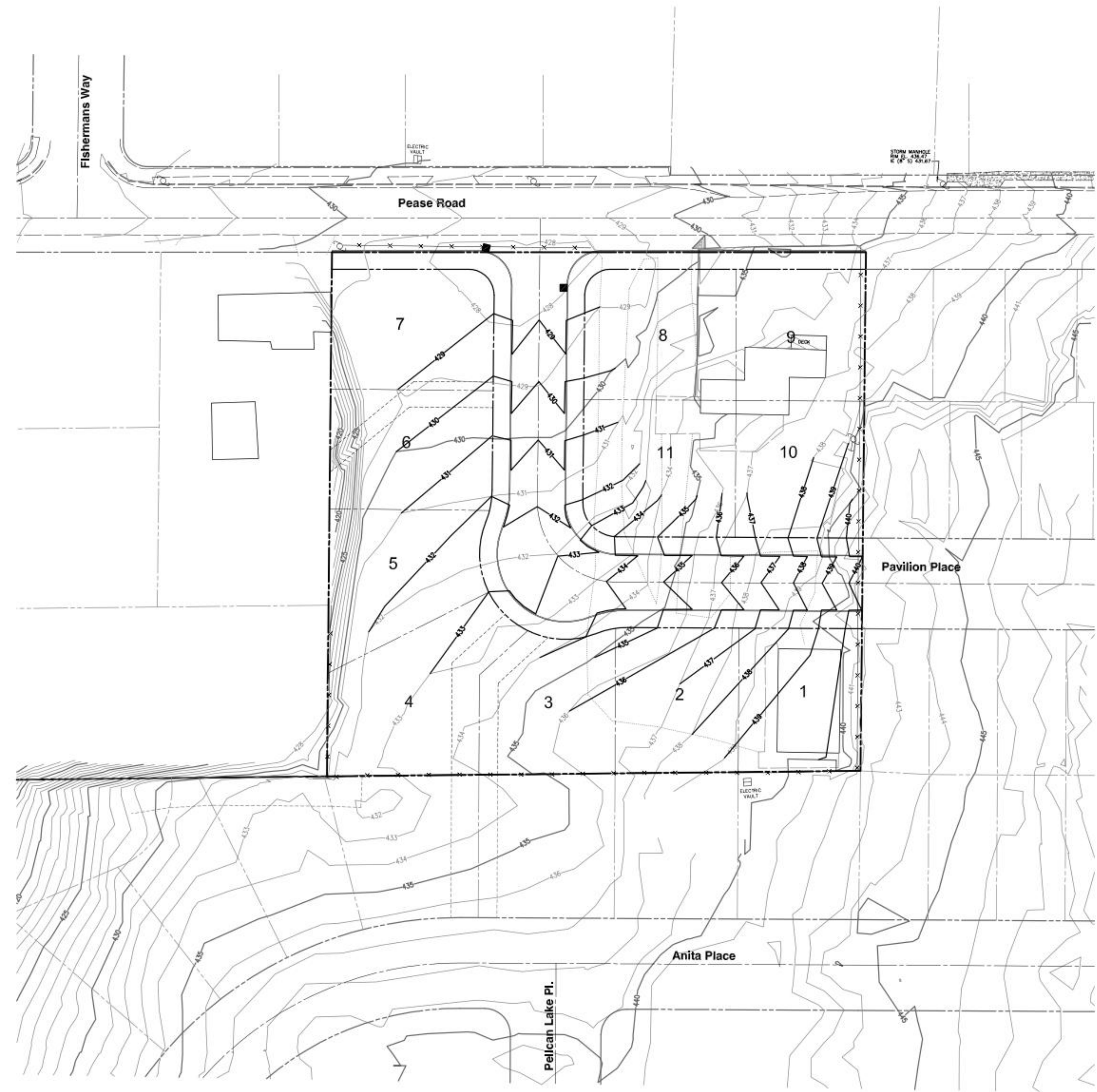
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PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park II

Tree Mitigation & Connectivity

SCALE: 1" = 40'



2012-76

DESIGNED:	BDG			
DRAWN:	BJS			
SCALE:	1" = 40'			
DATE:	August, 2012			
FILE:	Pavilion Park Civil	DATE	NO.	REVISION

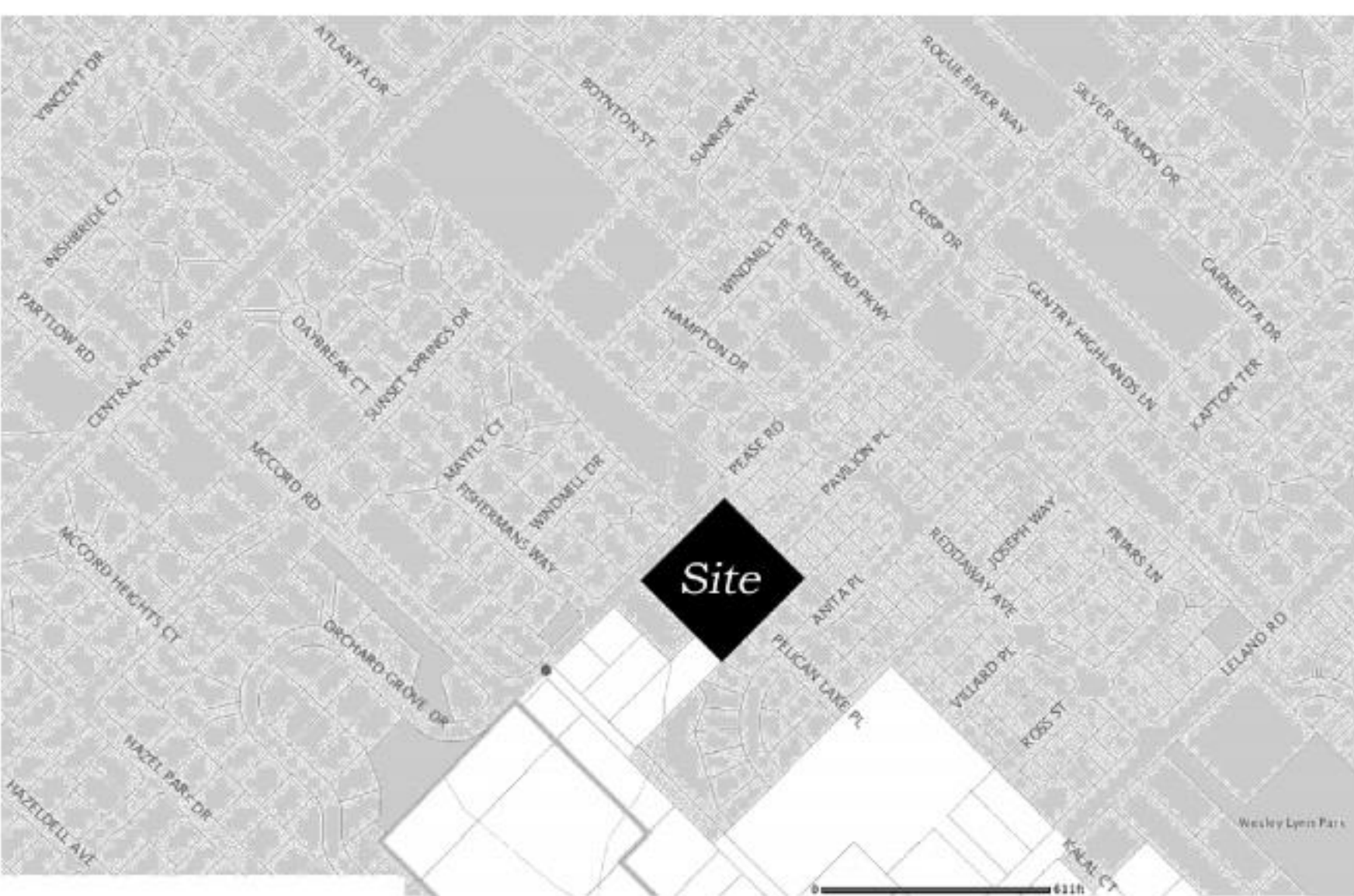
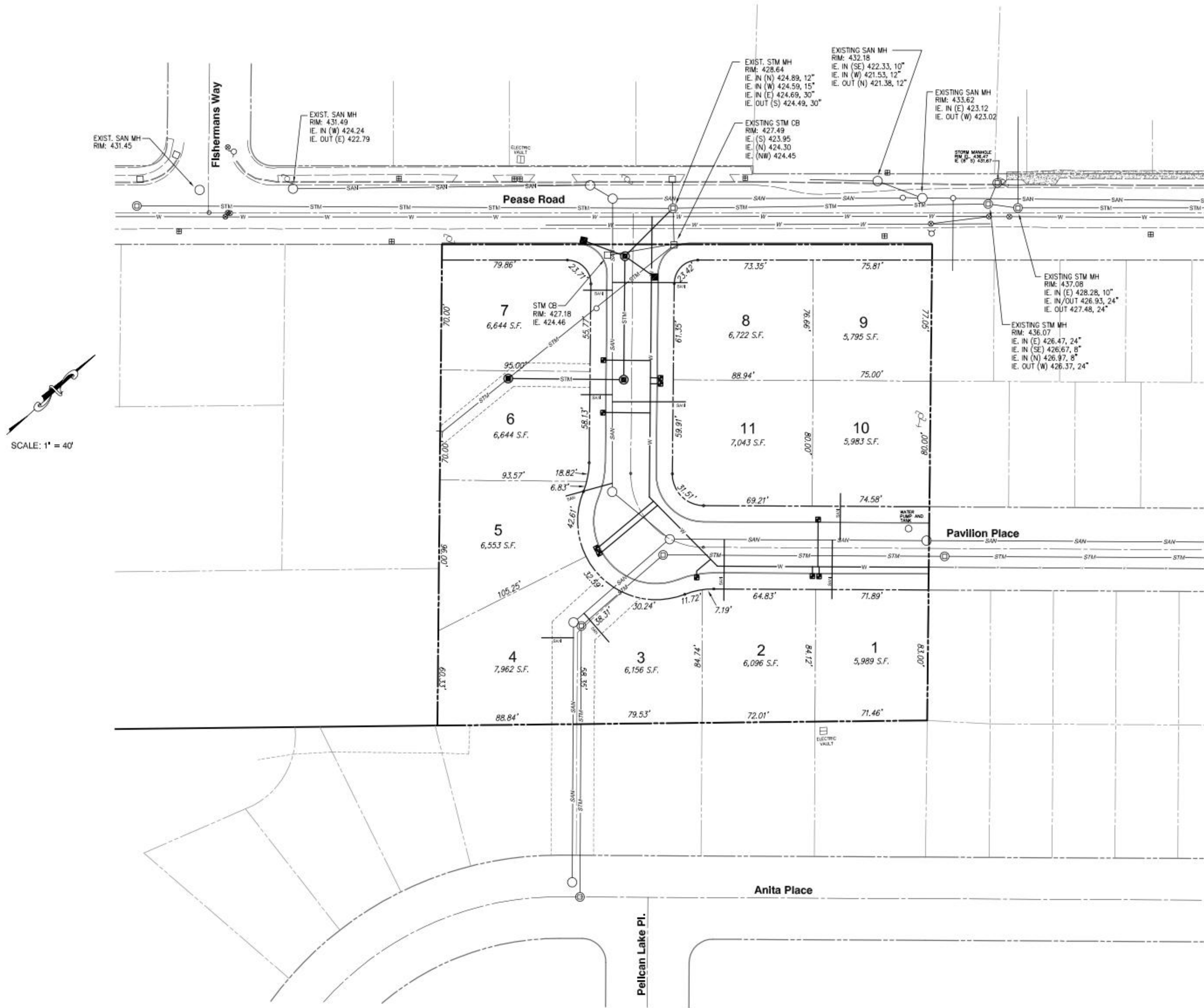
Theta, llc
ENGINEERING - SURVEYING - PLANNING
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503/481-8822
email: thetaeng@comcast.net

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park II
19370 Pease Road, Oregon City, OR

SHEET:
2/2

PRELIMINARY GRADING PLAN



NOTE:
THE DEVELOPED STORM WATER FROM THIS PROPOSED
SUBDIVISION WAS ACCOUNTED FOR IN THE STORM REPORT
BY HARPER HOUF PETERSON RIGHELLIS, FEBRUARY 2009.

Owner/Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Legal: 3 2E 07B TL 3300

Water: City of Oregon City

Sewer: City of Oregon City

Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 2.21 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: Existing - R-10, Zone Change to R-6 Proposed

LEGEND	
	EXISTING CONIFEROUS TREE
	EXISTING DECIDUOUS TREE
	EXISTING UTILITY POLE
	EXISTING STORM MANHOLE
	EXISTING CATCH BASIN
	EXISTING SANITARY MANHOLE
	EXISTING WATER VALVE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	NEW STORM MANHOLE
	NEW CATCH BASIN
	NEW WATER METER
	EXISTING PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING PROPERTY BOUNDARY
	EXISTING CENTERLINE
	EXISTING FENCE LINE
	EXISTING STORM DRAINAGE LINE
	EXISTING SANITARY MAIN
	EXISTING WATER LINE
	NEW STORM DRAINAGE LINE
	NEW SANITARY MAIN
	NEW WATER LINE
	NEW RIGHT-OF-WAY
	NEW PROPERTY LINE
	NEW CURB LINE

2012-76

DESIGNED: BDG			
DRAWN: BJS			
SCALE: 1" = 40'			
DATE: August, 2012			
FILE: Pavilion Park Civil	DATE	NO.	REVISION

Theta, LLC
ENGINEERING - SURVEYING - PLANNING
PO Box 1345
Lake Oswego, Oregon 97035
503/481-8822
email: thetaeng@comcast.net

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park II
19370 Pease Road, Oregon City, OR

SHEET:

1/2

PRELIMINARY UTILITY PLAN



Vicinity Map

Owner/Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Legal: 3 2E 07B TL 3300

Water: City of Oregon City

Sewer: City of Oregon City

Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 2.18 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: Existing - R-10, Zone Change to R-6 Proposed

Impervious Areas: Sidewalks - 4,927 sq. ft., Street - 15,923 sq. ft.

No pathways other than sidewalks are proposed nor are any bicycle paths proposed or necessary.

DESIGNED:	REG	11-16-2012	1	Revised sidewalks & dimensions.
DRAWN:	REG			
SCALE:	1" = 40'			
DATE:	August 2012			
FILE:	12-ICN-100	DATE	NO.	REVISION

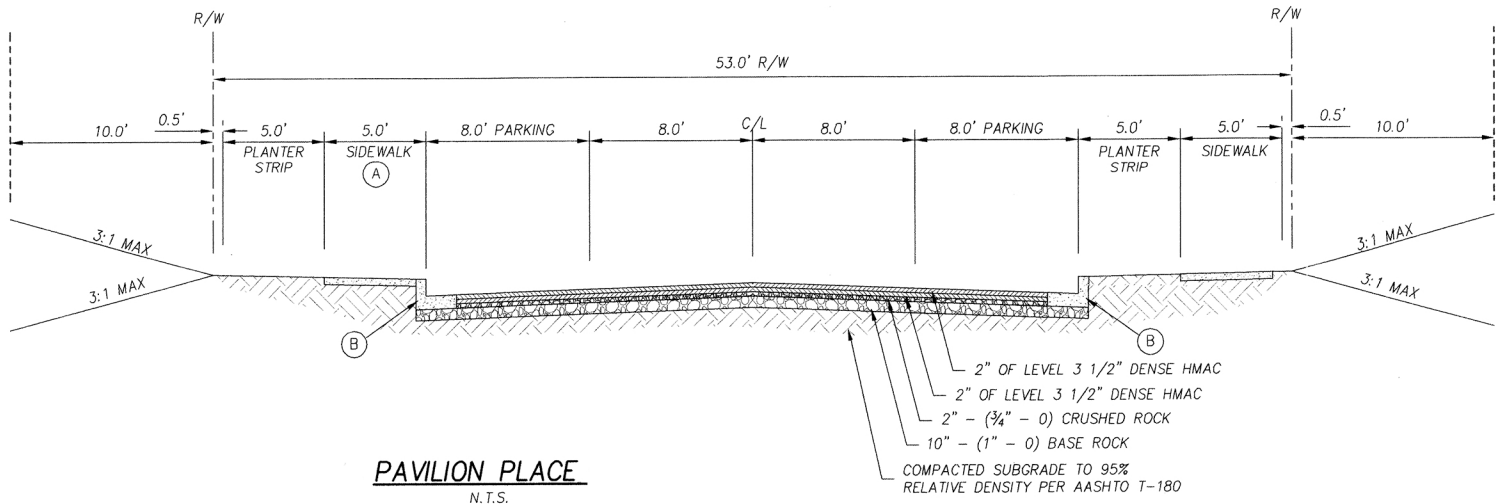
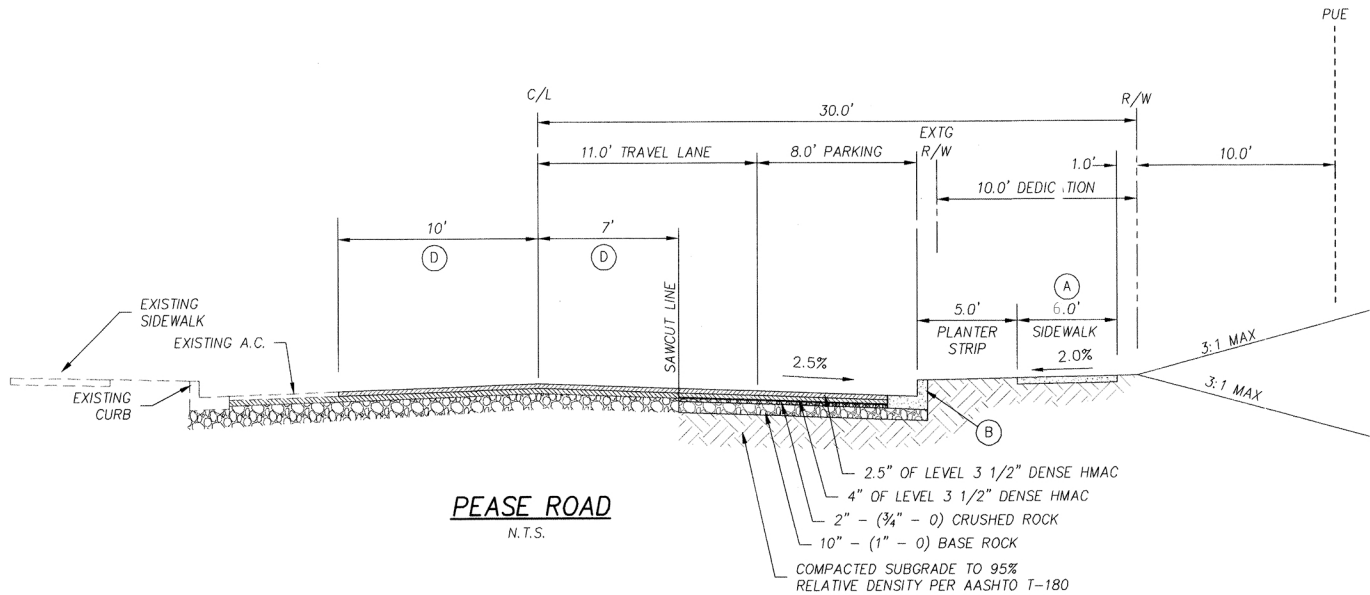
Richard E. Givens, Planning Consultant
11303 Brandow St.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Pavilion Park II Preliminary Plan

Pavilion Park No. 2

Street Sections





SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

August 7, 2012

Mark Handris
ICON Construction
1980 Willamette Falls Dr., Ste. 200
West Linn, OR 97068

Re: 19370 Pease Road – Drainage

Dear Mark:

Rick Givens asked me to look at the property located at 19370 Pease Road for wetlands and waterways. He was particularly concerned with a drainage located northwest of the northwest property line. The drainage starts from a culvert that ends at the toe of an old fill slope, which appears to end on the property line. Oregon City's maps show the drainage coming from the east, but how far the culvert extended to the east was not determined.

The southeastern half of the site is essentially developed with a house, shop and gravel parking area. The northwest half of the site is undeveloped, but much of the area has been filled. The northwest edge of the site has steep slopes (approximately 2:1). The sloped area appears to be an engineered fill slope. The fill is believed to be over 20 years old. There are two catchment basins in the eastern most portion of the site. The catchment basins drain to a culvert that crosses the northern portion of the site, where the fill is the thickest. The culvert and drainage drains to the west.

The vegetation on the undeveloped portion of the site was relatively sparse, due to the compacted fill. It consisted of Orchard grass, cat's ear, perennial ryegrass, colonial bentgrass, and Queen Anne's lace. The vegetation on the fill slope was primarily Himalayan blackberry. The vegetation is not dominated by hydrophytic species. The vegetation gets thicker the further away from Pease Road you go. Review of aerial photographs indicated that the property owner has kept the site mowed, probably to reduce fire danger.

a soil sample was not obtainable in the fill area due to compaction, gravel and the dry conditions. The soil survey had Cottrell and Bornstedt soils mapped on the site. Neither soil is listed as hydric. However, since much of the site consists of fill neither soil was verified as being on-site.

There was no evidence of wetland hydrology on the site, even though there were two catchment basins in the northern corner of the site.

No wetlands were observed on the site. The drainage started at the property line and headed to the west. At the time of the site visit the catchment basins and the drainage were observed to be dry.

Pavilion Park No. 2
Tower Vista Neighborhood Association
Meeting of Sept. 12, 2012

The applicant's representative, Rick Givens, was invited to attend the September 12, 2012 meeting of the Tower Vista Neighborhood Association to present the project and to take questions and comments from the audience. Mr. Givens made use of a site plan of the project to explain that the property in question is proposed to be rezoned from R-10 to R-6 and that a subdivision of eleven lots is planned for the property. He discussed site features and explained that the proposed development is consistent with surrounding development patterns and that all lots would be used for construction of single-family homes.

After completion of his presentation, Mr. Givens took questions and comments from the audience. The following questions were addressed:

1. Was the property annexed to the city? Mr. Givens explained that the annexation was completed last summer and that the property is now within the city limits and that the usual annexation process was used to bring the property into the city.
2. Why was the property zoned R-10? Mr. Givens explained that the Oregon City Municipal Code applies R-10 zoning by default upon annexation to properties that are designated for Low Density Residential Development. The zone change process is required to change the zone in order to increase density to match adjacent development patterns.
3. How many more lots per acre are allowed by R-6 zoning vs. R-10. Mr. Givens stated that allowable density would increase from about 4 units per acre to around 6 units per acre.
4. What will the impact upon city finances be? Mr. Givens stated that greater property taxes would be generated and that system development charges would also be paid to the City to help offset future capital improvement needs. He explained that the developer would pay for all improvements on the site associated with the project.
5. Are sewer & water services adequate to meet the needs of the increased density? Oregon City Public Works Director, John Lewis, who was at the meeting on another matter, noted that city services are available and adequate to serve the proposed development.
6. Concerns were expressed about street trees causing problems with sidewalks in many developments within the city. Mr. Givens explained that the City's newer street standards provide for wider planter strips than were used in the past and that street trees would be selected from approved lists that have fewer problems with roots lifting sidewalks.

This concluded the comments and questions on the proposal. No objections were raised to the proposed zone change or subdivision.

October 9, 2012

Icon Construction & Development, LLC
Attn: Mark Handris
1980 Willamette Falls Drive #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: 19370 Pease Road Subdivision
Transportation Analysis Letter*

Dear Mark,

We have completed our transportation analysis for the proposed subdivision at 19370 Pease Road in Oregon City. Based on available information including the 11 lot preliminary subdivision layout provided by Rick Givens, Section 3.1 of the City of Oregon City's *Guidelines for Transportation Impact Analyses* indicates that a Transportation Analysis Letter (TAL) is the required level of analysis for this project. This letter addresses all points specified by Section 5.0 of those guidelines.

Location and Project Description

The site is located on the southeast side of Pease Road between Hampton Drive and S McCord Road. The proposed subdivision layout includes right of way dedications along the southeast frontage of Pease Road to meet the city's right of way requirements for future public street improvements. The subdivision layout also includes an extension of a public road—Pavilion Place—from the current dead-end through the subdivision and out to Pease Road. This will include right of way dedication on both frontages to meet city standards for future public improvements. Lots 1–6 and lots 10–11 will take access to the extended Pavilion Place, while lots 7–9 will take access to either the extended Pavilion Place or to Pease Road.

All of the streets mentioned above are under the jurisdiction of the City of Oregon City. Hampton Drive and Pavilion Place are classified as Local Streets by the Oregon City Transportation System Plan (TSP), Pease Road is classified as a Neighborhood Collector, and S McCord Road is classified as a collector.

Figure 1 shows the vicinity of the site, and a copy of the project site plan is included in the Technical Appendix of this report. Several figures that follow show various views of the project site.



Icon Construction & Development, LLC
October 9, 2012
Page 2 of 6



Figure 1: Aerial view of the site and nearby vicinity (Image from Google Earth).

Trip Generation & Distribution

To estimate the trips generated by the construction of 11 single family homes associated with the proposed subdivision, trip rates from the manual *TRIP GENERATION*, Eighth Edition, published by the Institute of Transportation Engineers (ITE) were used. The land-use code utilized was #210, *Single-Family Detached Housing*, with trip rates based on the number of dwelling units.

The trip generation calculations show that the proposed subdivision with 11 single-family homes will generate a total of 8 trips during the morning peak hour with 2 trips entering the site and 6 trips exiting the site. During the evening peak hour a total of 11 trips are to be expected with 7 trips entering the site and 4 exiting. A weekday total of 106 trips are expected with half entering and half exiting the site. The following table offers a summary of the trip generation calculations and detailed trip generation calculations are included in the technical appendix of this report.

le

TRIP GENERATION						
Morning Peak Hour		Evening Peak Hour			Weekday	
In	Out	In	Out	Total	In	Out
2	6	7	4	11	53	53
Total		Total			Total	
8		11			106	

It is expected that the majority of the new trips will be added to Pease Road and connect to the greater network via Leland Road to the northeast, with the remaining trips connecting out to the greater network via S McCord Street to the southwest. With the minimal number of trips associated with the proposed project, none of the surrounding transportation facilities are expected to see a significant increase in traffic or change in operation.



Figure 2: View of the site proposed for subdivision from the present end of Pavilion Drive

Intersection Spacing & Access Width

The proposed site plan calls for extending Pavilion Place to the southwest of its current dead end, then northwest to Pease Road as shown in the preliminary plat included in the technical appendix to this letter. This new street will intersect with Pease Road approximately 280 feet to the northeast of the intersection with Fisherman’s way, which is classified as a local street according to the Oregon City TSP. The intersection is approximately 400 feet to the southwest of the nearest street in the opposite direction, Hampton Drive, which is also classified as a local street. Access spacing standards are specified in Table 5-7, *Minimum City Street Intersection Spacing Standards*, of the

6

Oregon City TSP. The minimum allowable distance between two local street intersections is 150 feet, so the intersection created with the construction of this subdivision will be in conformance with Oregon City's intersection spacing standards. No other intersections in close proximity of the site are in violation of these intersection standards.

City of Oregon City Street Design Standards allow for a 25-foot maximum width and a 12-foot minimum width for standard residential driveways (Standard Drawing No. 504). Oregon City does not have spacing standards regarding the minimum distance between private driveways, however for a driveway near an intersection, a minimum distance of 40 feet to the curb return is preferred. There are two lots that are adjacent to the proposed intersection of Pavilion Way at Pease Road (lots 7 and 8). As seen in the plat appended to this letter, both of these lots will have adequate frontage on both Pease Road and Pavilion Drive for the standards to be met with an access on either street. Thus, all driveways constructed as part of the project will be designed to meet the requirements of the city's TSP when constructed.

Two to three lots are proposed to take direct access to Pease Road. These accesses are not expected to cause operational or safety problems along the roadway. The posted speed is 25 mph, traffic volumes are low, and sight distance is favorable. There are many homes with direct access to Pease Road in the vicinity, and these driveways are consistent with the character of the roadway. Further, there is adequate continuous stopping sight distance along Pease Road so that drivers can see vehicles backing out of residential driveways and slow or come to a complete stop if necessary.



Figure 3: View of the site, looking southwest along Pease Road.



Street Configuration and Improvements

The proposed extension of Pavilion Drive will be 32 feet in width, which is consistent with the existing roadway as well as the requirements outlined in Oregon City's TSP. There will be an additional 12 feet of right-of-way on each side of the proposed extension of right-of-way dedication. Pease Road is 24 feet in width. Pease Road is striped, while Pavilion Drive is not. There are three private driveways opposite the proposed site on Pease Road, including one directly opposite the planned intersection with Pavilion Drive, and the extended Pavilion Way will contain driveways on both sides. Since each residence in this area contains ample storage for vehicles, little if any parking is expected on the street, and no cars were observed parked on the street during a midday site visit. Thus, the additional accesses will not present an operational issue.

The proposed project site includes frontage improvements and sidewalks the site's frontage on Pease Road as well as the extended Pavilion Drive. All proposed street improvements are shown to meet the city's standard for local streets including two way travel lanes, on street parking, curbs, gutters, landscaping, and sidewalks.



Figure 4: Site of the proposed subdivision looking northeast on Pease Road. The location of the three-legged intersection with the extended Pavilion Drive drive can be seen; the road will be constructed in front of the trees toward the center of this photo.



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 the speed of traffic on the major street and the sight distance measurements are based on an eye height of 3.5 feet and an approaching driver's eye height of 3.5 feet above the road, with the driver's eye 15 feet behind the edge of the near-side travel lane.

All of the existing and future streets have a statutory speed limit of 25 mph and require a minimum sight distance of 280 feet. Intersection sight distance was examined at the location of the planned intersection of Pavilion Place at Pease Road described above. Sight distance along Pease Road to the southwest of the location of the new intersection was measured to be in excess of 500 feet. Sight distance to the northeast is currently obstructed by a retaining wall and vegetation that will be removed as part of the planned development. Removing these will create more than 500 feet of sight distance in the northeastern direction as well.

Conclusions

The impact to the existing infrastructure created by the trips generated as a result of the proposed subdivision and eventual construction of 11 single family residences will be minimal and is not expected to significantly alter the operation of the existing facilities.

Intersection spacing and street sections adjacent to the site all either meet the applicable standards or are acceptable in their current configuration. No safety issues arise due to the subdivision of the site. No revisions or mitigations are recommended as part of the proposed preliminary subdivision plan.

If you have any questions regarding this TAL or if you need any further assistance, please don't hesitate to contact us.

With Best Regards,

Brian Davis
Transportation Analyst



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 11

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	2	6	8

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	7	4	11

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	53	53	106

SATURDAY

Trip Rate: 10.08

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	55	55	110

After Recording, Return to:
ICON Construction & Development, LLC
2008 Willamette Falls Drive
West Linn, OR 97068

DRAFT

**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR
PAVILION PARK II**

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**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR
PAVILION PARK II**

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR PAVILION PARK II ("Declaration") is made by ICON CONSTRUCTION & DEVELOPMENT, LLC

RECITALS

Declarant is the owner of all the real property and improvements thereon located in Clackamas County, Oregon, described as follows (the "Property"):

Lots 1 through 6, inclusive, and as shown on the plat map of filed for record on _____, Book _____, Pages _____, in the plat records of Clackamas County, Oregon.

Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments, and liens on the Property for the benefit of all Lots in Pavilion Park II.

Declarant desires that this Declaration not be subject to the Oregon Planned Community Act, although certain of the terms of this Declaration make reference to such law.

NOW THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed, and occupied subject to the following covenants, conditions, restrictions, easements, charges, and liens, which shall run with the land, which shall be binding on all parties having or acquiring any right, title, or interest in the Property or any part thereof, and which shall inure to the benefit of the Association and of each Owner.

**ARTICLE 1
DEFINITIONS**

1.1 *Architectural Review Committee* or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.2 *Pavilion Park II* shall mean Lots 1 through 11 of the Property

1.3 *Declaration* shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.4 *Declarant* shall mean and refer to Icon Construction & Development, LLC, and their successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.

1.5 *General Plan of Development* shall mean Declarant's general plan of development of the Property, as approved by appropriate governmental agencies, as may be amended from time to time.

1.6 *Home* shall mean and refer to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence by a single family or household.

1.7 *Lot* shall mean and refer to each and any of Lots 1 through 11.

1.8 *Occupant* shall mean and refer to the occupant of a Home, whether such person is an Owner, a lessee, or any other person authorized by the Owner to occupy the Home.

1.9 *Owner* shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale

contract. The foregoing does not include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation.

1.10 *Plat* shall mean and refer to the Plat of Pavilion Park II recorded in the Plat Records of Clackamas County, Oregon, at Book _____, Pages _____, on _____, 2012.

1.11 *Property* shall have the meaning attributed to such term in the Recitals of this Declaration.

1.12 *Rules and Regulations* shall mean and refer to the documents containing rules and regulations and policies adopted by the Board or the Architectural Review Committee, as may be from time to time amended.

ARTICLE 2

PROPERTY SUBJECT TO THIS DECLARATION

2.1 Development. The development of Pavilion Park II of the Property, which shall be held, transferred, sold, conveyed, and occupied subject to this Declaration. There will be no common areas at the Property.

2.2 No Right to Annex Additional Property or to Withdraw Property. Declarant reserves no right to annex additional property to or to withdraw property from Pavilion Park II.

ARTICLE 3

OWNERSHIP AND EASEMENTS

3.1 Each of the easements granted or reserved herein shall be deemed to be established upon the recordation of this Declaration and shall thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots and shall be superior to all other encumbrances applied against or in favor of any portion of Pavilion Park II.

3.2 Ownership of Lots. Title to each Lot in shall be conveyed in fee to an Owner. IF more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner.

3.3 Easements. Individual deeds to Lots may, but shall not be required to, set forth the easements specified in this Article.

3.3.1 Easements on Plat. The Lots are subject to the easements and rights-of-way shown on the Plat.

3.3.2 Additional Easements; Notwithstanding anything expressed or implied to the contrary, this Declaration shall be subject to all easements granted by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Pavilion Park II. No structure, planting, or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area.

ARTICLE 4

LOTS AND HOMES

4.1 Structures Permitted. No structures shall be erected or permitted to remain on any Lot except one single-family structure containing a dwelling unit and structures normally accessory thereto. No dwelling unit shall have (i) an area of less than 800 square feet on the main

entry level, or (ii) a total living space area (not including garage) of less than 1,600 square feet (exclusive of porches or garages) for one story dwellings and 2000 square feet for multi-story dwellings. Exceptions to such footage requirements shall be permitted only with approval of the Architectural Review Committee, which approval shall be in the sole discretion of the ARC and shall not in any event permit more than a 5% reduction of the foregoing square footage requirements. No dwelling shall be more than 2-1/2 stories. The foregoing provision shall not exclude construction of a private greenhouse, cabana, pool equipment house, retaining walls, fenced gate, private swimming pool, play structure, sport court, or structure for the storage of a boat and/or camping trailer for personal use, provided the location of such structure is in conformity with the applicable governmental regulations, is compatible in design and decoration with the dwelling structure constructed on such Lot, and has been approved by the Architectural Review Committee. Each dwelling shall have a garage for not less than two (2) car. The ARC shall be permitted to authorize exceptions to the square footage provisions of this Section 4.1, upon a determination of the ARC, in its sole discretion, that architectural design enhancements will provide an overall appearance and value in conformance with the balance of the Property. In no event shall any such exception permit a reduction of square footage for any dwelling of more than 5% of the minimum area set forth in this Section 4.1.

4.2 Residential Use. Lots shall only be used for residential purposes. Except with the Board's consent no trade, craft, business, profession, commercial, or similar activity of any kind shall be conducted on any Lot, and no goods, equipment, vehicles, materials, or supplies used in connection with any trade, service, or business shall be kept or stored on any Lot. Nothing in this Section 4.2 shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Pavilion Park II, and (c) the right of the Owner of a Lot to maintain such Owner's personal business or professional library, keep such Owner's personal business or professional records or accounts, handle such Owner's personal business or professional telephone calls, or confer with business or professional associates, clients, or customers in such Owner's residence.

4.3 Construction, Exterior Materials and Finishes. Each dwelling shall be constructed using conventional double walled wood framing. Exterior siding materials shall be either wood material, masonry products with simulated wood grain, masonry brick, stone, or stucco. No plywood, masonite style hardboard, hardboard or other pressed wood material shall be permitted, except for board and batten siding which is permitted. Roofing material shall be either cedar shingle or shake, concrete or clay tile, or synthetic tiles. Composition roofing material will be permitted provided it meets a minimum standard of 30 years. Exterior colors for any structure built on any Lot shall be solid or semi transparent earth tone colors. Trim colors shall be complimentary earth tones. White, and subdued yellows, greens and blues will be permitted. No bright pastels will be permitted. The ARC shall have final determination of acceptable colors.

4.4 Landscaping. Each Owner other than Declarant shall obtain the ARC's prior approval of all landscaping plans for front yards before commencing installation of any landscaping in front yards. Landscaping for all portions of the Lot shall commence within 60 days after final building inspection by the local government jurisdiction and shall be completed

within six months after such inspection. This Section 4.4 shall apply to Lots with finished Homes being held for sale as well as to other Lots.

4.5 Maintenance of Lots and Homes. Each Owner shall maintain such Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair, and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, maintenance of windows, doors, garage doors, walks, patios, chimneys, and other exterior improvements and glass surfaces. All repainting or restraining and exterior remodeling shall be subject to prior review and approval by the ARC. Each Owner shall repair damage caused to such Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other causes within a reasonable period.

4.6 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

4.6.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (i) the tenant shall be subject to all provisions of the Declaration, Bylaws, and Rules and Regulations, and (ii) a failure to comply with any provision of the Declaration, Bylaws, and Rules and Regulations shall constitute a default under the rental or lease agreement;

4.6.2 Minimum Rental Period. The period of the rental or lease is not less than 30 days;

4.6.3 Tenant Must be Given Documents. The Owner gives each tenant a copy of the Declaration, Bylaws, and Rules and Regulations.

4.7 Animals. No animals, livestock, or poultry of any kind, other than a reasonable number of household pets that are not kept, bred, or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept, or permitted within any Lot. Owners whose pets cause any inconvenience or unpleasantness to other Owners shall take all steps reasonably necessary to prevent recurrence thereof and Owners whose pets damage other Owners' Lots or personal property shall reimburse such other Owners for reasonable costs actually incurred by such other Owners in repairing such damage. An Owner shall ensure that such Owner's dog is leashed when on the Property and outside of such Owner's Lot.

4.8 Nuisance. No noxious, harmful, or offensive activities shall be carried out on any Lot. Nor shall anything be done or placed on any Lot that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants.

4.9 Parking. Boats, trailers, motorcycles, commercial vehicles, mobile homes, campers, and other recreational vehicles or equipment, regardless of weight, shall not be parked on any streets on or adjacent to the Property for more than twelve hours or such other period as may be permitted by the Association Rules and Regulations. Parking of boats, trailers, motor homes, motorcycles, trucks, truck-campers, and like equipment shall not be allowed on any part of said property nor public right of way adjacent thereto excepting only the confines of an enclosed garage, storage port, or behind a screening fence or shrubbery which shall in no event project beyond the front walls of any dwelling. The height of such screening fence shall be compatible with the structure and shall be constructed to afford the best reasonable screening of such vehicles from the street view of the residence.

4.10 Vehicles in Disrepair. No Owner shall permit any vehicle that is in a state of disrepair or that is not currently licensed to be abandoned or to remain parked on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of 48 hours

4.11 Signs. No signs shall be erected or maintained on any Lot except that not more than one “For Sale” or “For Rent” sign placed by the Owner or by a licensed real estate agent, not exceeding 24 inches high and 36 inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section 4.11 shall not prohibit the temporary placement of “political” signs on any Lot by the Owner or Occupant. Provided, however, political signs shall be removed within three days after the election day pertaining to the subject of the sign. Real estate signs shall be removed within three days after the sale closing date.

4.12 Rubbish and Trash. No Lot shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal and out of public view. Yard rakings, dirt, and other material resulting from landscaping work shall not be dumped onto streets or any other Lots.

4.13 Fences and Hedges. As used herein, fencing shall mean any wall or barrier. No fence, plantings or site obscuring fences exceeding four (4) feet in height may be located in the front yard or side Lot lines forward of the building line with the greatest setback on the Lot or adjoining Lot. Exception to this provision shall be any perimeter fencing and entry signs constructed by the Declarant and in the case of corner lots, where the height restriction shall apply only to the front yard of the dwelling and a fence may extend from the front building line to the side yard sidewalk to enclose a side and back yard.

The maximum height of a fence located on the remainder of the Lot shall be six (6) feet.

All fences as may herein be constructed shall be constructed of suitable natural fencing materials and shall be approved by the Architectural Control Committee and shall not detract from the appearance of the dwelling located on the Lots or the dwellings located on adjacent Lots. No chain link fencing shall be allowed. Fence posts may be of steel material, but reasonable efforts shall be made to maintain natural fencing material to the exterior viewed portion of all fences. Vinyl fencing shall be allowed with the written consent of the architectural review committee.

4.14 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened so that such facilities are not visible at any time from the street or a neighboring property. All telephone, electrical, cable television, and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC.

4.15 Antennas and Satellite Dishes. Except as otherwise provided by law or this section, no exterior antennas, satellite dishes, microwave, aerial, tower, or other devices for the transmission or reception of television, radio, or other forms of sound or electromagnetic radiation shall be erected, constructed, or placed on any Lot. Exterior satellite dishes or antennas with a surface diameter of one meter or less and antennas designed to receive television broadcast signals only may be placed on any Lot if they are not visible from the street. The Board or ARC may adopt reasonable rules and regulations governing the installation, safety, placement, and screening of such antennas, satellite dishes, and other transmission devices. Such rules shall not unreasonably delay or increase the cost of installation, maintenance, or use or preclude reception of a signal of acceptable quality. (The ARC, in its sole discretion, may determine what constitutes a signal of acceptable quality.) Such rules may prohibit installation of exterior satellite dishes or antennas if signals of acceptable quality can be received by placing antennas inside a Home without causing an unreasonable delay or cost increase.

4.16 Exterior Lighting or Noise-making Devices. Except with the consent of the ARC, no exterior lighting or noise-making devices, other than security and fire alarms, shall be installed or maintained on any Lot.

4.17 Basketball Hoops. No Owner may install a permanent basketball hoop on any Lot without the ARC's prior approval. The ARC may, in its discretion, prohibit such basketball hoops.

4.18 Grades, Slopes, and Drainage. There shall be no interference with the established drainage patterns or systems over or through any Lot within Pavilion Park II so as to affect any other Lot or any real property outside Pavilion Park II unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term *established drainage* shall mean the drainage swales, conduits, inlets, and outlets designed and constructed for Pavilion Park II.

4.19 Damage or Destruction to Home and/or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (a) restore the damaged improvements or (b) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (a) above must be performed so that the improvements are in substantially the same condition in which they existed before the damage, unless the owner complies with the provisions of Article 6. The Owner must commence such work within 60 days after the damage occurs and must complete the work within six months thereafter.

4.20 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.21 Temporary Structures. No structure of a temporary character or any trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any Lot as a residence, either temporarily or permanently.

4.22 Declarant Exemptions. Declarant shall be exempt from the application of Section 4.11.

ARTICLE 5

ARCHITECTURAL REVIEW COMMITTEE

5.1 Architectural Review. No improvement shall be commenced, erected, placed, or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. This Article's purpose is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes, or other governmental regulations, all of which are the applicant's responsibility. The procedure and specific requirements for review and approval of construction shall be set forth in design guidelines and standards adopted from time to time by the ARC. The provisions of this Article shall apply in all instances in which this Declaration requires the ARC's consent.

5.2 Architectural Review Committee, Appointment and Removal. Declarant reserves the right to appoint all members of the ARC and all replacements thereto until Pavilion

Park II is 100% built out. The ARC shall consist of no fewer than three members and no more than five members. Each ARC member shall serve for one year. The ARC shall be dissolved after the completion of the final house in Pavilion Park II.

5.3 Majority Action. Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member or members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

5.4 Duties. The ARC shall consider and act on the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations, and guidelines ("Architectural Standards").

5.5 ARC Decision. The ARC shall render its written decision approving or denying each application submitted to it within 15 working days after its receipt of all materials required with respect to such application. If the ARC fails to render such written decision within 30 days of its receipt of all required materials or request an extension, the application shall be deemed approved. The ARC shall be entitled to request one or more extensions of time, not to exceed 45 days. In the event of such extension requests, if the ARC does not render a written decision within 15 days after the expiration of the extension(s), the application shall be deemed approved. Provided, however, the applicant may agree to further extensions to allow the applicant to complete or supplement the application.

5.6 ARC Discretion. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Pavilion Park II. The ARC may consider siting, shape, size, color, design, height, solar access, or other effect on the enjoyment of other Lots, and any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work.

5.7 Nonwaiver. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

5.8 Effective Period of Consent. The ARC's consent to any proposed work shall automatically expire three months after issuance unless construction of the project has been commenced or the Owner has applied for and received an extension of time from the ARC.

5.9 Determination of Compliance. The ARC may inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

5.10 Noncompliance. If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an ARC approval or has constructed an improvement without obtaining ARC approval, sends a notice of noncompliance to such Owner, and such Owner fails to commence diligently remedying such noncompliance in accordance with such notice, then, effective at 5:00 p.m. on the third day after issuance of such notice, the ARC shall provide notice of a hearing to consider the Owner's continuing noncompliance. The hearing shall be set not more than 30 days from the date on which the notice of noncompliance was issued. At the hearing, if the ARC finds that there is no valid reason for the continuing

noncompliance, the ARC shall determine the estimated costs of achieving compliance and may issue a fine against the noncomplying Owner for such amount. The ARC also shall require the Owner to remedy such noncompliance within 10 days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or any extension thereof granted by the ARC, at its sole discretion, the ARC may remove the noncomplying improvement, remedy the noncompliance, and/or record a notice of noncompliance in the county deed records. The costs of any such action shall be assessed against the Owner as a Reimbursement Assessment either before or after any remedial action is taken.

5.11 Liability. Neither the ARC nor any member thereof shall be liable to any Owner, Occupant, or builder for any damage, loss, or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his or her actual knowledge, acted in good faith.

5.12 Estoppel Certificate. Within 15 working days after the ARC's receipt of a written request from an Owner and the ARC's receipt of payment of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairperson or other authorized member of the ARC certifying with respect to any Lot owned by the Owner, that, as of the date thereof either (a) all improvements made or done upon such Lot comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner and such Owner's heirs, devisees, successors, and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein.

5.13 Declarant and Successor Exempt from ARC. The Declarant or a successor to all of the unsold Lots shall be exempt from the requirement to submit and have plans approved by the ARC. However, the Declarant and its successor shall not be exempt from the provisions of Article 4 of the Declaration, except as set forth in Section 4.23.

ARTICLE 6 DECLARANT'S SPECIAL RIGHTS

6.1 General. Declarant is undertaking the work of developing Lots and other improvements, including construction of homes on some or all Lots within Pavilion Park II. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property have been constructed, fully completed, and sold, with respect to each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

6.2 Marketing Rights. Declarant shall have the right to maintain a sales office and model on one or more of the Lots that Declarant owns. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property.

6.3 Additional Improvements. Declarant has no obligation to build any improvements except as specifically set forth in this Declaration.

ARTICLE 7 GENERAL PROVISIONS

7.1 Terms. These Covenants are to run with the land and shall be binding on all parties and all persons claiming under them amended or revoked in the manner provided herein. So long as Declarant, or declarant's affiliates, own any property within the plat, or any future contiguous plats, or any future contiguous plats annexed hereto, any change or amendment must first have prior approval of the declarant. These Covenants can be terminated and revoked or amended only by duly recording an instrument which contains an agreement providing for termination and revocation or amendment, and which is signed by the owners of a majority of the platted lots.

7.2 Enforcement. Should any person violate or attempt to violate any of the provisions of the Covenants, any person or persons owning any real property embraced within the plat, including the Declarant or Declarant's affiliates, as its or their option, shall have full power and authority to prosecute any proceeding in law or equity against the person or persons violating or attempting to violate any of said Covenants, either to prevent the doing of such, or to recover damages sustained by reason of such violation. Failure by any owner to enforce any covenants or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

7.3 Expenses and Attorney's Fees. In the event any person or persons owning any real property embraced within the plat, including the Declarant or Declarant's affiliates, shall bring any suit or action to enforce these Covenants, the prevailing party shall be entitled to recover all costs and expenses incurred by him/her in connection with such suit or action, including amounts as the court may deem to be reasonable attorney's fees at trial and upon any appeal thereof.

7.4 Severability. Invalidation of any one of these Covenants by judgment or court order shall in no way affect any other provision which shall remain in force and effect.

IN WITNESS WHEREOF, Declarant has executed this instrument this ____ day of _____, 2012 by Mark Handris, managing member of ICON Construction & Development, LLC.

by _____

Mark Handris

Managing Member, ICON Construction & Development, LLC

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 2012, by Mark Handris, managing member of ICON Construction & Development, LLC

Notary Public for Oregon

My commission expires: _____



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

September 26, 2012
Project No. 12-2750

Icon Construction

1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
Phone: 503-657-0406
Fax: 503-655-5991

CC: Rick Givens (rgivens@wbcable.net)

SUBJECT: GEOTECHNICAL FILL EVALUATION
PEASE ROAD SUBDIVISION – LOTS 4-7
OREGON CITY, OREGON

This report presents the results of a geotechnical fill evaluation conducted by GeoPacific Engineering, Inc. (GeoPacific) for the proposed Pease Road Subdivision, located in Oregon City, Oregon. The purpose of this study was to evaluate suitability of the existing fill for structural support of foundations and improvements. The scope of our evaluation included exploratory test pits, field and laboratory density testing, and preparation of this report. Our work was performed in accordance with GeoPacific proposal P-4256, dated August 28, 2012.

SITE DESCRIPTION AND PROPOSED CONSTRUCTION

The subject site is an undeveloped grass field, measuring approximately 130 feet by 210 feet. The site is bordered by Pease Road to the northwest, private residences to the northeast and southwest, and undeveloped land to the southeast. The site is nearly level. An existing fill slope/boulder wall runs along the southwestern property line. It is our understanding that 4 lots exist on the site and that new single family residences are planned on those lots.

SUBSURFACE CONDITIONS

On September 17, 2012, GeoPacific explored subsurface conditions at the site by excavating four exploratory test pits with a trackhoe to depths ranging between 4 and 5 feet below the ground surface (bgs) at the approximate locations shown on Figure 1. A GeoPacific staff engineer continuously monitored the field exploration program and logged the test pits. Soils observed in the explorations were classified in accordance with the Unified Soil Classification System. During exploration, our engineer also performed in-place moisture and density testing and noted geotechnical conditions such as soil consistency, moisture, and groundwater conditions. Logs of the test pits are attached to this report.

The following report sections provide a summary of the earth materials encountered during test pit exploration at the site.

Undocumented Fill: Compacted fill was encountered in all of the exploratory test pits. The compacted fill consists primarily of gravelly SILT (ML) with occasional cobbles to silty GRAVEL (GM) with occasional cobbles. In test pits, this fill material is well-graded with little or no open voids. Some wood debris, gravel, and asphalt concrete were observed in TP-3 and TP-4.

Moisture contents were generally damp. The total thickness of fill encountered at the site ranged between 1.5 and 4 feet. Table 1 presents a summary of fill thickness at each test pit.

Table 1: Thickness of Existing Fill in Test Pits

Test Pit	Fill Thickness *
TP-1	3.5 feet
TP-2	3.5 feet
TP-3	4 feet
TP-4	2.5 feet

Native Soil: Underling the fill material is native soil consisting of boulders in a silt, gravel, and cobble matrix. Native soil was encountered in all of the test pits. The native soil generally has a dense consistency. Pocket penetrometer field measurements indicate that the silt component has an approximate unconfined compressive strength greater than of 4.5 tons per square foot. The native boulder material extends below the maximum depth explored of 5 feet.

Laboratory Testing

One Standard Proctor laboratory test (moisture-density relationship) was performed on soil samples collected at the site on September 17, 2012. The tests were conducted in accordance with test procedures specified by ASTM D698. Moisture content is expressed as a percentage of the mass of water lost during oven drying to the soil dry weight. Table 2 presents a summary of laboratory Proctor Test results.

Table 2: Laboratory Proctor Test Results

Material Source	Material	Maximum Dry Density (psf)	Optimum Moisture Content
TP-1 + TP-2	Gravelly Silt	93.3	26.1%

Field Density Testing

Density testing of the fill was performed on September 17, 2012 at the approximate locations indicated on Figure 1. Table 3 presents the results of our density testing using 95 percent of ASTM D698 (Standard Proctor).

Table 2: Results, location, and depths of Density Testing.

Test Pit	Depth (ft)	Field Dry Density (pcf)	Max. Dry Density (pcf)	Compaction Result	Pass/Fail
TP-1	0.5	86.3	93.3	92.5	Fail
TP-1	2	88.2	93.3	94.5	Fail
TP-2	0.5	91.6	93.3	98.2	Pass
TP-2	2	82.3	93.3	84.0	Fail
TP-3	0.5	90.7	93.3	97.2	Pass
TP-4	0.5	96.5	93.3	+100	Pass
TP-4	2	75.7	93.3	81.1	Fail

CONCLUSIONS AND PRELIMINARY RECOMMENDATIONS

Our evaluation indicates that the compaction of the existing fill along the southwestern property line is variable. The results of our test pits and density testing indicate that much of the fill on the subject site does not meet the compaction requirements of 95 percent relative compaction compared to the maximum dry density obtained from test method ASTM D698 (Standard Proctor).

The extent of fill removal (depth and overall volume) is very dependant upon the final grading plan (prepared by the civil engineer), the finished floor elevation of the building and the type of foundation. In areas of buildings, the existing fill should be either removed and reconstructed beneath the entire building area or selectively beneath footings and one foot horizontally beyond footing edges. With selective removal, granular replacement fill is likely to be most effective. Table 1 indicates the depth of fill and buried topsoil encountered in our explorations. Once this work is performed, the site should be suitable for support of conventional spread foundations provided that the following preliminary recommendations are incorporated into the design and construction phases of the project. GeoPacific Engineering should review construction activities, including the foundation excavations, to verify subgrade bearing strength.

In areas of pavement, the upper foot of fill should be removed and replaced. After removal of the upper foot, the subgrade should be proofrolled and soft spots identified and corrected.

The existing undocumented fill consisting of gravelly SILT (ML) and silty GRAVEL (GM) is suitable for use as engineered fill, if desired.

Engineered Fill

If the existing undocumented fill is to be removed and reconstructed as engineered fill, all grading for the proposed development should be performed as engineered grading in accordance with the applicable building code at time of construction with the exceptions and additions noted herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork will be impacted by soil moisture and shallow groundwater conditions. Earthwork in wet weather would likely require extensive use of cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

UNCERTAINTY AND LIMITATIONS

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

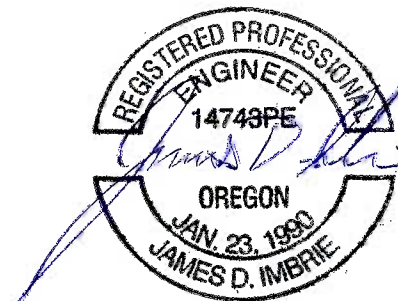
Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, express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

Sincerely,

GEOPACIFIC ENGINEERING, INC.



Benjamin G. Anderson, E.I.T.
Geotechnical Staff



EXPIRES: 06/30/2013

James D. Imbrie, G.E., C.E.G.
Principal Geotechnical Engineer

Attachments: Figure 1 - Site Plan with Explorations
Test Pit Logs (4 pages)
Laboratory Proctor Test Report



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

SITE PLAN AND EXPLORATION LOCATIONS



Existing Fill Slope/Boulder Wall



Legend

TP-1



Test Pit Designation and Approximate Location

No Scale

Date: 09/26/12
Drawn by: BGA

Project: Pease Road Sub. Lots 4-7
Oregon City, Oregon

Project No. 12-2750

FIGURE 1



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Pease Road Subdivision
Oregon City, Oregon

Project No. 12-2750

Test Pit No. **TP- 1**

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1						Stiff, gravelly SILT (ML) with occasional cobbles, light brown, dry (Fill)
2						Grades to moist
3						
4	>4.5					Very stiff, Reddish brown clayey silt (Native)
5						Test Pit Terminated at 4 Feet.
6						
7						Note: No seepage or groundwater encountered
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						

LEGEND



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 9/17/12

Logged By: BGA

Surface Elevation:



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TEST PIT LOG

Project: Pease Road Subdivision
Oregon City, Oregon

Project No. 12-2750

Test Pit No. **TP-2**

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1						Medium dense, silty GRAVEL (GM) with occasional cobbles, light brown, dry (Fill)
2						Grades to moist
3						
4						Dense GRAVEL and BOULDERS with reddish brown silt matrix, moist (Native)
5						
6						Test Pit Terminated at 5 Feet.
7						
8						Note: No seepage or groundwater encountered.
9						
10						
11						
12						
13						
14						
15						
16						
17						

LEGEND



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 9/17/12

Logged By: BGA

Surface Elevation:



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Pease Road Subdivision
Oregon City, Oregon

Project No. 12-2750

Test Pit No. **TP-3**

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1						Medium dense, silty GRAVEL (GM) with occasional cobbles, light brown, dry (Fill)
2						Grades to moist Asphalt concrete debris (3"x2'x1' pieces)
3						Wood debris, angular gravel, some fine roots
4						Dense GRAVEL and BOULDERS with reddish brown silt matrix, moist (Native)
5						Test Pit Terminated at 4 Feet.
6						
7						Note: No seepage or groundwater encountered.
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						

LEGEND



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

Date Excavated: 9/17/12

Logged By: BGA

Surface Elevation:



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: Pease Road Subdivision
Oregon City, Oregon

Project No. 12-2750

Test Pit No. **TP-4**

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1						Medium stiff, gravelly SILT (ML) with occasional cobbles, light brown, dry (Fill)
2						Grades to moist Asphalt concrete debris (3"x2'x1' pieces)
3						----- Very stiff, Reddish brown clayey silt (Native)
4						----- Dense GRAVEL and BOULDERS with reddish brown silt matrix, moist
5						Test Pit Terminated at 4 Feet.
6						Note: No seepage or groundwater encountered.
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						

LEGEND



Bag Sample



Bucket Sample



Shelby Tube Sample



Seepage



Water Bearing Zone



Water Level at Abandonment

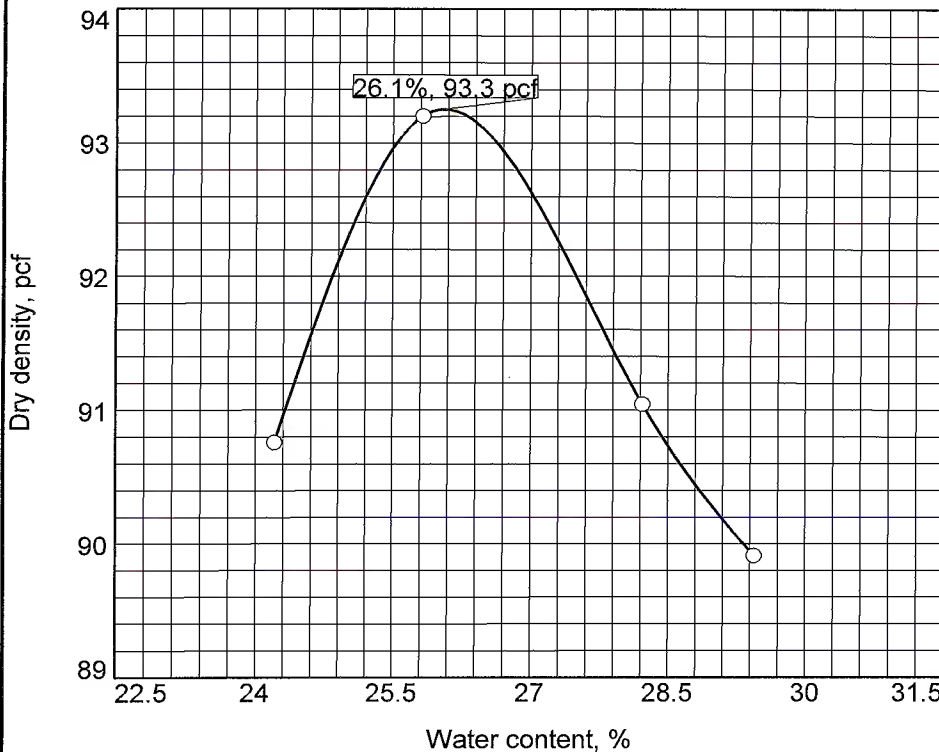
Date Excavated: 9/17/12

Logged By: BGA

Surface Elevation:

COMPACTION TEST REPORT

Curve No.



Test Specification:

AASHTO T 99 Method D Standard

Preparation Method

Hammer Wt. 5.5 lb.

Hammer Drop 12 in.

Number of Layers three

Blows per Layer 56

Mold Size 0.075 cu. ft.

Test Performed on Material

Passing 3/4 in. Sieve

NM LL PI

Sp.G. (ASTM D 854)

%>3/4 in. %<No.200

USCS AASHTO

Date Sampled 9.17.2012 BGA

Date Tested 9.19.2012

Tested By JTI

TESTING DATA

	1	2	3	4	5	6
WM + WS	9357.2	9511.7	9493.6	9481.6		
WM	5522.3	5522.3	5522.3	5522.3		
WW + T #1	4329.7	4495.9	4480.6	4460.1		
WD + T #1	3586.3	3678.3	3607.9	3562.0		
TARE #1	515.0	512.1	515.3	511.6		
WW + T #2						
WD + T #2						
TARE #2						
MOISTURE	24.2	25.8	28.2	29.4		
DRY DENSITY	90.8	93.2	91.0	89.9		

TEST RESULTS

Maximum dry density = 93.3 pcf

Optimum moisture = 26.1 %

Project No. 12-2750 Client: Icon Construction

Project: Pease Road Lots 4 through 7

○

GEOPACIFIC ENGINEERING, INC.

Material Description

Brown Gravelly Silt

Remarks:

Checked by:

Title:

Figure

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

February 6, 2013

Ms. Kelly Moosbrugger
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – PAVILION PARK II
 SUBDIVISION – TP12-04**

Dear Ms. Moosbrugger:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted for the proposed 11-lot Pavilion Park II subdivision at 19730 Pease Road. The site is located to the southeast side of Pease Road between Hampton Drive and S McCord Road. The TAL, dated October 9, 2012, was prepared under the direction of Todd E. Mobley, PE of Lancaster Engineering.

The proposal would create a new 11-lot subdivision by infilling within developed areas. The subdivision includes a proposal to extend Pavilion Place from its current dead end terminus to connect with Pease Road approximately 280 feet north east of the intersection of Pease Road with Fisherman's Way.

Overall

I find the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed street extension.

Comments

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of 11 single family dwellings. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation*. The subdivision is predicted to produce 8 AM peak hour trips; 11 PM peak hour trips; and 106 weekday trips.
- 2. Access Locations.** In the TAL, the engineer explains that eight lots will take access from Pavilion Place and three could take access from either Pease Road or Pavilion Place.

The engineer notes that two or three lots could take direct access to Pease Road. He states that accesses are not expected to cause operational or safety problems along the roadway. He argues that the posted speed is 25 mph, traffic volumes are low, and sight distance is favorable. There are many homes with direct access to Pease Road in the vicinity, and these driveways are consistent with the character of the roadway. Further, there is adequate continuous stopping sight distance along Pease Road so that drivers can see vehicles backing out of residential

driveways and slow or come to a complete stop if necessary. I concur with his observations and conclusion.

3. **Driveway Width.** The TAL does not indicate any impediments to meeting driveway width standards and states that all driveways should meet city requirements when constructed. He suggests that spacing between driveways and intersections should be a minimum of 40 feet from the intersection curb return. I concur.
4. **Intersection Spacing.** The proposal will result in the extension of Pavilion Place. As a part of the subdivision, an intersection of Pease Road and Pavilion Place will be created approximately 280 feet northeast of the intersection of Pease Road and Fisherman's Way. The spacing between these intersections meets the city's spacing standard of 150 feet minimum along local streets.
5. **Sight Distance.** The engineer measured sight distance at the proposed intersection of Pease Road and Pavilion Place. He found both locations provide sight distance in excess of 280 feet, the distance appropriate for a 25 mph local street. He noted the only impediments to sight distance were vegetation and a retaining wall that will be removed in the course of development of the subdivision. He did not recommend mitigation and I concur.
6. **Safety Issues.** The engineer states that no safety issues arise due to the subdivision of the site. Due to the minimal number of trips, the impact on operations and safety is expected to be minimal. I concur with the engineer's conclusion with respect to safety issues.
7. **Consistency with the Transportation System Plan (TSP).** The engineer noted that the streets would be developed in accordance with city standards and would be consistent with the TSP.

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 and will reinforce the existing local street network and increase connectivity. There are no transportation-related issues associated with this subdivision requiring mitigation.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

CITY OF OREGON CITY

**ENGINEERING POLICY 00-01
Guidelines for Development**

EFFECTIVE: April 10, 2000

PREPARED BY

PUBLIC WORKS DEPARTMENT

625 Center Street

Post Office Box 3040

Oregon City, Oregon 97045-0304

Telephone: (503) 657-0891

Development Services Division

Applicability. This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements and submittal of documentation. The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting [the Conditions of Approval](#) and all applicable City Code and Public Works Standards.

Availability of Codes and Standards. Copies of these City Codes and Standards are available [online at www.orcity.org](#) and at City Hall in hard copy or CD-ROM for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

General

- Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation System Plan, Sanitary Sewer Master Plan, Drainage Master Plan, [and any adopted individual Drainage Basin Plans](#). It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

Water (Water Distribution System Design Standards)

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their locations. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines [and require a plumbing permit issued by the City's Building Division](#). Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch diameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.
- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system; the applicant shall:
 - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or

- Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall [obtain a plumbing permit from the City's Building Division](#) to install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.
- [New water line system must be flushed, filled to test for bacteria and pressure tested; and City Water Division will obtain two bacteriological testing results within 24 hours, and contractor shall obtain City Water Division approval before final connection to existing water line system.](#)

Sanitary Sewer (Sanitary Sewer Design Standards)

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County [to the City Development Services Division](#) before recording the plat or obtaining a certificate of occupancy.
- If the Land Use application involves a restaurant, deli, or the like, it will require a private grease interceptor installation which can be quite costly. The Applicant should look into this with their engineer/architect for proper location, installation, and cost estimate as part of their due diligence in deciding to do the project. There are also periodic maintenance costs as well.

Stormwater (Stormwater and Grading Design Standards)

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, energy dissipaters if necessary, and landscaping when directed by the Public Works Stormwater and Grading Standards.
- [The applicant must design, construct, and complete the entire stormwater system, including the pond and it's landscaping prior to recording of the plat or obtaining a certificate of occupancy permit. The City will not accept a surety for the pond landscaping unless Staff determines that an adequate planting season is not available prior to submission of the final plat. Even if this is the case, Staff will still require a minimum of an adequate application of hydro seeding/erosion blanket, sod, or other means to ensure the pond performs adequately to meet turbidity regulations within the City's Erosion Control regulations.](#)
- The applicant shall design and construct required public stormwater system improvements to City standards and it shall be completed before building permits are issued. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (as adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increased runoff created through the development of the site, as well as convey any existing off-site surface water entering the site from other properties.

- The applicant shall submit hydrology/detention calculations to the City Development Services Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

Dedications and Easements

- The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), [handicap access ramps at intersections and mid-block as directed](#), traffic control devices, centerline/[intersection](#) monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions. [This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient.](#)
- All street names shall be reviewed and approved by the City ([Planning and Building Divisions 722-3789](#)) prior to approval of the final plat to ensure [names meet current Planning Division Street Name criteria and that](#) no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and street name and traffic control signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential or industrial/commercial lot in accordance with the Land Division (or Project) Compliance Agreement for the project (e.g.; subdivision, partition, or Planned Unit Development) or prior to the final sign off of a building permit.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes or industrial/commercial buildings within the development's property boundaries, and all handicap access ramps required in their development [at the time of street construction.](#)
- Street lights shall typically be owned by the City of Oregon City under PGE [Option "B"](#) and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor.
- Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights for local streets shall be 100-watt high-pressure sodium fixtures

mounted on [direct-bury](#) fiberglass poles with a 25-foot mounting height unless otherwise specified. Streetlights for arterial, collector, and neighborhood collector streets shall be [200-watt](#) high-pressure sodium fixtures mounted on [base-mounted](#) brushed aluminum poles with a 30-foot mounting height unless otherwise specified. The applicant shall dedicate any necessary electrical easements on the final plat. All streetlight fixtures, mastheads, and poles shall be constructed of material approved by PGE for maintenance by PGE.

- [Street lights along certain designated traffic corridors such as Molalla Avenue require specially-approved non PGE approved lights. These systems are owned and operated by the City and require design by an Oregon-licensed Professional Electrical Engineer who shall stamp the appropriate street light plans. The design shall include the provision of either extending power from an existing City light system or providing a new meter for the power. Provisions to extend these light systems shall be provided.](#)

Grading And Erosion Control

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to +/- 0.1 feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations.
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over one (1) acre, as modified by DEQ. Applicant shall provide a copy of their DEQ 1200c permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
 - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard.
 - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
 - Effective erosion control shall be maintained after site work is complete and throughout building permit issuance.
 - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
 - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
 - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

Geotechnical

- Any structural fill to accommodate public improvements shall be overseen and directed by a geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.
- Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building permit.

Engineering Requirements

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Development Services Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within a subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans [to Development Services](#); the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- [The Applicant's inspector and contractor shall follow the City's Minimum Guidelines for Public Works Construction \(available on the City website\).](#)
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Development Services Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 22" x 34" or 24" x 36". Blueline copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, the plat review fee, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, seven (7) copies of the plans with two full sets wet signed in blue over the engineer's Professional Engineer Oregon stamp.
- Minimum Improvement Requirements. Applicant shall provide a surety on developments for uncompleted work including landscaping before a plat is recorded or a building sign off as required by a Compliance Agreement (available in hard copy or electronic version from City Development Services or on the City website). This occurs if the

applicant wishes to record the final plat before completion of all required improvements or occupy the new development prior to completion of the public improvements including landscaping. Surety shall be an escrow account, construction set-aside, performance guaranty, or in a form that is acceptable to the City Attorney (no bonds are allowed).

- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.
- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets as directed.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City Addressing staff (in the Building Division) for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
 - The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
 - Show the City Planning File Number on the final plat, preferably just below the title block.
 - A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
 - Use recorded City control surveys for street centerline control, if applicable.
 - Show state plane coordinates on the Point of Beginning.
- The civil construction drawings, once approved by the City Development Services Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs. [The applicant is reminded that the City Code requires that the final plat be submitted to the Development Services Division within two years after land use decision.](#)

- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
 - Maintaining surface runoff patterns established for each lot,
 - Maintaining any proposed private storm lines or detention, and
 - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
 - The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Development Services Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.
- Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

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STAFF REPORT AND DECISION

February 14, 2013

FILE NUMBER: NR 12-04: Natural Resource Overlay District - NROD
(Type I Verification)

OWNER: Icon Construction and Development, LLC
1980 Willamette Falls Drive, Suite 200, West Linn, Oregon 97068

APPLICANT: Rick Givens
11303 Brandow Street, Oregon City, Oregon 97045

REQUEST: Type I Natural Resource Overlay District Verification.

LOCATION: 19370 Pease Road, Oregon City, Oregon 97045
Clackamas County Map 3-2E-7B, TL 3300

ZONING: “R-6” Single-Family Dwelling District

DECISION: Approval.

REVIEWER: Pete Walter, AICP, Associate Planner

CRITERIA: Chapter 17.49 - NROD – Natural Resource Overlay District
Chapter 17.50 - Administration and Procedures

Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. If you have any questions regarding this application, please contact the Planning Division at (503) 657-0891.

I. BACKGROUND

This application requests a Type I NROD verification for property located at 19370 Pease Road in Oregon City. The City's NROD map shows that a portion of the property is within the NROD boundary, but existing conditions indicate that the area of the property in question was filled in approximately 1991. There is a storm pipe that passes through the property, but there is no stream corridor present on the subject property. The subject property is proposed for development of the Pavilion Park II subdivision (File TP 12-04) and removal of the NROD designation is requested.

a) Surrounding Zoning:

Property northeast of the site is within the "R-3.5" Dwelling District and is developed as the Pavilion Park subdivision. The property southeast of the site is within the "R-6" Single-Family Dwelling District and is also part of the Pavilion Park subdivision. The properties southwest of the site are within the "R-10" Single-Family Dwelling District and in Clackamas County (zoned Low density residential) while northwest of the site there is the "R-10" Single-Family Dwelling District and the Chinook Landing subdivision zoned R-8.

b) Supporting Documentation: See Exhibits. Pictures taken on the site visit are presented in the attached Exhibits.

II. ANALYSIS AND FINDINGS:

17.49.255 - Type I verification.

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.

Finding: Complies. A site plan of the property and the proposed subdivision was submitted. The applicant also included a report by Schott and Associates, wetland ecologists (Exhibit 1).

B. Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

Finding: The applicant has applied for the Type I Verification and has paid the applicable review fee (Exhibit 1). The evidence provided by the applicant and this staff report substantiates that all of the requirements relative to the proposed use are satisfied and the following criteria have been met. Additionally, staff completed a site visit and field verification on February 14, 2013. The results of the field verification and photos are attached as Exhibit 3.

1. No soil, vegetation, hydrologic features have been disturbed;

Finding: Complies. The applicant indicates that the fill on the subject property and the storm sewer line that exists on the site were installed in approximately 1991 and predate both annexation to the city and the City's development standards relating to these resources. No soil, vegetation, or hydrologic features have been disturbed since the time of installation of the fill and the storm sewer.

2. No hydrologic features have been changed;

Finding: Complies. The applicant indicates that no hydrologic features have been changed since the date of the original fill and placement of the culvert. The site visit confirmed this. The subject site is connected to the city's storm drainage system.

3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.

Finding: Complies. The project area does not contain any of the above features.

4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.

Finding: Complies. No wetland features are present on the property nor have any been identified by the city's wetland inventory. Please refer to the letter by Schott and Associates.

5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.

Finding: Complies. No such features are present on the subject property. There is an intermittent ditch on the property to the southwest and the storm sewer on the subject property outfalls to this ditch at the property line.

6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.

Finding: There are no prior land use approvals on the subject property other than annexation to the city. There are no protected water features on the site.

There is an existing physical barrier between the site and a protected water feature, including:

a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.

Finding: Not applicable. None of the features listed above is present between the feature and the site.

b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.

Finding: Complies. The existing rock wall on the southern property line creates a physical barrier between the outfall to the off-site intermittent ditch and the development site. The uppermost point of this wall is approximately 20' from the outfall.

C. If a the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.6. above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

Finding: Not applicable. Type II review is not required.

III. CONCLUSION AND DECISION:

The application is approved. Based on the analysis and findings presented in this report and exhibits, the project area is outside of the mapped NROD vegetated corridor and exempt from further review by the City.

EXHIBITS:

1. Applicant's Submittal (On file)
 - a. Application form
 - b. Site Map.
 - c. Report by Schott and Associates, Ecologist and Wetlands Specialists, dated August 7, 2012.
 - d. Narrative and Code Responses.
2. Vicinity and Official NROD Map (On file)
3. Verification Form and Photos (On file)



City of Oregon City

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

Staff Report

File Number: PC 13-011

Agenda Date: 2/25/2013

Status: Agenda Ready

To: Planning Commission

Agenda #: 4b.

From: Community Development Director Tony Konkol

File Type: Land Use Item

SUBJECT:

Clackamas County Master Plan: Planning Files CP 12-01 and DP 12-01

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission take testimony from any member of the public present who wishes to testify regarding this item, then continue the public hearing for files CP 12-01 and DP 12-01 to the regular Planning Commission meeting of April 8th, 2013.

BACKGROUND:

The applicant requested the Planning Commission continue Planning files CP 12-01 and DP 12-01 to April 8th, 2013. The continuance would provide time to assemble information requested by the Planning Commission. The applicant granted an extension of the decision deadline for this application to May 31st, 2013.

A continuance of the public hearing for the Clackamas County Master Plan and Detailed Development Plan was requested to provide the applicant time to identify opportunities to move forward with the application. Oregon City staff provided direction to Clackamas County that it was feasible to submit an application to adjust the Oregon City Municipal Code (OCMC) to allow a chain link fence along the south side of the Silver Oak facility. Recently Oregon City staff recognized that an adjustment request to allow a chain link fence along the south side of the Silver Oak facility cannot be made.

The Master Plan procedure does not allow adjustments to any regulation that contains the word "prohibited" under 17.65.070.C.2. Per OCMC 17.62.050.A.21.b.iv chain link fencing is prohibited in visible locations. "Visible locations" is not defined in the Municipal Code. Staff had previously considered "visible locations" to be from the public right-of-way. This assumption was made based on:

- Consistency with the OCMC code for treating development visible from the right-of-way different than development not visible from the right-of-way. The Oregon City Municipal Code specifically identifies standards for the development visible from the right-of-way (i.e. membrane structure locations, landscaping, maximum facade width, bicycle parking and transparency).
- Consistency with the OCMC code for treating street facing facades different than those which are not adjacent to the right-of-way. The Oregon City Municipal Code identifies different standards for development based on if it is adjacent to or faces the right-of-way (i.e. building entrances, maximum setbacks).
- The intent when the code was written. When the chain link fence was identified as a prohibited material in 2009 it was the intent not to prohibit chain link fencing, but to identify it as a special material which is appropriate in some visible locations with additional review. Examples of locations where chain link fence may be appropriate include when it is used as a backstop in a park or in an industrial area.

It was with this understanding that the direction to apply for an adjustment to the chain link was recommended to Clackamas County. Upon further review of what would constitute "visible locations" the Community Development Director determined that right-of-ways and the adjacent public park meet the intent of a "visible location". The proposed chain link fence at Silver Oak is visible from the public park and is therefore prohibited. The Community Development Director does not have the ability to waive this standard (as allowed in OCMC 17.62.050.A.21.b) since the fencing material would not be integrated into the overall design of the structure.

The adjustment may be pursued for existing and future chain link on the original Master Plan tax lot, as the applicant may opt to use the code which was in place when the master plan was adopted in 2005 (which did not prohibit chain link).

BUDGET IMPACT:

Amount:\$0

FY(s): N/A

Funding Source: N/A

11 February 2013



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Re: Red Soils Master Plan, Amendment to include Silver Oak Building
SERA Project No.: 10035
Oregon City File numbers CP 12-01 and DP 12-01

Dear Laura,

On behalf of Clackamas County we are requesting a continuance for the second public hearing date to April 8, 2013 and an extension of the decision deadline to May 31, 2013. Although not relayed formally at the hearing by the Community Development Director, the County was informed a week prior to last month's proposed hearing date that incorrect direction had been provided by staff on the use of chain link. The County is still considering alternatives on this issue to re-propose a secure fiducially responsible perimeter around their facility.

Please read this letter out loud at the hearing on Monday February 25, 2013.

Sincerely,

Rebecca Epstein, LEED AP, BD+C
SERA Architects
Project Manager

cc: Marc Gonzales, Lane Miller, Jeff Jorgensen, Don Eggleston, file