

**TYPE IV APPLICATION  
STAFF REPORT AND RECOMMENDATION  
*Revised April 15, 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

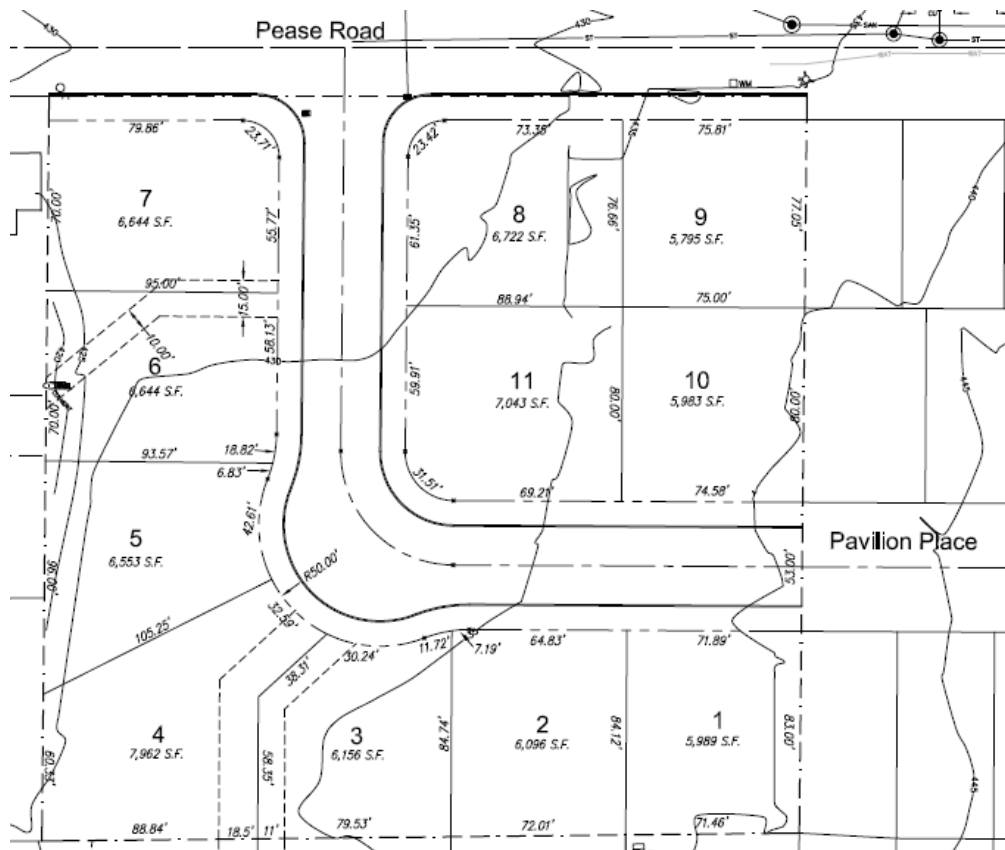
**RECOMMENDATION:** Staff recommends the Planning Commission recommend approval with conditions of Planning files TP 12-04, ZC 12-01 and US 12-01 to the City Commission for their consideration at the March 20, 2013 hearing.

**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 with Condition.** 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. In accordance with the Annexation Agreement (File AN 07-07) that applies to the subject property, a supplemental fee of \$3,500 per dwelling unit shall be paid at the time of building permit application for each lot in the subdivision to assure adequate police response times.

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. **The Applicant can meet this standard through Conditions of Approval 29.**

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

**Finding: Complies with Condition.** All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. The proposed zone change 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. In accordance with the Annexation Agreement (File AN 07-07 that applies to the subject property, a supplemental fee of \$3,500 per dwelling unit shall be paid at the time of building permit application for each lot in the subdivision to assure adequate police response times. **The Applicant can meet this standard through Conditions of Approval 29.**

### **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 with Condition.** 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. In accordance with the Annexation Agreement (File AN 07-07 that applies to the subject property, a supplemental fee of \$3,500 per dwelling unit shall be paid at the time of building permit application for each lot in the subdivision to assure adequate police response times. **The Applicant can meet this standard through Conditions of Approval 29.**

*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. There are two discharge points for the storm water and the majority of the drainage flows through the northern of the two.

#### Southern Discharge Point:

The southern discharge point will receive additional storm drainage from a portion of the proposed new street and the frontage along Pease Road for lots 7, 8, and 9 under Pavilion Park II. This discharge point releases to a natural open drainage way that crosses private property. The private property owner has indicated that erosion of the stream banks and flooding of her backyard occurs due to the existing storm drainage. The additional storm drainage from the Pavilion Park II subdivision may increase the storm flow on the private property.

To address this issue the Applicant has proposed backyard infiltrators for the three lots (7, 8 and 9) that discharge to the southern discharge point. These facilities will provide detention for a portion of the storm water flow and prevent additional storm water flow from these lots to the natural open drainage way that crosses private property. However, the Applicant has not proposed detention for the storm water flow from the portion of the new street and the frontage along Pease Road for lots 7, 8 and 9 that flows to the southern discharge point. The Applicant shall update the storm drainage report to address the storm drainage flow to the natural channel at the southern edge of the property.

Additional improvements including, but not limited to, storm detention, low impact development storm drainage practices, downstream improvements to the natural channel or a combination will be required to mitigate the impact of additional storm drainage flow or prevent additional storm water flow to the natural channel. Although the Applicant has not quantified the amount of runoff from new street and frontage along Pease Road for lots 7, 8, and 9, in City staff's experience, the Applicant's combination of the above listed improvements will likely provide the mitigation required to minimize the downstream impacts due to increased storm water flow. The Applicant's updated storm drainage report will be reviewed by the City during the design of the subdivision.

#### Overall Storm Sewer System:

There is an existing storm drainage collection pipe in portions of the proposed subdivision described as follows:

- 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.



- 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 connects to the existing pipe that cuts diagonally across a portion of lot 6. The discharge point near an existing rock retaining wall along the property line would remain.

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 in accordance with 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 storm sewer system will meet City code requirements with a few modifications that can be addressed during design. The existing storm drainage easement on Lots 6 and 7 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through Conditions of Approval 2, 3, 7, 8, and 28.**

#### *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. In accordance with the Annexation Agreement (File AN 07-07 that applies to the subject property, a supplemental fee of \$3,500 per dwelling unit shall be paid at the time of building permit application for each lot in the subdivision to assure adequate police response times. **The Applicant can meet this standard through Conditions of Approval 29 and 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 of 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.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through Conditions of Approval 2, 3, 7, 8, and 28.**

*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

<i>Minor arterial</i>	<i>114 feet</i>	<i>88 feet</i>
<i>Collector street</i>	<i>86 feet</i>	<i>62 feet</i>
<i>Neighborhood Collector street</i>	<i>81 feet</i>	<i>59 feet</i>
<i>Local street</i>	<i>54 feet</i>	<i>32 feet</i>
<i>Alley</i>	<i>20 feet</i>	<i>16 feet</i>

*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 Street & 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 a 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

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
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.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water. **The Applicant can meet this standard through Conditions of Approval 2, 3, 7, 8 and 28.**

**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.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through Conditions of Approval 2, 3, 7, 8, and 28.**

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.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through Conditions of Approval 2, 3, 7, 8, and 28.**

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. *(DS)*
8. The existing storm drainage easement on Lots 6 and 7 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 to 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 to 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's 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)*
28. The applicant shall update the storm drainage report to address the storm drainage flow to the natural channel at the southern edge of the property. The report will address the proposed Pavilion Park II development storm flow separately from the original Pavilion Park subdivision. If additional storm flow is shown to be discharged to the southern discharge point, then mitigating improvements will be required, in accordance with Oregon City Municipal Code Section 13.12.090. The mitigating improvements include, but are not limited to, storm detention, low impact development practices, downstream improvements to the natural channel or a combination. The applicant's updated storm drainage report will be reviewed by the City during the design of the subdivision. *(DS)*
29. Police fee. In accordance with the Annexation Agreement (File AN 07-07) that applies to the subject property, a supplemental fee of \$3,500 per dwelling unit shall be paid at the time of building permit application for each lot in the subdivision to assure adequate police response times.

(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.