

**Boulder Run
Zone Change and Preliminary Subdivision Application
Application Narrative**

Project Information:

Date: April 2015

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

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

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

Request: The applicant is requesting approval of a 19-lot subdivision, a zone change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District.

Location: The property is located at 19371 Pease Road and 12356 Hampton Drive.

Legal Description: 3-2E-27B 02300, 3-2E-7BA 06900 & 07000

Site Area: 4.25 Acres

Zoning: R-10 (existing), R-8 (proposed).

Background Information:

The subject property is located at 19371 Pease Road and 12356 Hampton Dr., near the intersection of Hampton Drive with Pease Road. The subject property abuts multiple subdivisions that are all developed at an R-8 density: Chinook Landing to the southwest, Salmon Springs to the northwest and Hampton Estates to the northeast. The only undeveloped property abutting this site is Tax Lot 7100 of Assessor's Map 3-2E-7BA, immediately to the northwest of Tax Lots 6900 and 7000.

Having been annexed to the City of Oregon City within the past several years, the subject property is zoned R-10, which is the default zoning applied to all Low Density Residential property upon annexation to the City. Because the adjacent developed neighborhoods are all zoned and developed under the R-8 zoning district, a zone

change is being requested to apply that zoning to the subject property. It should also be noted that property on the other side of Pease Road is zoned R-3.5 and R-6.

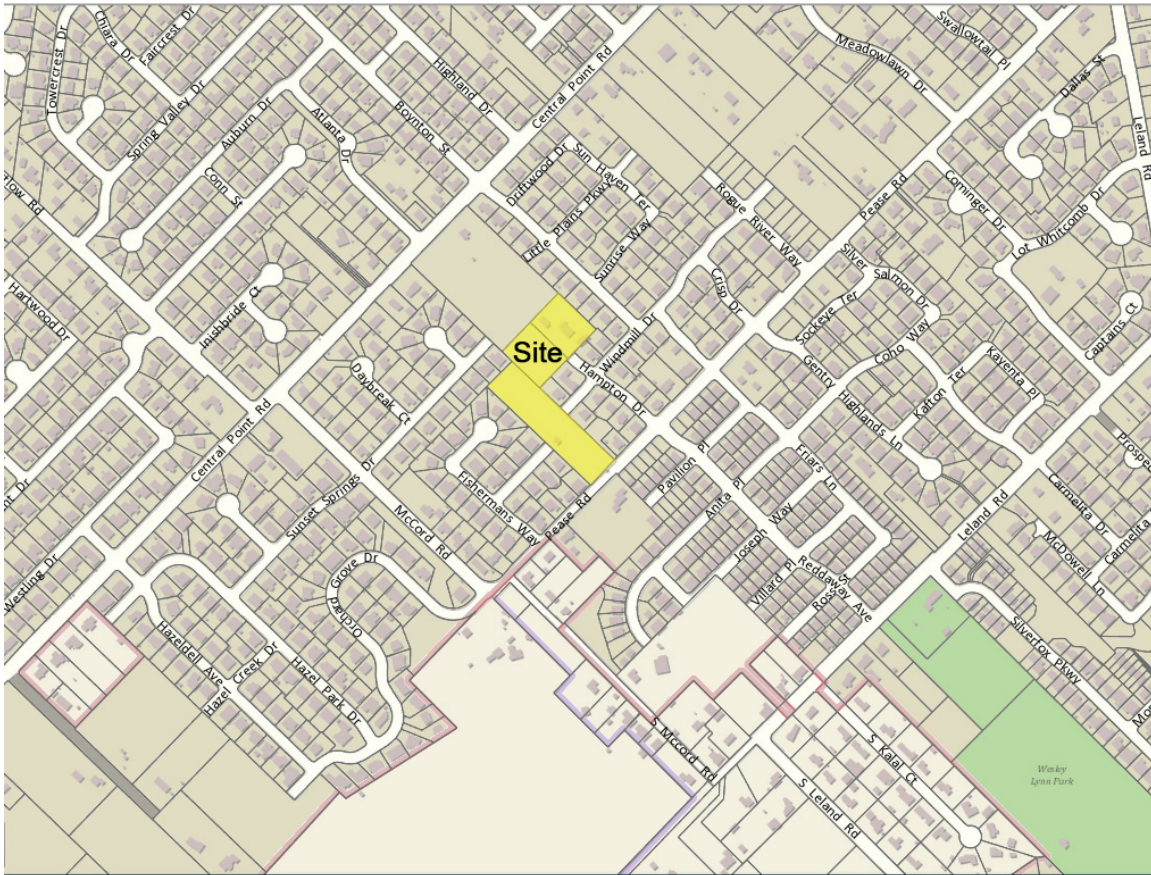


Figure 1- Vicinity Map

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

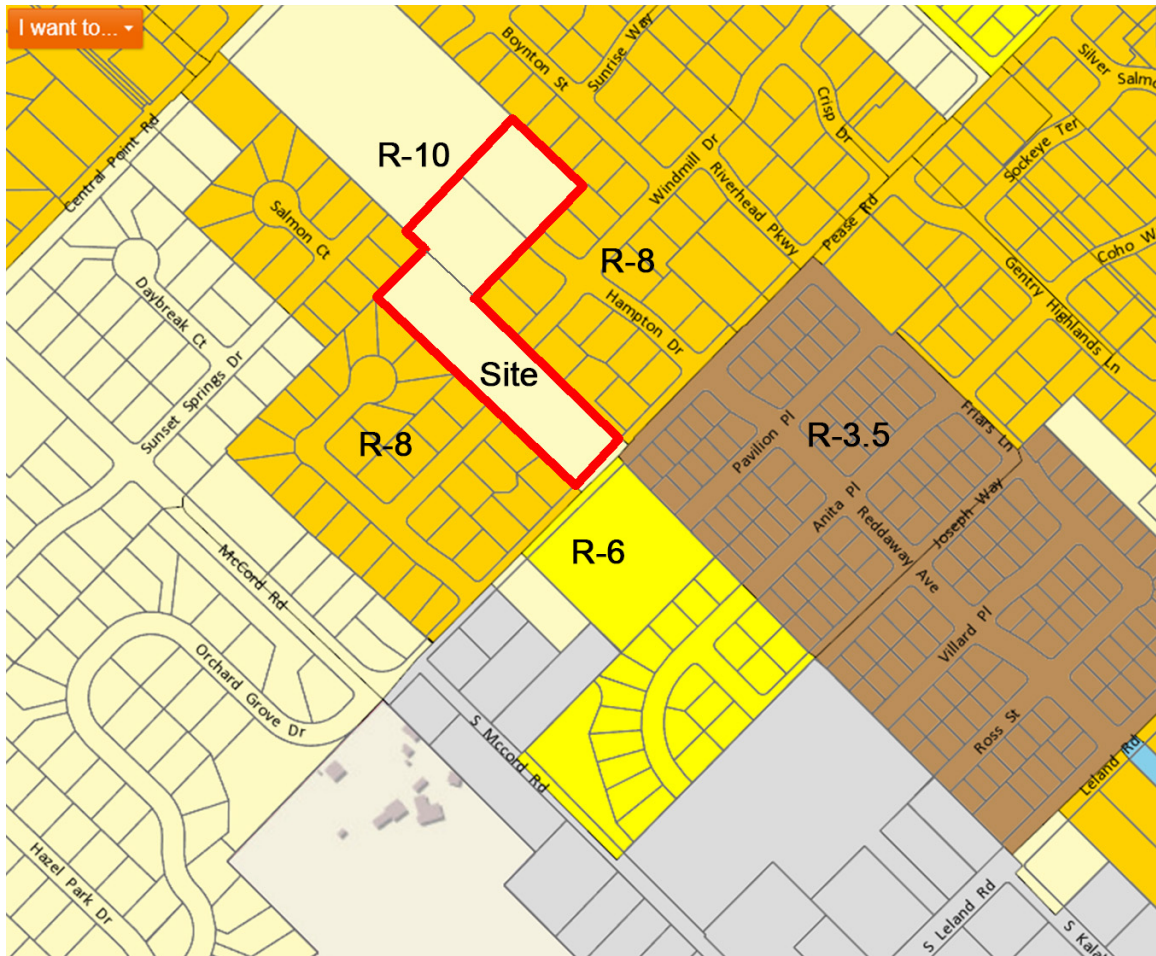
Zone Change Application:

Chapter 17.68 – Zone Change

Subdivision Application:

- OCMC 12.04 – Streets, Sidewalks and Public Places
- OCMC 12.08 – Public and Street Trees
- OCMC 13.12 – Stormwater Management
- OCMC 15.48 – Grading, Filling and Excavating
- OCMC 16.08 – Subdivisions – Process and Standards
- OCMC 16.12 – Minimum Improvements and Design Standards for Land Divisions
- OCMC 17.10 – “R-8” Single-Family Dwelling District
- OCMC 17.20 – Residential Design Standards
- OCMC 17.41 – Tree Protection Standards
- OCMC 17.50 – Administration and Procedures

COMPLIANCE WITH OCMC – ZONE CHANGE CRITERIA



17.68.010 Initiation of the Amendment.

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

17.68.020 Criteria.

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

- A. The proposal shall be consistent with the goals and policies of the Comprehensive Plan.*

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

Goal (1) Citizen Involvement

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

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

Goal (2) Land Use

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

Comment: The Comprehensive Plan Land Use Map designates the subject property for Low Density Residential Development. The R-8 zoning district is a zone that implements this plan designation. Because the subject property is located in a neighborhood which is predominantly zoned R-8, the application of this zoning on the subject property is appropriate.

Goal (5) Natural Resources

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

Comment: The City does designate a small area in the eastern portion of TL 2300 as lying within the Natural Resources Overlay District. This designation apparently relates to the original drainage pattern that existed prior to the development of Hampton Estates. With the development of the storm sewer system in that subdivision, runoff was diverted away from the minor natural drainageway that existed on the subject property. An NROD verification application has been submitted to confirm this fact.

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

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

Comment: The R-8 density proposed for the subject property will be consistent with this policy. The somewhat higher density of development than the existing R-10 zoning makes for a more compact land use pattern that reduces the amount of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increased use of alternative modes of transportation. In particular, the proposed subdivision will provide for vehicular and pedestrian connections by completing Windmill Drive through the site and by extending Hampton Drive to the north so that an eventual connection to Central Point Road can be made. Public sidewalks will be provided on all streets within this project.

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

Comment: This policy is implemented by development standards that require appropriate handling of storm water runoff. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. A storm detention facility is depicted on the Site Plan and Preliminary Utility Plan. It has been designed with sufficient capacity to accommodate surface runoff from this project.

Goal (10) Housing

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

Comment: The proposed zone change will change the zoning for this site to match the surrounding R-8 neighborhoods. R-6 and R-3.5 zoning are located across Pease Road, providing for a variety of housing types in this area of the city.

Goal (11) Public Facilities

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

Comment: All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-8 zoning. Sanitary sewer is available from an existing 12" line that is installed in Pease Road along the frontage of Tax Lot 2300. Eight inch sewer lines are also available in Hampton Drive and Windmill Drive. Water service is available from existing 12 inch main in Pease Road and 8-inch lines in Hampton Drive and Windmill Drive. Storm water facilities are also planned, as shown on the preliminary utility plan. There is an existing storm detention facility located in Hampton Estates along the northwest property line of Tax Lot 2300. A storm detention and treatment facility is proposed to be constructed on the subject property adjacent to this existing facility to provide additional capacity to serve the new development. Oregon City Public Schools provides education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City.

Goal (12) Transportation

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

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

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

Comment: These public facilities and services have been addressed in the discussion of compliance with Goal 11, above. All of these services are available and adequate to meet the needs of this property when developed to levels allowed by the R-8 zoning district.

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

Comment: The capacity of the transportation system is addressed in the Traffic Assessment Letter submitted with this application. As discussed under Goal 12, above, the transportation services is adequate to meet the needs of this property when developed to levels allowed by the R-8 zoning district.

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

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

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

BOULDER RUN – COMPLIANCE WITH SUBDIVISION APPROVAL CRITERIA

COMPLIANCE WITH CHAPTER 16.08

16.08.010 Purpose and General Provisions.

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

16.08.015 Preapplication Conference Required.

Consistent with City procedures, a pre-application conference was held on April 1, 2015 (PA 15-06).

16.08.020 Preliminary Subdivision Plat Application.

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

16.08.025 Preliminary Subdivision Plat--Required Plans.

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

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

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

16.08.030 Preliminary Subdivision Plat--Narrative Statement.

- A. Subdivision Description – The background information section of this narrative provides the required statements regarding the use and ownership of lots within this proposed subdivision.
- B. Timely Provision of Public Services and Facilities
1. Water –Water service is available from existing 12 inch main in Pease Road and 8-inch lines in Hampton Drive and Windmill Drive. Storm water facilities are also planned, as shown on the preliminary utility plan.
 2. Sewer – Sanitary sewer is available from an existing 12” line that is installed in Pease Road along the frontage of Tax Lot 2300. Eight inch sewer lines are also available in Hampton Drive and Windmill Drive.
 3. Storm Sewer – There is an existing storm detention facility located in Hampton Estates along the northwest property line of Tax Lot 2300. A storm detention and treatment facility is proposed to be constructed on the subject property adjacent to this existing facility to provide additional capacity to serve the new development.
 4. Parks and Recreation – There are no park facilities in the immediate vicinity of the subject property. The closest park is Wesley Lynn Park, which is located approximately 1,650 feet south of this site via Reddaway Avenue. Park System Development Charges will be paid at the time of building permit application.
 5. Traffic and Transportation – A Transportation Analysis Letter for the site has been prepared for this project by Lancaster Engineering, Inc. No capacity or safety issues have been identified that would impact the proposed development. Please refer to the attached TAL.
 6. Schools – The subject property is located within the service area of Oregon City Public Schools. Discussions with the School District indicate that there are no capacity issues at this time.
 7. Fire and Police Services – Clackamas County Fire District No. 1 provides fire protection services in this area. The Oregon City Police Department provides police protection. Prior to final plat approval, the applicant will coordinate with Fire District No. 1 to ensure that their standards are met.

- C. Approval Criteria and Justification for Variances – No variances are being requested so these provisions do not apply. Other relevant approval criteria are addressed below in this narrative.
- D. Drafts of CC&Rs, maintenance agreements, homeowners association agreements, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision – The required documents will be submitted prior to final plat approval.
- E. Phasing – Not applicable. The project will be developed in a single phase.
- F. Overall Density – The subdivision proposes nineteen lots for the construction of single family homes. The gross site area is 185,147 sq. ft., for a gross density of 4.47 units per acre.

16.08.040 Preliminary Subdivision Plat--Approval Standards and Decision.

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

16.08.045 Building Site--Frontage Width Requirement.

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

16.08.050 Flag Lots in Subdivisions

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

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

Comment: No flag lots are proposed. Please note that although Lots 4, 7, and 9 are flag-shaped parcels, they all have at least 20 feet of frontage on a public street and therefore are not flag lots per the provisions of this section. The subject property is an infill parcel that has dimensions that are not well-suited to development of typical street, lot and block patterns. The use of a street right-of-way modification is proposed to provide street access to Lots 9-12 and 15 and avoid having to create flag lots with joint 8' access strips. This design is superior in that the street will be owned and maintained by the City and public sidewalks will be provided.

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

16.12.015 Street Design--Generally.

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

Comment: Please see discussion of Chapter 12.04, below.

16.12.020 Blocks--Generally.

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

Comment: The proposed subdivision will connect Windmill Drive through the subject property. This will create a block that runs from Fisherman's Way on the southwest to Hampton Drive on the northeast. This block pattern will provide for reasonable traffic.

16.12.030 Blocks--Width.

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

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

16.12.040 Building Sites.

Comment: The buildings sites proposed that are appropriate in size, width, shape, and orientation for low-density residential development, consistent with the R-8 zoning of the property. The applicant is not requesting a variance to any dimensional standard and the exception provisions of this section are not applicable to this proposal.

16.12.045 Building Sites – Minimum Density

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

Comment: The net site area is 185,147 square feet (4.25 acres). The proposed R-8 zoning allows a density of one unit per 8,000 sq. ft. of net site area. Subtracting from the gross site area the street area (30,052 sq. ft.) and the storm detention tract (2,975 sq. ft.) leaves a net site area of 152,120 sq. ft. Dividing this area by minimum 8,000 square foot lot size of the R-8 zone yields a maximum density of 19 units. 80 percent of this maximum would be 15.2 units. The 19 units proposed in the subdivision meets this standard.

Chapter 16.12.050 Calculations of Lot Area.

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

Comment: The proposed subdivision does provide for lots that are up to 20% less in area than the minimum 8,000 sq. ft. standard of the R-8 zone. No lots of less than 6,400 sq. ft. are proposed. As discussed under 16.12.045, above, the net site area is 152,120 sq. ft. Dividing the net site area by 19 lots yields an average lot size of 8,006 sq. ft., which is consistent with the requirements of this standard.

16.12.055 Building Site--Through Lots.

Comment: No through lots are proposed in this subdivision.

16.12.060 Building Site--Lot and Parcel Side Lines.

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

16.12.065 Building Site--Grading.

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

16.12.070 Building Site--Setbacks and Building Location.

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

and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

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

Comment: Pease Road is classified as a collector street, so these provisions are applicable to Lots 1 and 2. These lots face onto Pease Road and the houses built on them will have their most architecturally significant façade facing Pease Road, as required by these standards.

16.12.075 Building Site--Division of Lots.

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

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

16.12.080 Protection of Trees.

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

Comment: See discussion of Chapter 17.41, below.

16.12.085 Easements.

Comment: A 10-foot wide utility easement will be provided along all street frontages within this plat. No other easements are required for unusual facilities, watercourses, access or resource protection.

16.12.090 Minimum Improvements--Procedures.

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

16.12.095 Minimum Improvements--Public Facilities and Services.

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

16.12.100 Minimum Improvements--Road Standards and Requirements.

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

16.12.105 Minimum Improvements--Timing Requirements.

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

16.12.110 Minimum Improvements -- Financial Guarantee.

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

COMPLIANCE WITH CHAPTER 17.10 – R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.020 - Permitted uses.

Comment: All lots in this subdivision are proposed to be used for construction of single-family detached homes, consistent with 17.10.020(A).

17.10.040 Dimensional Standards:

Dimensional standards in the R-8 district are:

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

- B. *Minimum lot width, sixty feet;*
- C. *Minimum lot depth, seventy-five feet;*
- D. *Maximum building height, two and one-half stories, not to exceed thirty-five feet;*
- E. *Minimum Required Setbacks:*
 - 1. *Front yard fifteen feet minimum setback;*
 - 2. *Front porch, ten feet minimum setback;*
 - 2. *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;*
 - 3. *Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;*
 - 4. *Corner side yard, fifteen feet minimum setback;*
 - 5. *Rear yard, twenty feet minimum setback;*
 - 6. *Rear porch, fifteen feet minimum setback.*
- F. *Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.*
- G. *Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.*

Comment: The minimum lot area standard of 8,000 sq. ft. may be averaged over the 19 lots in the subdivision, as discussed in the comments to Chapter 16.12.050, above. The proposed lots comply with this requirement. All proposed lots exceed the 60 foot minimum width and 75' minimum lot depth standards. Building height, setbacks, garage, and lot coverage standards will be reviewed at the time of building permit application. No variances to any dimensional standards are proposed.

COMPLIANCE WITH CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

13.12.080 - Submittal requirements.

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

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

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

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

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

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

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

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

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

Comment: The detention and treatment facility has been designed in accordance with City standards to accomplish these requirements. Please refer to the storm report attached to this application.

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

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

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

Comment: The existing and proposed storm sewer systems are piped to the detention facility. This new facility will meter the storm water at the pre-design rates. A 30-inch storm line carries the storm water down Pease Road to the southwest with discharge into a drainage course at 19400 Pease Road. This outfall has been upgraded with the development of Pavilion Park II and a portion of the storm water from the undeveloped Pavilion Park II has been redirected away from this outfall. An improved rip-rap outfall on Pavilion Park II has reduced the velocity and previous erosion problems. Following site development, there will no change in the size or location of stormwater discharge. The overall drainage pattern will be the same.

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

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

Chapter 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 - Applicability—Grading permit required.

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

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

COMPLIANCE WITH CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS

17.20.015 - Street trees.

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

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

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

17.20.030 - Residential design options.

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

17.20.035 - Corner lots and through lots.

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

17.20.040 - Residential design elements.

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

17.20.050 - Main entrances.

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

17.20.060 - Residential yard landscaping.

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

COMPLIANCE WITH CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability.

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

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

Comment: Consistent with this section, no work will be done within existing or proposed street rights-of-way without obtaining appropriate permits from the City of Oregon City.

12.04.007 Modifications

The provisions of this section recognize that development of streets in full compliance with City standards is not always practicable and allow for approval of modifications when certain criteria are met. The following street modifications are being requested in conjunction with this application:

1. Pease Road Frontage Improvements: Pease Road is functionally classified as a Collector Street (Residential). The standard code requirements for streets of this classification are: an 85-foot ROW required, with a pavement width of 59-feet, a public access strip 0.5 feet wide (both sides), a sidewalk 5 feet wide (both sides), a landscape strip 7.5 feet wide (both sides), a bike lane 6 feet wide (both sides), street parking 7 feet wide (both sides), and three 11-foot wide travel lanes. Additional requirements include curb and gutter, street lights, and street trees. In the case of the subject property, however, the existing street right-of-way and improvements on both sides of this site do not meet these newer standards.

The engineering comments in the pre-application notes regarding Pease Road state: "It would be reasonable to match existing conditions with some slight modifications. This would be a modification to the code requirements and the applicant would need to address the criteria for modifications. It is suggested that improvements closely match the subdivision to the south which would include a 30-foot ROW to centerline, 15-foot pavement to centerline, 5.5-foot planter strip and a 5-foot sidewalk. Street lighting shall be provided to meet PGE lighting standard." The proposed site plan has been designed to meet this standard and a modification to allow its use is being requested.

2. Boulder Run Court: The subject property is an infill site. Prior development of the adjacent subdivision to the southwest did not extend Mayfly Ct. to the boundary of the subject site and, as a result, this property is left with an awkward configuration that does not permit construction of a full City-standard street. A reduced standard dead-end public street is proposed as a superior alternative to development with flag lots sharing a private easement. Specifically, the following modifications are requested for this street:
 - A. Reduction of the right-of-way width from 54 feet to 34 feet,
 - B. Reduction of pavement width from 32 feet to 28 feet (with parking limited to one side), approval with a private hammerhead turn-around rather than a full-standard circular cul-de-sac,
 - C. Construction with a curb-tight sidewalk being provided only on one side (or in the alternative, with the sidewalk along Lots 15 and 16 being in an easement),
 - D. Street trees being placed in an easement behind the sidewalk.
3. Street Spacing/Pedestrian Accessway Standards: Section 12.04.195 sets a maximum spacing distance between streets of 530 feet and says that if this distance is exceeded then a pedestrian accessway must be provided every 300 feet. The distance between Hampton Drive and Fishermans Way is approximately 689 feet. A new street intersection at this location is not desirable because it would be too close,

but not aligned with, the new intersection of Pavilion Place and Pease Road on the opposite side of the street. Initial designs for the subdivision included a pedestrian accessway, but discussions with Public Works staff indicate that they do not believe there is a need for the accessway and do not want to maintain it. For this reason, it was eliminated from the final design and a modification is requested.

The approval criteria for modifications are listed in Section 12.04.007:

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

Compliance with Modification Approval Criteria: Pease Road

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, the subject property is a narrow strip, 154.6' in width along Pease Road, sandwiched between two subdivisions that were developed under lesser collector street standards. The proposed plan would provide for 30 feet of right-of-way (as measured from centerline), which is consistent with staff recommendations. The TAL submitted with this application indicates that there are no anticipated operational or safety issues associated with the proposed development. Thus, the intent of the standard will be met.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing condition on either side of the subject property.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed matches the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

Compliance with Modification Approval Criteria: Boulder Run Ct.

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the local street standards is not specifically

- listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, because of the narrow configuration of the subject property and the unavailability of a street stub from Mayfly Ct., it is not practicable to serve this area of the site with a full-standard cul-de-sac. Provision of street trees in easements behind the sidewalk will provide for aesthetics comparable to local street standards. Boulder Run Ct. serves only five homes. Given the low volumes of traffic the proposed access will provide for safe and efficient vehicular access to these homes.
- B. The proposed plan would provide for two travel lanes, a parking strip and for sidewalk access. This is clearly preferable to a flag lot configuration with private ownership of a paved accessway. The plan provides for an emergency vehicle turn-around that is consistent with fire code standards, thereby ensuring the safety of the proposed design. Sidewalk access is proposed to provide for pedestrian traffic, and traffic volumes will be very low so that shared use of the pavement by cars and bicycles will be safe.
 - C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process. In this instance, the proposed alternative design will provide for a street that will meet the intent of the TSP.
 - D. The proposed street design for Boulder Run Ct. serves only five homes. It will provide for two travel lanes, the same as local street standards in the surrounding area, and for sidewalk access. The only functional difference will be that parking will be limited to one side of the street. Given the low traffic volumes and the fact that the lots in this area are large enough that homes will have ample area for off-street parking, this limitation will not be out of character with the design of other streets in the area.
 - E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

Compliance with Modification Approval Criteria: Street Spacing/Pedestrian Accessway

- A. The 530 foot intersection spacing standard listed in Section 12.04.195 does not list a specific purpose, but the intent presumably is to achieve the goals of the TSP to provide for connectivity and safe pedestrian and vehicular traffic flow. In this instance, the separation distance exceeds the standard by about 150 feet. The proposed modification eliminates an on-going expense to the City of Oregon City.
- B. The connection of Windmill Drive will improve the existing condition in terms of both connectivity and pedestrian and vehicular traffic flow.
- C. The proposed modification is consistent with the layout of the subdivision, which furthers the TSP by providing for connectivity of both pedestrian and vehicular modes of transportation.
- D. The proposed street design provides for the completion of the connection of Windmill Drive through this site as intended in the future street planning that was reviewed with the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

12.04.010 Construction specifications—Improved streets.

Comment: As required by this section, street, curb and sidewalk improvements will be constructed in accordance with approved plans designed to conform to City street standards.

12.04.020 Construction specifications—Unimproved streets.

Comment: Not applicable.

12.04.25 Street design--Curb cuts.

Comment: The applicant will work with City staff to ensure that curb cuts are designed and improved consistent with City standards.

12.04.030 Maintenance and repair.

Comment: Consistent with this section, the owner of land abutting the street where a sidewalk has been constructed will be responsible for maintaining the sidewalk and curb in good repair.

12.04.031 Liability for sidewalk injuries.

Comment: As set forth in this section, the future homeowners will be responsible for the liability associated with injuries resulting from failure to maintain sidewalks in good repair.

12.04.032 Required sidewalk repair through 12.040 Streets-Enforcement

Comment: Not applicable. These sections provide standards for notification and process issues relating to potential future sidewalk repairs. While they may impact future homeowners should sidewalks need repair, they are not directly applicable to this subdivision application.

12.04.050 Retaining walls--Required.

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

Comment: A retaining wall is proposed for the storm detention system and will be located on the border between Lot 1 and Tract A. This standard relates to retaining walls that are needed to keep soil from falling onto a street. This wall is not adjacent to a street. There are no grading issues that would require the use of a retaining wall on this site to keep soil from falling or sliding onto a street.

12.04.060 Retaining walls--Maintenance.

Comment: Not applicable. Again, this section relates to retaining walls that are needed to keep soil from falling or sliding onto a street. No such retaining walls are proposed or needed. The one retaining wall proposed is located between Lot 1 and Tract A and is associated with the storm water detention system.

12.04.070 Removal of sliding dirt.

Comment: Future homeowners will have the responsibility to maintain street and sidewalk areas free of dirt and debris as required by this section.

12.04.080 Excavations--Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Comment: No excavation will be done in rights-of-ways without obtaining required permits.

12.04.090 Excavations--Permit restrictions.

Comment: The applicant will comply with any restrictions placed upon excavation permits associated with this project.

12.04.095 Street Design – Curb Cuts.

Comment: The applicant will comply with City standards regarding number and design of curb cuts.

12.04.100 Excavations – Restoration of Pavement

Comment: All excavations within street areas will be restored to appropriate condition per this standard.

12.04.110 Excavations--Nuisance--Penalty.

Comment: Not applicable.

12.04.120 Obstructions – Permit Required

Comment: Required permits will be obtained before any obstructions of street areas that may be necessary are undertaken.

12.04.130 Obstructions--Sidewalk sales.

Comment: Not applicable.

12.04.140 Obstructions--Nuisance--Penalty.

Comment: Not applicable.

12.04.150 Street and alley vacations--Cost.

Comment: Not applicable.

12.04.160 Street vacations--Restrictions.

Comment: Not applicable.

12.04.170 Street Design - Purpose and General Provisions.

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

Comment: The proposed street design completes the existing street pattern by connecting Windmill Drive through the property. Further, it provides a logical plan for the extension of Hampton Drive through to Central Point Road in the future, as shown on the future street plan.

12.04.175 Street Design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the*

resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

Comment: The proposed street pattern connects Windmill Drive through the site to complete the existing block. The location of this street is set by existing street stubs on the east and west. The width is consistent with local street standards. The plan also extends Hampton Drive to the northwest border. This street connects to the existing terminus of Hampton Drive and extends it through the site so that it can eventually connect with Central Point Road, as shown on the Future Streets Plan. The width of this street meets local street standards. An access control strip will be provided to meet the standards of section 12.04.200.

12.04.180 Street Design

Comment: The design of Hampton Drive and Windmill Drive will conform with city local street standards. The existing right-of-way of Pease Road adjacent to this site does not conform to current standards for a collector street. A modification pursuant to the criteria in Section 12.04.007 is being requested to allow these previous standards to be used in this application. See discussion above. Additionally, due to site constraints, modifications are being requested for Boulder Run Ct., as outlined above.

12.04.185 Street Design--Access Control.

Comment: Pursuant to the provisions of this section, an access control strip will be required across the end of Hampton Dr. This will be provided on the final plat.

12.04.190 Street Design--Alignment.

Comment: The proposed streets continue the alignments Windmill Drive and Hampton Drive.

12.04.194 Traffic sight obstructions.

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

Comment: The streets will be designed to conform to these standards.

12.04.195 Spacing Standards.

Comment: A modification to the 530 foot maximum spacing standard is requested and is discussed above.

12.04.199 Pedestrian and bicycle accessways.

Comment: No pedestrian accessway is proposed. Please see discussion of the proposed modification.

12.04.205 Mobility Standards.

Comment: Not applicable. No intersections will be created by the subdivision.

12.04.210 Street design--Intersection Angles.

Comment: Not applicable. No intersections will be created by the subdivision.
n

12.04.215 Street design--Off-Site Street Improvements.

Comment: No off-site improvements are needed or warranted in conjunction with this subdivision. Adjoining streets are fully improved.

12.04.220 Street Design--Half Street.

Comment: Not applicable. No half streets exist in the area or are proposed in this development.

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

Comment: As noted in this section, the City typically discourages the use of cul-de-sacs and dead-end streets unless certain physical conditions exist that require the use of such streets. In this case, existing development patterns require the use of a dead-end street. Had Mayfly Ct. been extended to the subject property, this may not have been the case, but it was permitted to be developed as a cul-de-sac. The maximum number of lots that may be served by a cul-de-sac or dead-end street is 25. The proposed Boulder Run Ct. would serve 5 lots. The maximum allowable length is 200 feet and the proposed length is 190 feet. As required, a hammerhead emergency vehicle turn-around meeting Fire District standards is proposed to be provided at the end of the dead-end street.

12.04.230 Street Design--Street Names.

Comment: Boulder Run Ct. is the only new street name proposed and it does not duplicate any other street names in the city.

12.04.235 Street Design--Grades and Curves.

Comment: Grades and center line radii have been designed to conform to the standards in the City's street design standards and specifications.

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

Comment: The site abuts Pease Road, a collector street. Access to the two lots that abut this street is proposed to be taken from Pease Road. This is consistent with adjoining residences and the TAL submitted with this application indicates that no safety issues are likely to arise from allowing such access.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

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

Comment: Windmill Drive and Hampton Drive are proposed to be paved to a 32 foot width, which is consistent with local street standards. Boulder Run Court is proposed to be 28 feet in paved width. The proposed paving is narrow enough to inhibit use by non-local traffic. No extra traffic-calming designs are warranted. No crosswalks will occur within the proposed subdivision.

12.04.255 Street design--Alleys.

Comment: Not applicable. No alleys are proposed.

12.04.260 Street Design--Transit.

Comment: Not applicable. The proposed development does not contain or abut any transit streets.

12.04.265 Street design--Planter Strips.

Comment: Consistent with the requirements of this section, proposed street improvements include the provision of planter strips that will accommodate street trees for Hampton Drive, Windmill Drive, and the Pease Road frontage. A modification is being requested, however, to eliminate planter strips along Boulder Run Ct. and permit street trees behind the sidewalk. Please refer to the modification discussion above.

12.04.270 Standard Construction Specifications.

Comment, as required by this section, the workmanship and materials for any work performed under permits issued per this chapter will be in accordance with City standards and the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.

COMPLIANCE WITH CHAPTER 12.08 PUBLIC AND STREET TREES

12.08.015 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.*
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. A minimum of five feet (at mature height) below power lines.*
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

Comment: A preliminary design for street tree plantings is shown on the preliminary plan. A final planting plan will be submitted with the engineering drawings and will conform to the above standards.

12.08.020 Street tree species selection.

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

Comment: The species of street trees will be submitted for review and approval of the community development director prior to final plat approval.

12.08.025 General tree maintenance.

Comment: As required by this section, abutting property owners will be responsible for maintenance of street trees along their street frontage.

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure

public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

12.08.040 Heritage Trees and Groves.

Comment: No heritage trees or groves exist on the subject property.

COMPLIANCE WITH CHAPTER 17.41 – TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

Comment: The proposed subdivision is subject to the provisions of this chapter.

17.41.050 - Same—Compliance options.

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

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or*
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or*
- D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130*

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

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

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Comment: The subject property contains trees that are subject to the provisions of this section. A tree removal and planting plan will be submitted for approval prior to final plat submittal.

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

- A. *Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.*
- B. *The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*
 - 1. *Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*
 - 2. *Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.*

Comment: The applicant proposes to make use of Mitigation Option 1. Trees not identified for removal will be protected outside of the construction area throughout the construction phase of the project. Replacement trees will be planted pursuant to the provisions of this section. A mitigation plan will be prepared by an arborist and submitted for review prior to final plat approval.

17.41.070 Planting area priority for mitigation (Option 1).

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

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

Comment: Mitigation on-site is proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

Comment: Not applicable. The applicant does not propose to make use of these provisions.

17.41.130 - Regulated tree protection procedures during construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.*
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:*
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Comment: The required procedures and arborist recommendations will be followed throughout the period of construction activities on the site. Changes in soils hydrology and site drainage within tree protection areas will be avoided.