



STAFF REPORT AND DECISION

February 14, 2013

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

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

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

REQUEST: Type I Natural Resource Overlay District Verification.

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

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

DECISION: Approval.

REVIEWER: Pete Walter, AICP, Associate Planner

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

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

I. BACKGROUND

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

a) Surrounding Zoning:

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

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

II. ANALYSIS AND FINDINGS:

17.49.255 - Type I verification.

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

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

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

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

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

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

2. No hydrologic features have been changed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. CONCLUSION AND DECISION:

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

EXHIBITS:

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



OREGON CITY

Community Development - Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-6789 Fax (503) 722-8880

2012 OCT 10 PM 2:57

LAND USE APPLICATION FORM

RECEIVED
CITY OF OREGON CITY

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

File Number(s): NR-12-04

Proposed Land Use or Activity: Type I Natural Resources Overlay review.

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

Physical Address of Site: 19370 Pease Road

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

Applicant(s):

Applicant(s) Signature: _____

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

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

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

Property Owner(s):

Property Owner(s) Signature: Same as Applicant

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

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

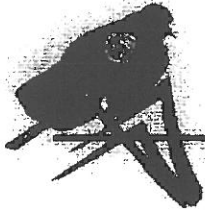
Representative(s) Signature: 

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

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

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

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



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

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

August 7, 2012

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

Re: 19370 Pease Road – Drainage

Dear Mark:

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

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

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

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

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

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

Type I NROD Verification

Tax Lot 3-2E-07B 03300

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

17.49.255 - Type I verification.

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

Comment: A site plan of the property and the proposed subdivision is attached.

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

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

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

2. No hydrologic features have been changed;

Comment: No hydrologic features have been changed since the date of the original fill and placement of the culvert.

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

Comment: No such features are present on the subject property.

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

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

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

Comment: No such features are present on the subject property. There is a ditch on the property to the southwest and the storm sewer on the subject property outfalls to this ditch.

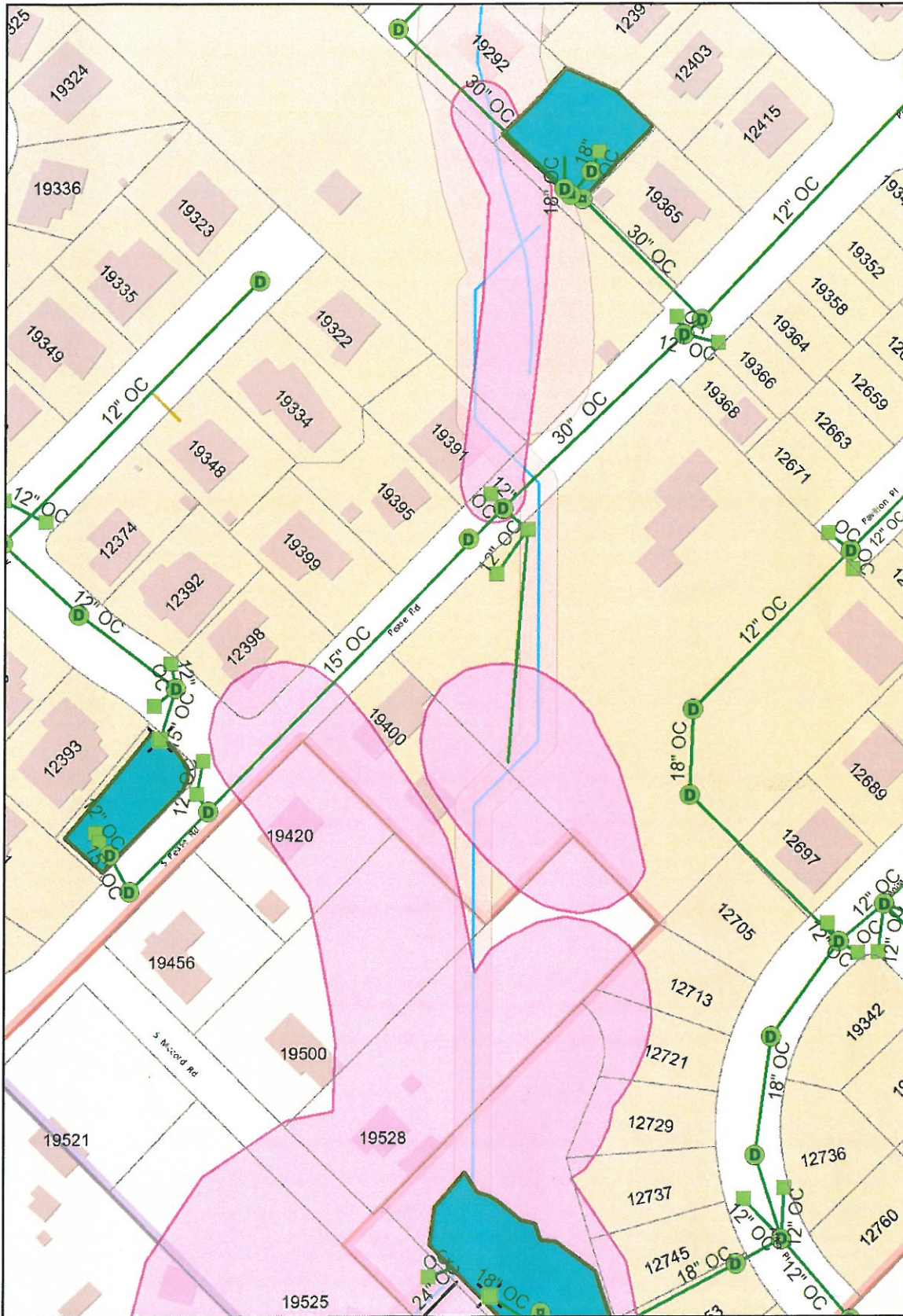
6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.
There is an existing physical barrier between the site and a protected water feature, including:
 - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
 - b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.

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

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

Comment: Not applicable.

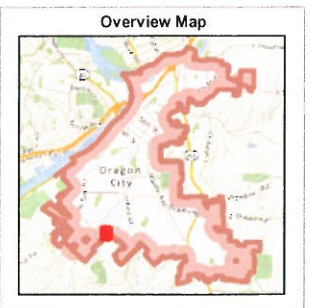
Oregon City GIS Map



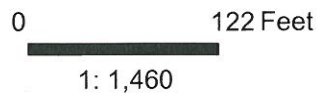
Legend

- Taxlots
- Unimproved ROW
- Structures**
 - Unclassified
 - Manhole
 - Inlet
 - Cleanout
 - Outlet
 - Vault
 - Pond Structure
 - Cap or Node
- Conduits**
 - Unclassified
 - Pipe
 - Culvert
 - Ditch
 - Perforated Pipe
 - Detention Tank
 - Trench Drain
 - Vault
 - Conduits - Abandoned
 - Laterals
- Ponds
- NROD - Natural Resource Over
- Title 3 - Streams
- Title 3 - Exempt
- Title 3 - Wetlands
- Title 3 - Potential Vegetated Cc
- City Limits
- UGB

Notes



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



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NATURAL RESOURCE OVERLAY DISTRICT (NROD) – OCMC 17.49.255
TYPE I VERIFICATION – FIELD DATA FORM

APPLICATION NUMBER: NR-12-0004 SITE VISIT DATE: 02/14/2013

APPLICANT / OWNER: RIK GIVENS/ICON CITY STAFF: WALTER

LOCATION / ADDRESS: 19370 Pease Road PROPERTY AREA (SF OR AC.): 1 HOUSE
1 SHOP

PRESENT USE: VACANT FIELD,

APPROXIMATE SLOPE OF PROPERTY: 0-3% ASSOCIATED PERMIT NOS. PAVILION PARK II

PREDOMINANT VEGETATION: Grass/Blackberries PROJECT SITE DISTANCE FROM STREAM: 20' off-site

WEATHER

CONDITIONS: SUNNY PARTLY CLOUDY CLOUDY RAIN FOG OTHER

SITE OBSERVATIONS:	YES	NO
1. Has soil or vegetation been disturbed? <u>OLD FILL/</u>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have any hydrologic features been changed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Are there any swales, drainage courses or streams on or within 200 feet of the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any man-made drainage features on the site? <u>STORM PIPES</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Are there any water marks or swash lines on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Are there any drift lines present on trees or shrubs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Are there any sediment deposits on plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is there any other evidence of sustained inundation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any physical barriers between the site and an adjacent water feature? Including	<input type="checkbox"/>	<input type="checkbox"/>
✓ a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city, or		<u>storm pipe</u>
✓ b. Walls, buildings, drainages, culverts or other structures.	<u>b</u>	<u>culvert</u>

NOTES:

See wetland/stream report submitted by applicant

17.49.250 - Verification of NROD boundary.

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

ANALYSIS AND FINDINGS

The applicant has requested a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. This request may be approved provided that there is evidence substantiating that all the requirements of OCMC 17.49 relative to the proposed use are satisfied and demonstrates that the property satisfies the site observation criteria on Page 1, as applicable, and that the property also satisfies the following Staff Review criteria:

Additional Staff Review criteria

- The property does not contain a wetland as identified by the City's Local Wetland Inventory (LWI) or Water Quality and Flood Management Areas Map. not a wetland. YES NO
- There is no evidence of a perennial or intermittent stream system or other protected water feature. This not to include established irrigation ditches currently under active farm use) canals or manmade storm or surface , water runoff, structures or artificial storm water collection devices. YES NO
- The project site is located beyond the vegetated corridor width required per OCMC .17.49.110, based on measurement using the City's available GIS data and taking into account the slope adjacent to the protected feature. YES NO

for ~~per~~ intermittent stream off-site

STAFF DECISION

In light of the above listed evidence and the attached field analysis, staff finds that the project site as shown on the attached application (Planning File): _____ is:

Exempt from further review under OCMC 17.49, but are subject to all other applicable requirements under the base zone. Any future development of the site will require additional review for compliance with the OCMC 17.49.

Requires further review under OCMC 17.49.

Notes: _____

[Signature]
City of Oregon City Staff Signature

02/14/13
Date













