

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

**Project Information:**

Date: April 2015

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

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

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

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

Location: The property is located at 19588 McCord Road.

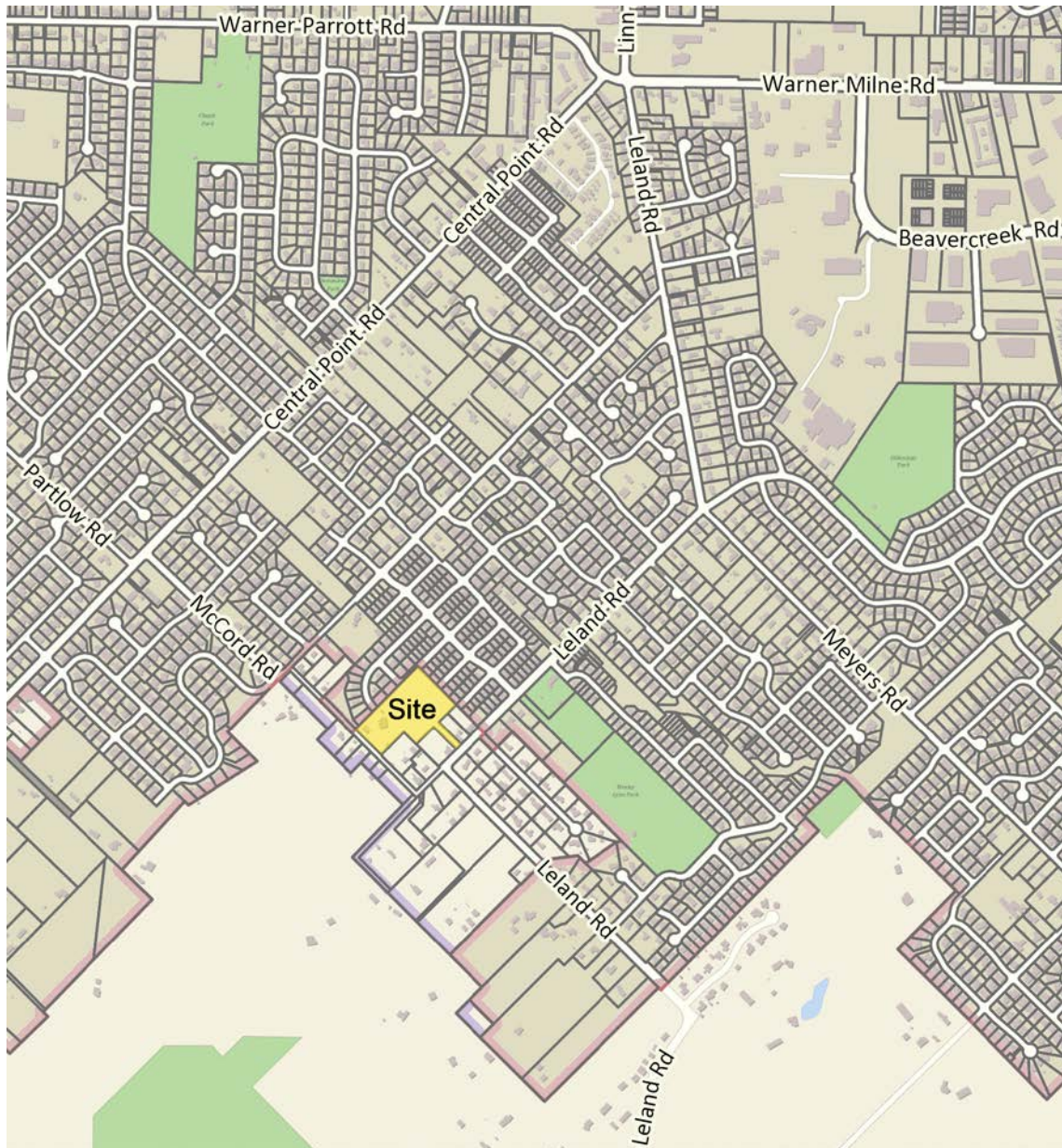
Legal Description: 32E07B 4100

Site Area: 5.15 Acres

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

**Background Information:**

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



**Figure 1- Vicinity Map**

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

Zone Change Application:

Chapter 17.68 – Zone Change

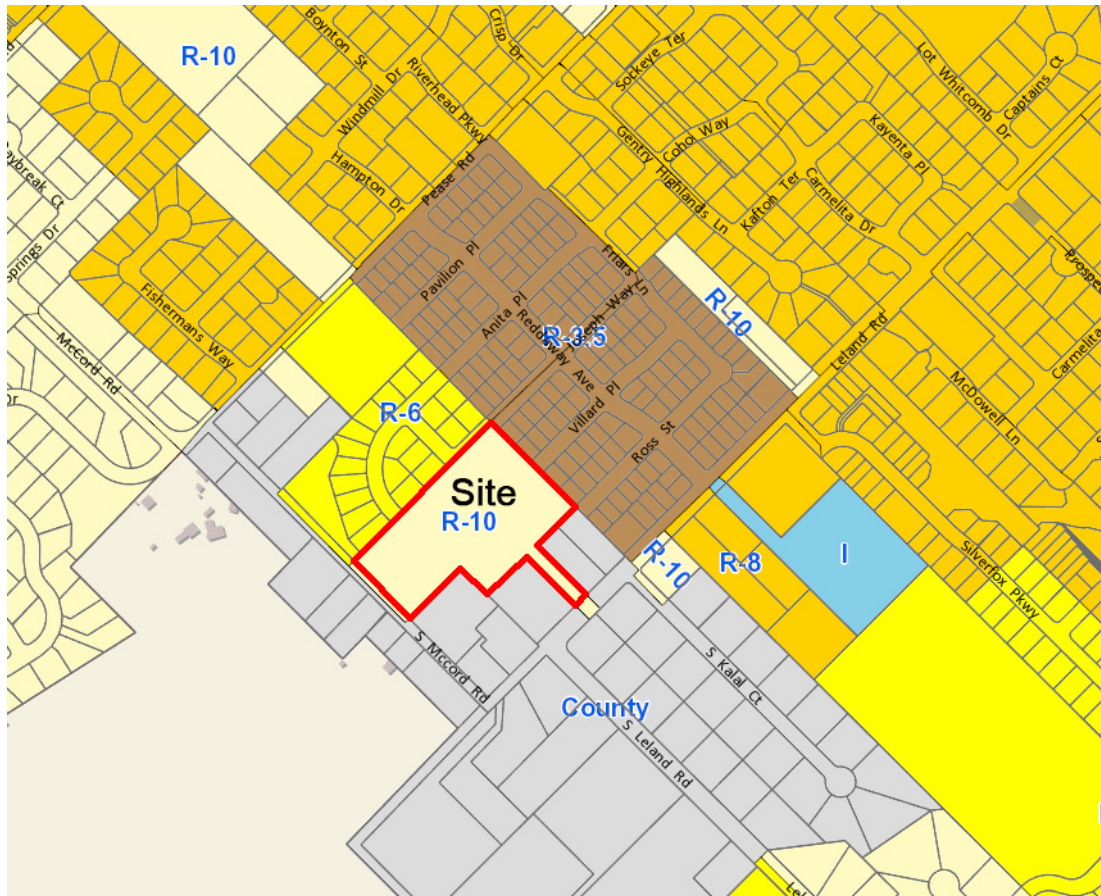
Subdivision Application:

OCMC 12.04 – Streets, Sidewalks and Public Places

OCMC 12.08 – Public and Street Trees

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

## COMPLIANCE WITH OCMC – ZONE CHANGE CRITERIA



### 17.68.010 Initiation of the Amendment.

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

### 17.68.020 Criteria.

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

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

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

Goal (1) Citizen Involvement

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

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

Goal (2) Land Use

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

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

Goal (5) Natural Resources

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

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

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

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

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

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

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

#### Goal (10) Housing

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

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

#### Goal (11) Public Facilities

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

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

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

#### Goal (12) Transportation

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

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

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

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

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

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

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

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

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

## **COMPLIANCE WITH SUBDIVISION APPROVAL CRITERIA**

### **COMPLIANCE WITH CHAPTER 16.08**

#### **16.08.010 Purpose and General Provisions.**

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

#### **16.08.015 Preapplication Conference Required.**

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

#### **16.08.020 Preliminary Subdivision Plat Application.**

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

#### **16.08.025 Preliminary Subdivision Plat--Required Plans.**

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

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

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

**16.08.030 Preliminary Subdivision Plat--Narrative Statement.**

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

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

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

#### **16.08.040 Preliminary Subdivision Plat--Approval Standards and Decision.**

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

#### **16.08.045 Building Site--Frontage Width Requirement.**

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

#### **16.08.050 Flag Lots in Subdivisions**

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

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

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

Comment: No flag lots are proposed

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

### **16.12.015 Street Design--Generally.**

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

Comment: Please see discussion of Chapter 12.04, below.

### **16.12.020 Blocks--Generally.**

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

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

### **16.12.030 Blocks--Width.**

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

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

### **16.12.040 Building Sites.**

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

### **16.12.045 Building Sites – Minimum Density**

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

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

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

#### **Chapter 16.12.050 Calculations of Lot Area.**

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

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

#### **16.12.055 Building Site--Through Lots.**

Comment: No through lots are proposed in this subdivision.

#### **16.12.060 Building Site--Lot and Parcel Side Lines.**

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

#### **16.12.065 Building Site--Grading.**

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

#### **16.12.070 Building Site--Setbacks and Building Location.**

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

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

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

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

#### **16.12.075 Building Site--Division of Lots.**

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

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

#### **16.12.080 Protection of Trees.**

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

Comment: See discussion of Chapter 17.41, below.

#### **16.12.085 Easements.**

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

#### **16.12.090 Minimum Improvements--Procedures.**

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

#### **16.12.095 Minimum Improvements--Public Facilities and Services.**

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

#### **16.12.100 Minimum Improvements--Road Standards and Requirements.**

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

#### **16.12.105 Minimum Improvements--Timing Requirements.**

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

#### **16.12.110 Minimum Improvements -- Financial Guarantee.**

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

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

#### **17.12.020 - Permitted uses.**

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

#### **17.12.040 - Dimensional standards.**

*Dimensional standards in the R-6 district are:*

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

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

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

## **COMPLIANCE WITH CHAPTER 13.12 – STORMWATER MANAGEMENT**

### **13.12.050 - Applicability and exemptions.**

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

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

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

### **13.12.080 - Submittal requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Chapter 15.48 - GRADING, FILLING AND EXCAVATING**

### **15.48.030 - Applicability—Grading permit required.**

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

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

## **COMPLIANCE WITH CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS**

### **17.20.015 - Street trees.**

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

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

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

#### **17.20.030 - Residential design options.**

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

#### **17.20.035 - Corner lots and through lots.**

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

#### **17.20.040 - Residential design elements.**

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

#### **17.20.050 - Main entrances.**

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

#### **17.20.060 - Residential yard landscaping.**

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

### **COMPLIANCE WITH CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC PLACES**

#### **12.04.003 Applicability.**

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

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

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

#### **12.04.007 Modifications**

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

1. McCord Road Frontage Improvements: The proposed development includes frontage on South McCord Road, which is classified as a collector street (residential). The standards for a collector street are: 85' ROW, 59' pavement, (3) 11' travel lanes, curb and gutter, 6' bike lane, 7' street parking, 5' sidewalk, and 7.5' landscape strip. The existing right-of-way (ROW) on South McCord Road is 40' wide and the pavement is 22' wide, with two travel lanes, no curb or gutter, no street parking, no bike lane, no sidewalk, and no landscape strip. As shown in the street section on the Preliminary Plan, the requested modification would provide for 30 feet of right-of-way and 17 feet of paving from centerline, with a 7.5' planter and a 5' sidewalk. This proposed section matches the staff recommendation from the pre-application conference.
2. Leland Road: The proposed development includes frontage 50' in width on South Leland Road, which is classified as a minor arterial street (residential). The standards for a minor arterial street are: 100' ROW, 68' pavement, curb & gutter, (3) 12' travel lanes, 7' street parking, 6' median, 6' bike lane, 5' sidewalk, and 10.5' landscape strip. The existing right-of-way (ROW) on the portion of South Leland Road fronting the proposed development is 60' and the pavement is 24' wide with two travel lanes, no curb or gutter, no street parking, no median, no bike lane, no sidewalk, and no landscape strip. The portion of South Leland Road fronting the proposed development appears to be the same section, but approximately 185 feet north of the frontage, South Leland Road widens to an apparent ROW of 70' with 48' wide pavement and street parking, bike lane, sidewalk, and landscape strip. This modification would allow for the use of this same street section along the frontage of the subject property. The site plan depicts the dedication of five feet of right-of-way to allow for this street section. Additionally, because the frontage is so short and improvements do not exist on either side of this site, it is proposed that the developer pay a fee in lieu of construction of this frontage so that the improvements would occur when adjacent properties are redeveloped or a larger road improvement project takes place.

The approval criteria for modifications are listed in Section 12.04.007:

- A. *The modification meets the intent of the standard;*
- B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. *The modification is consistent with an adopted plan; and*

- D. *The modification is complementary with a surrounding street design; or, in the alternative;*
- E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

**Compliance with Modification Approval Criteria:**

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but may be reasonably presumed that they are intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, the subject property is located in an area where the right-of-way and street improvement widths of McCord Road and Leland Road were developed under previous City standards. These standards are adequately serving the surrounding neighborhoods, as demonstrated by the findings of the TAL submitted with this application. Given the little remaining undeveloped right-of-way in this area, it does not make sense to switch to the new standards.
- B. The proposed street section is adequate for vehicular traffic as it matches the existing conditions as developed in nearby subdivisions on both Leland Road and McCord Road.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process.
- D. In this instance, the standard proposed matches the recommendation of City staff and will match pavement sections previously approved for the adjoining subdivisions.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

**12.04.010 Construction specifications—Improved streets.**

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

**12.04.020 Construction specifications—Unimproved streets.**

Comment: Not applicable.

**12.04.25 Street design--Curb cuts.**

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

#### **12.04.030 Maintenance and repair.**

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

#### **12.04.031 Liability for sidewalk injuries.**

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

#### **12.04.032 Required sidewalk repair through 12.040 Streets-Enforcement**

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

#### **12.04.050 Retaining walls--Required.**

Comment: Not applicable. There are no grading issues that would require the use of a retaining wall on this site.

#### **12.04.060 Retaining walls--Maintenance.**

Comment: Not applicable. No retaining walls are proposed.

#### **12.04.070 Removal of sliding dirt.**

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

#### **12.04.080 Excavations--Permit required.**

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

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

#### **12.04.090 Excavations--Permit restrictions.**

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

**12.04.095 Street Design – Curb Cuts.**

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

**12.04.100 Excavations – Restoration of Pavement**

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

**12.04.110 Excavations--Nuisance--Penalty.**

Comment: Not applicable.

**12.04.120 Obstructions – Permit Required**

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

**12.04.130 Obstructions--Sidewalk sales.**

Comment: Not applicable.

**12.04.140 Obstructions--Nuisance--Penalty.**

Comment: Not applicable.

**12.04.150 Street and alley vacations--Cost.**

Comment: Not applicable.

**12.04.160 Street vacations--Restrictions.**

Comment: Not applicable.

**12.04.170 Street Design - Purpose and General Provisions.**

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

Comment: The proposed street design provides for connections with multiple adjacent streets and will provide for the completion of this street system in a logical grid system.

#### **12.04.175 Street Design--Generally.**

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

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.*

Comment: The proposed street pattern connects Villard Place, Joseph Way, Pelican Lake Place., and Anita Place, while providing for a future connection with Ross Street when abutting property is developed. This system provides a logical grid pattern that will achieve connectivity with adjoining developments. Stub streets are provided where reasonable to achieve future connection to Leland Road and Ross Street. Access control strips will be provided to meet the standards of section 12.04.200.

#### **12.04.180 Street Design**

Comment: The design of all proposed streets within the development will conform with city local street standards. The existing rights-of-way of Leland Road and McCord Road adjacent to this site do not conform to current standards for minor arterial and collector streets. Modifications pursuant to the criteria in Section 12.04.007 are being requested to allow dedications and improvements consistent with nearby development on these roads.

#### **12.04.185 Street Design--Access Control.**

Comment: Pursuant to the provisions of this section, access control strips will be required across the ends of Pelican Lake Place and Anita Place. These strips will be shown on the final plat.

#### **12.04.190 Street Design--Alignment.**

Comment: The proposed streets continue the alignments of adjacent streets and provides for a logical future connection to Leland Road at the 90 degree bend in that street.

**12.04.194 Traffic sight obstructions.**

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

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

**12.04.195 Spacing Standards.**

Comment: No blocks exceeding the 530 foot maximum spacing standard are proposed.

**12.04.199 Pedestrian and bicycle accessways.**

Comment: No pedestrian accessways are proposed or necessary.

**12.04.205 Mobility Standards.**

Comment: The Traffic Assessment Letter demonstrates that the proposed development will not cause any intersections in this area to exceed the levels of service criteria of this section. Please refer to that document.

**12.04.210 Street design--Intersection Angles.**

Comment: All intersections in this subdivision have been designed to intersect at angles as close as possible to 90 degrees. Curvature of Anita Place necessary to connect from the existing road stub and provide for a future connection with Leland Road prevents the intersection with Villard Place from being exactly at 90 degrees, but it is close enough that it will function without any difficulties. Traffic volumes and speeds are low, while sight clearance will remain unobstructed.

**12.04.215 Street design--Off-Site Street Improvements.**

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

**12.04.220 Street Design--Half Street.**

Comment: The section of Anita Place adjacent to Lots 22 and 23 is not a full street. It has been designed in this manner to provide for the future extension of Anita Place to Leland Road. The street section proposed provides for a half-street plus 10 feet of paving on the other side of the road. The remainder of the street will be obtained when the adjoining property is developed.

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

Comment: No cul-de-sacs or dead end streets are proposed.

#### **12.04.230 Street Design--Street Names.**

Comment: No new street names are proposed as all streets are continuations of existing streets.

#### **12.04.235 Street Design--Grades and Curves.**

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

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

Comment: The site abuts McCord Road, a collector street, and Leland Road, a minor arterial street. Access to Lot 16, which abuts Leland Road, is being designed to provide for a turnaround in order to avoid vehicles backing out into this street. Lots 2 and 25 are corner lots located at the intersection of Villard Place and McCord Road. They can be accessed from Villard Place. Lot 1 would be accessed from McCord, but no safety concerns have been identified at that location in the TAL submitted with this application.

#### **12.04.245 Street Design--Pedestrian and Bicycle Safety.**

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

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

Comment: All local streets in the subdivision are proposed to be paved to a 32 foot width, which is consistent with local street standards. The proposed paving is narrow enough to inhibit use by non-local traffic. No extra traffic-calming designs are warranted. No crosswalks will occur within the proposed subdivision.

#### **12.04.255 Street design--Alleys.**

Comment: Not applicable. No alleys are proposed.

#### **12.04.260 Street Design--Transit.**

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

#### **12.04.265 Street design--Planter Strips.**

Comment: Consistent with the requirements of this section, proposed street improvements include the provision of planter strips that will accommodate street trees.

#### **12.04.270 Standard Construction Specifications.**

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

### **COMPLIANCE WITH CHAPTER 12.08 PUBLIC AND STREET TREES**

#### **12.08.015 Street tree planting and maintenance requirements.**

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

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

Comment: A street tree planting plan will be submitted with the engineering drawings and will conform to the above standards.

#### **12.08.020 Street tree species selection.**

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

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

#### **12.08.025 General tree maintenance.**

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

#### **12.08.030 Public property tree maintenance.**

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

Comment: The proposed development will conform to this provision.

#### **12.08.040 Heritage Trees and Groves.**

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

### **COMPLIANCE WITH CHAPTER 17.41 – TREE PROTECTION STANDARDS**

#### **17.41.020 - Tree protection—Applicability.**

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

#### **17.41.050 - Same—Compliance options.**

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

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

*A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a*

*certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.*

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

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

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

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

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

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

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

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

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

Comment: Mitigation on-site is proposed.

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

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

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

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

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

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

**17.41.130 - Regulated tree protection procedures during construction.**

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

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