



**TYPE IV APPLICATION  
STAFF REPORT AND RECOMMENDATION**  
*September 8, 2015*

**FILE NUMBER:** ZC 15-02: Zone Change R-10 to R-6  
TP 15-03: 25-Lot Subdivision

**APPLICANT:** Icon Construction & Development LLC  
1980 Willamette Falls Drive  
West Linn, Oregon 97068

**REPRESENTATIVE:** Rick Givens, Planning Consultant  
18680 Sunblaze Drive  
Oregon City, Oregon 97045

**OWNERS:** David and Diane Douglass  
19588 McCord Road  
Oregon City, Oregon 97045

**REQUEST:** The applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District and a 25-Lot subdivision.

**LOCATION:** 19588 McCord Road, Oregon City, Oregon 97045  
Clackamas County 3-2E-07B -04100

**REVIEWERS:** Laura Terway, AICP, Planner  
Wendy Marshall, P.E., Development Projects Manager  
Matthew Palmar, EIT, Development Engineering Associate

**RECOMMENDATION:** Approval with Conditions.

**PROCESS:** Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission

decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Files ZC 15-02 and TP 15-03**

*(P) = Verify that condition of approval has been met with the Planning Division.*

*(DS) = Verify that condition of approval has been met with the Development Services Division.*

*(B) = Verify that condition of approval has been met with the Building Division.*

*(F) = Verify that condition of approval has been met with Clackamas County fire Department #1.*

Prior to Issuance of a Permit associated with the Proposed Development:

1. The applicant is responsible for this project's compliance with Engineering Policy 00-01 and all applicable design standards. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. (DS)
2. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the subject property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. (Code section 17.62.050.A.22) (DS)
3. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval.
4. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. (DS)
5. Prior to starting construction the applicant shall obtain all Public Works permits including the public improvements and site grading permit, and erosion control permit. The applicant shall also participate in a pre-construction conference with Public Works. (DS)
6. The new water system will be designed with minimum 8-inch water mains throughout the site and will provide stubs with blow-offs for future extension with development of adjacent properties. The proposed 8-inch ductile iron water mains on Anita Place, Pelican Lake Place, Joseph Way, and Villard Place shall be connected to the adjacent, existing City water system on these streets per City Standards. (DS)
7. All new water services shall be constructed with individual copper water lines a minimum of 1-inch diameter in size connecting to the water main and extending to a new water meter box. (DS)
8. The applicant shall extend the existing 8-inch water main located to the northwest of the proposed development within McCord Road to the southeastern most boundary of the proposed development's frontage along McCord Road. Extension of this 8-inch water main shall include all appurtenances, such as fire hydrants and water services as needed for a complete water system. (DS)
9. NOT USED.

10. The applicant shall extend the existing 12-inch water main located at the intersection of Leland Road and Kalal Court to the southwestern most boundary of the proposed development's frontage along Leland Road to serve Lot 16 of the development. Extension of this 12-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. At time of construction plan submittal, alternative configurations may be evaluated for approval by the City Engineer. (DS)
11. NOT USED.
12. The applicant shall abandon two (2) sections of existing 4-inch water main located between Anita Place and Pelican Lake Place (located within an easement) and between Pelican Lake Place and to the northeast to the existing 8-inch water main within Joseph Way. During design, the applicant shall coordinate with City staff with regard to how to abandon these existing 4-inch water mains and sequencing of these abandonments to minimize the number of affected properties. (DS)
13. The applicant shall transfer existing water service lines currently being served off of the existing 4-inch water mains to be abandoned as a condition of approval to the proposed 8-inch water main within Joseph Way. (DS)
14. NOT USED.
15. The applicant shall locate and install fire hydrants per Clackamas Fire District No. 1's requirements (including the 8-inch and 12-inch water main extensions on McCord Road and Leland Road, respectively). (DS)
16. The new sanitary sewer system will be designed with minimum 8-inch sanitary sewer mains throughout the site, and provide stubs where needed to provide adequate service to upstream future development of adjacent properties. The pipelines shall be design and constructed using the minimum grade per the City Design Standards. (DS)
17. The applicant shall provide sanitary sewer laterals to all of the lots in the proposed development. (DS)
18. The applicant shall install an 8-inch sanitary sewer main on Joseph Way as far as determined by the City Engineer necessary to provide sanitary sewer service to Lots 10 and 11. The proposed 8-inch sanitary sewer main shall be extended in its standard utility location per City standards. The sanitary sewer service connection for Lot 11 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. (DS)
19. The applicant shall extend the proposed 8-inch sanitary sewer mains within Anita Place and Pelican Lake Place to the south to the property lines to serve future development. (DS)
20. The applicant shall install an 8-inch sanitary sewer main on Villard Place as far as determined by the City Engineer necessary to the northeast to provide sanitary sewer service to Lot 13. The sanitary sewer service connection for Lot 13 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. (DS)
21. The applicant shall extend the existing sanitary sewer system (manhole and main line) located at the intersection of Leland Road and Kalal Court to the southwestern most boundary of the proposed development's frontage along Leland Road to provide sanitary sewer service for Lot 16. The sanitary service lateral for Lot 16 shall be installed to run perpendicular to the extended 8-inch sanitary sewer main within Leland Road per City standards. The sanitary sewer service connection for Lot 16 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the proposed end-of-line manhole. The applicant will not be required to extend the sanitary sewer main on Leland Road if they can demonstrate, to the satisfaction of the City Engineer, that all upstream, undeveloped properties that abut Leland Road can be served from other locations. If this can be adequately demonstrated, the sanitary sewer lateral for Lot 16 can be located within a private sewer easement across Lot 17 and discharge into the proposed sanitary sewer system on Pelican Lake Place. (DS)

22. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage. The public storm water collection system shall be located in the public right-of-way, and shall consist of a minimum 12" mainlines, catch basins and manholes. This includes a temporary asphalt berm along the southern side of Anita Place to collect the run-off from the street. (DS)
23. Both detention and treatment of the storm water is required to meet the City design standards. (DS)
24. The storm water report shall be finalized based upon the City Design Standards. The discharge rate allowed from the detention pond will be limited to the discharge rate of the existing sub-basin in that location. The study shall include a detailed evaluation of the downstream collection system all the way to the outfall to determine if capacity upgrades are required, additional detention is required and if there are impacts to the downstream detention pond. A geotechnical study shall also be required per the City storm water design standards. (DS)
25. Prior to final construction plan approval, the applicant shall submit a Natural Resource Overlay District (NROD) application to the City's Planning Department for review and approval, if needed. The NROD review is required for the anticipated disturbances which will occur at the location of the existing storm water pond, which is located entirely within the NROD. Design of the detention facility shall comply with the requirements of Chapter 17.49 of the Oregon City Municipal Code and the Conditions of Approval as provided within the NROD Notice of Decision. (DS)
26. The applicant shall dedicate sufficient right-of-way to provide 30 feet on the applicant's side of the centerline of the right-of-way on McCord Road. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 17 feet (on the applicant's side of the centerline). The improvements on the applicant's side of the centerline consist of pavement, curb and gutter, 7.5-foot-wide landscape strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb ramps, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
27. The applicant shall dedicate sufficient right-of-way to provide 38 feet on the applicant's side of the centerline of the right-of-way on Leland Road. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 25 feet (on the applicant's side of the centerline). The improvements on the applicant's side of the centerline consist of pavement, curb and gutter, 7.5-foot-wide landscape strip (including curb), 5-foot-wide sidewalk behind the planter strip, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
28. The applicant shall dedicate 54-feet of right-of-way for Villard Place, Anita Place, and Pelican Lake Place. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, paved street width of 32 feet, curbs and gutters, 5-foot planter strips including curb widths, 5-foot concrete sidewalks behind the planter strips, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. (DS)
29. The applicant shall dedicate 37 feet of right-of-way for the southern 125 feet of Anita Place. The improved street portion the applicant is required to provide includes, but is not limited to, base rock, half-street pavement width of 16 feet plus 10 feet (on the opposite side of the centerline). The improvements consist of pavement, curb and gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monument boxes, traffic control devices, street lights, and street trees. On the southerly side of the street there shall be 10-feet of pavement with an asphalt curb. (DS)

30. The applicant shall dedicate sufficient right-of-way to provide for a 53-foot right-of-way width on Joseph Way. Joseph Way is currently partially constructed. The applicant shall dedicate sufficient right-of-way to complete this road section for a total right-of-way width of 53 feet. The improved street portion the applicant is required to provide includes, but is not to be limited to, base rock, half-street pavement width of 32 feet less the currently paved section on the north side of Joseph Way. The improvements consist of pavement, curb and gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, curb return radii, curb (ADA-compliant) ramps, centerline monumentation in monuments boxes, traffic control devices, street lights, and street trees. (DS)
31. Both McCord Road and Leland Road are under Clackamas County jurisdiction. The applicant shall apply for all necessary permits through Clackamas County needed to perform the work within McCord Road and Leland Road. Approved permits from Clackamas County must be provided to the City prior to final approval of the construction plans.
32. The applicant shall extend Anita Place and Pelican Lake Place as close to the southerly property line of the subject property as possible. (DS)
33. The applicant shall provide access control strips across the dead-ends Anita Place and Pelican Lake Place. There shall also be an access control strip along the southerly side of Anita Place. These shall be recorded on the plat. (DS)
34. The applicant shall provide non-vehicular access (NVA) strips along all curb returns. (DS)
35. The applicant shall provide a 10-foot-wide water line easement to the City across Lots 16 and 17. (DS)
36. Ten-foot public utility easements (PUE) along all street frontages and all easements are required for inclusion in the final engineering plans and these easements shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. (DS)
37. Applicant is required to coordinate street light design and construction with Portland General Electric (PGE). Prior to final construction plan approval, the applicant shall submit a copy of PGE's work order to construct the street light system improvements and prior to issuing building permits, the applicant shall submit PGE's final acceptance of street light improvements to the City. (DS)
38. The curves on the on the local street shall meet industry standards as provided in the AASHTO manual on Geometric Design of Highways and Street. (DS)
39. The intersection design with regard to tangent length shall meet City standards. (DS)
40. For all pavement cuts required for the development such as for new water lines, storm and sanitary sewer service lines, the City Pavement Cut Policy and Standards shall be followed. The Full Standard shall be required for pavement cuts. (DS)
41. Driveway spacing shall meet City standards. (DS)
42. A geotechnical report will be required to be submitted along with the design. (DS)
43. The applicant shall either have demolished all existing structures onsite with demolition permit(s), if needed, or submitted documentation demonstrating that the dimensional standards of the zoning designation in OCMC 17.12 have been met. (P)
44. The applicant shall have obtained demolition permit(s) if needed. (P)
45. The plans shall demonstrate that Lot 16 is developed such that vehicles can turn around on site instead of backing onto Leland Road when exiting the property. (P)
46. The applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)
47. The applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. (P)

#### Prior to Final Plat of the Subdivision

1. The applicant shall submit CC&R's for the subdivision (if applicable) which do not conflict with the Oregon City Municipal Code. (P)

#### Prior to Issuance of Building Permits

1. The applicant shall assure that the front setback and the most architecturally significant elevation of any future home on Lots 1, 2 and 25 shall be oriented toward McCord and that Lot 16 be oriented toward Leland Road.
2. If Lots 1 and 2 are both accessed from McCord, the driveways shall be combined at the property line into a single access at the right-of-way. (B)

#### Prior to Occupancy of Building Permits:

1. The applicant shall record a permanent, protective covenant or easement on all properties with new or existing trees planted on private property in a form acceptable to the City. (P)

### **I. BACKGROUND:**

#### **1. Existing Conditions**

The subject site consists of one tax lot located at 19588 McCord Road in Oregon City (Exhibit 1). The site is currently developed with one single-family home, associated accessory buildings and is utilized as a Christmas tree farm.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

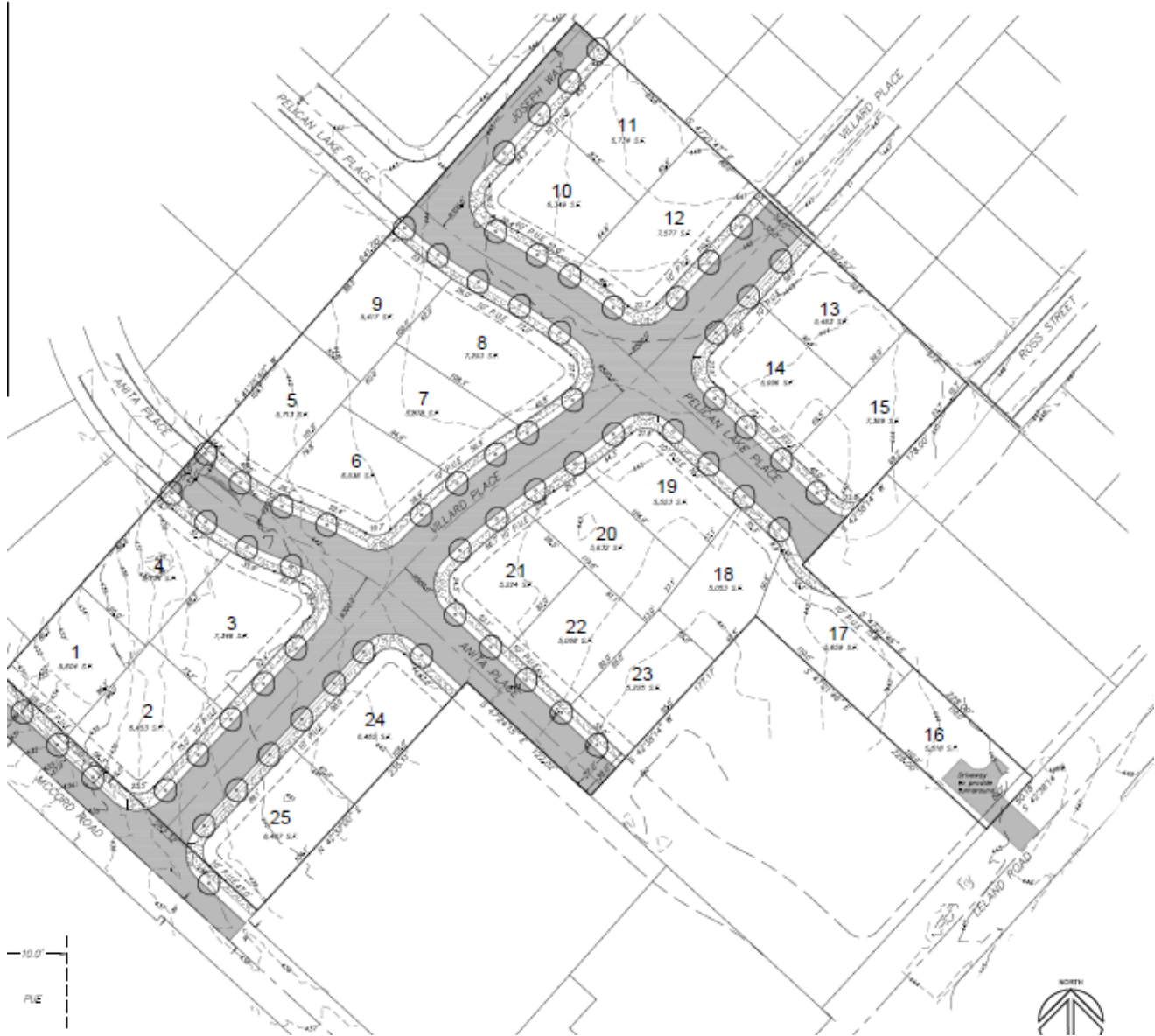




## 2. Project Description

The applicant has proposed to change the zoning designation of the subject site from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District, and subdivide the property into 25 lots (Exhibit 2).

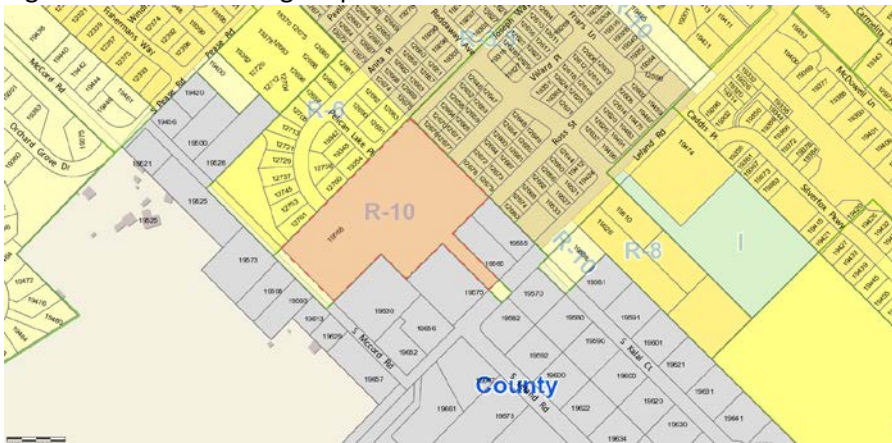
Figure 3: Proposed Layout



3. **Zoning/Permitted Uses:** The subject site was annexed into Oregon City in 2015 with file AN 14-01 (Exhibit 7). The site is currently zoned “R-10” Single-Family Dwelling District, the zoning designation assigned to all properties within the Low Density Residential Comprehensive Plan designation upon annexation to Oregon City.

As demonstrated below, 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.

Figure 4: Current Zoning Map



**4. Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- 16.08 - Subdivisions-Process and Standards
- 16.12 - Minimum Improvements and Design Standards for Land Divisions
- 13.12 - Stormwater Management
- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 15.48 - Grading, Filling and Excavating
- 17.08 - R-10 Single Family Dwelling District
- 17.12 - R-6 Single Family Dwelling District
- 17.20 – Residential Design and Landscaping Standards
- 17.47 - Erosion and Sediment Control
- 17.41 – Tree Protection
- 17.50 - Administration and Procedures
- 17.68 – Zoning Changes and Amendments
- 17.54.100 – Fences, Hedges and Walls

The City Code Book is available on-line at [www.oregoncity.org](http://www.oregoncity.org).

**5. Notice and Public Comment**

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and all Neighborhood Associations. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property and a notice was posted in the paper. The following comments have been submitted to the Planning Division:

- Dan Neils submitted comments regarding the speed on McCord, sight distance from the proposed development to McCord, street lighting, the layout of the proposed development, additional traffic impact and safety of Little Pease Road, and development within the City (Exhibit 4).  
*Staff Response:* Findings for all applicable development criteria are provided within this report. Note that the sight distance has been analyzed in the applicant's Traffic Analysis Letter (TAL) and the City's review of the TAL in Exhibits 2 and 3. A supplemental analysis was performed by John Replinger of Replinger and Associates, a city consultant, to address Mr. Neils' comments.



- Wes Rogers, Director of Operations for the Oregon City School District submitted comments identifying that the Elementary school attendance area will depend on existing enrollments when the subdivision is built (Exhibit 5).  
*Staff Response:* Findings for schools are incorporated into the report.
- Scott Archer, Community Services Director submitted comments identifying that there are no comments with the development proposal (Exhibit 6).  
*Staff Response:* Findings for parks are incorporated into the report.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report. Comments of the applicable City departments or consultants are incorporated into this report.

## II. ANALYSIS AND FINDINGS:

### **CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT**

**Finding: Not Applicable.** The subject site is currently within the “R-10” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “R-6” Single-Family Dwelling district and subdivide the property into 25 lots. The standards within this criterion are not applicable.

### **CHAPTER 17.12 - “R-6” SINGLE-FAMILY DWELLING DISTRICT**

*17.12.040.A. Minimum lot area, six thousand square feet;*

**Finding: Complies as Proposed.** Chapter 16.12.050 of the Oregon City Municipal Code allows lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the average lot size of the subdivision complies with the minimum site area requirement of the underlying zone. In the R-6 zone, the 20% standard would allow lots as small as 4,800 square feet. All proposed lots exceed 4,800 square feet – the smallest is 5,053 square feet and largest is 7,577 square feet. The average lot size for the entire subdivision is 6,004 square feet.

Lot	Square Footage (Ft.)	Lot	Square Footage (Ft.)
1	5,604	14	5,996
2	6,453	15	7,369
3	7,346	16	5,518
4	5,704	17	5,659
5	5,713	18	5,053
6	6,536	19	5,523
7	5,878	20	5,632
8	7,253	21	5,224
9	5,417	22	5,008
10	6,349	23	5,223
11	5,734	24	6,462
12	7,577	25	6,407
13	5,463		

*17.12.040.B. Minimum lot width, fifty feet;*

**Finding: Complies as Proposed.** The proposed lot widths exceed the minimum lot width of 50 feet. The approximate lot widths are provided below.

Lot	Lot Width (Ft.)	Lot	Lot Width (Ft.)

1	65.0	14	65.5
2	73.2	15	57.2
3	73.2	16	50.2
4	65.0	17	50.2
5	55.0	18	55.0
6	60.0	19	57.1
7	60.0	20	50.1
8	62.0	21	58.5
9	55.0	22	61.1
10	64.8	23	55.0
11	65.5	24	62.0
12	60.0	25	62.0
13	59.0		

17.12.040.C. Minimum lot depth, seventy feet;

**Finding: Complies as Proposed.** The proposed lot depths exceed the minimum lot depth of 70 feet. The approximate lot depths are provided below.

Lot	Lot Depth (Ft.)	Lot	Lot Depth (Ft.)
1	86.2	14	92.4
2	86.2	15	124.5
3	88.3	16	110.0
4	86.2	17	110.0
5	101.8	18	93.0
6	94.9	19	104.9
7	94.9	20	119.6
8	108.3	21	82.0
9	98.5	22	82.0
10	87.5	23	95.0
11	87.5	24	105.0
12	110.5	25	104.1
13	92.8		

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

**Finding: Not Applicable.** The applicant has not proposed to construct a building with this application. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits. No variances to any dimensional standards are proposed.

17.12.040.E

1. Front yard: ten feet minimum depth.
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty-foot minimum setback
7. Rear porch, fifteen-foot minimum setback.

**Finding: Complies with Condition.** The applicant did not identify if the existing structures onsite will remain or be demolished. The retention of the structures will likely not comply with the setbacks of the proposed lots, and verification of the lot coverage is unknown. Prior to issuance of a permit associated with the proposed development the applicant shall either have demolished all existing structures onsite or submitted documentation demonstrating that the dimensional standards of the zoning designation have been met. The applicant shall have obtained demolition permit(s) if needed.

For all proposed construction, the 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not Applicable.** The applicant has not proposed to construct a building with the proposed development. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits. No variances to any dimensional standards are proposed.

*17.12.040.G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.*

**Finding: Complies with Condition.** The applicant did not identify if the existing structures will remain or be demolished. The retention of the structures will likely not comply with the setbacks of the proposed lots, and verification of the lot coverage is unknown. Prior to issuance of a permit associated with the proposed development the applicant shall either have demolished all existing structures onsite or submitted documentation demonstrating that the dimensional standards of the zoning designation have been met. The applicant shall have obtained demolition permit(s), if needed.

For all proposed construction, the 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS**

*A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

### **Goal 1: Citizen Involvement**

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

**Finding: Complies as Proposed.** Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The applicant met with the neighborhood association prior to submitting this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, and Citizens Involvement Council, and posted the application on the City's website. In addition, the Applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

### **Goal 2: Land Use**

*Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as Proposed.** The applicant requested a zone change from “R-10” Single-Family Dwelling District to the “R-6” Single-Family Dwelling District. The zone change would allow additional dwellings to be constructed and the property to be utilized in an efficient manner, consistent with the adjacent properties. This standard has been met.

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

**Finding: Complies as Proposed.** The Oregon City Comprehensive Plan designates the subject property as within the “LR” Low Density Residential Development designation. The “LR” Low Density Residential Development designation includes the R-10, R-8 and R-6 zoning designations. The applicant has not proposed to alter the Comprehensive Plan designation of the site. The subject site is located adjacent to R-3.5 and R-6 zoned properties, and thus the density of R-6 development is appropriate.

**Goal 6: Quality of Air, Water and Land Resources**

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

**Finding: Complies as Proposed.** The proposed “R-6” development pattern will be consistent with this policy by creation of a more compact land use pattern and reduction in the square footage of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increasing use of alternative modes of transportation. Public sidewalks will be provided on all streets within this project. This standard has been met.

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

**Finding: Complies as Proposed.** This policy is implemented by development standards that require appropriate handling of storm water runoff. Standard erosion control measures will be implemented during construction. 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. Please refer to the findings within this report.

**Goal 10: Housing**

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

**Finding: Complies as Proposed.** The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. The increased density allowed by the R-6 zoning, as compared with the existing R-10 district will provide for a greater number of single-family homes on this site, thereby increasing the availability of more choices in the marketplace. The chart below displays that currently, approximately 25% of land within the city is within the “R-10” Single-Family Dwelling District and only 14% of land within the city is designated “R-6” Single-Family Dwelling District. The proposed zone change will increase the variety of zoning by an incremental increase in the R-6 designated land. This standard has been met.

<b>Zoning Designation</b>	<b>Acres</b>	<b>Percent of the City</b>
R-10	1,567	25%
R-8	1,092	18%
R-6	890	14%
R-3.5	424	7%

R-2	262	4%
C	161	3%
CI	165	3%
GI	220	4%
HC	9	0%
I	475	8%
MUC-1	168	3%
MUC-2	45	1%
MUD	510	8%
MUE	157	3%
WFDD	30	0%

### **Goal 11: Public Facilities**

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

**Finding: Complies as Proposed.** All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Please refer to the analysis about utilities within this report. Oregon City School District provides education services and has adequate levels of service available (Exhibit 5). Police and fire protection are provided by the City of Oregon City. The site will be required to pay Park SDCs (System Development Charges) for each new unit to pay for future parks to serve the area if indicated in the parks master plan.

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

**Finding: Complies with Condition.** All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. The proposed zone change would maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. Please refer to the findings within this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### **Goal 12: Transportation**

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

**Finding: Complies as Proposed.** A transportation analysis letter (TAL) was prepared for this project, dated April 14, 2015, by Todd Mobley, P.E. of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule. There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property" (Exhibit 3).

*B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made*

*available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

**Finding: Complies as Proposed.** The public facilities and services have been addressed within this report. All the services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district. Staff finds that the application is consistent with this approval criterion (B).

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

**Finding: Complies with Condition.** Please refer to the analysis in 16.08.030.B.5.

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

**Finding: Not Applicable.** The comprehensive plan contains specific policies and provisions which control the zone change.

## **CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS**

### ***16.08.010***

*All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.*

**Finding: Complies with Conditions.** As demonstrated within this staff report the proposed project was reviewed by the appropriate agencies and will comply with the criterion in the Oregon City Municipal Code with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### ***16.08.015 Preapplication conference required.***

**Finding: Complies as Proposed.** The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

### ***16.08.020 - Preliminary subdivision plat application.***

*Within six months of the preapplication conference, an Applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.*

**Finding: Complies as Proposed.** The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22,



2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

*16.08.025 - Preliminary subdivision plat—Required plans.*

*The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.*

*16.08.025.A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.*

**Finding: Complies as Proposed.** The development application included a preliminary site plan displaying the necessary submittal requirements. This standard is met.

*16.08.025.B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.*

**Finding: Complies as Proposed.** The development application included a preliminary site plan as well as a Transportation Analysis Letter (TAL), under the direction of Michael Ard, P.E. of Lancaster Engineering (Exhibit 2).

*16.08.025.C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:*

- 1. Proposed and existing street rights-of-way and all other transportation facilities;*
- 2. All proposed lots and tracts;*
- 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);*
- 4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;*
- 5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42*
- 6. The location of any known state or federal threatened or endangered species;*
- 7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;*
- 8. All wildlife habitat or other natural features listed on any of the city's official inventories.*

**Finding: Complies as Proposed.** The development application included preliminary site and drainage plans as well as the proposed lots, street, and trees proposed to be removed. The subject site is not within an environmental overlay district.

*16.08.025.D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*

*1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*

*2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

*If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.*

**Finding: Complies as Proposed.** A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various tribes for review.

*16.08.030 – Preliminary Subdivision Plat – Narrative Statement*

*In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:*

*16.08.030.A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;*

**Finding: Complies as Proposed.** A detailed description of the proposed subdivision including the above listed information, as applicable, was submitted with this development application.

*16.08.030.B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:*

*16.08.030.B.1. Water*

**Finding: Complies with Condition.** The applicant proposed providing water service from existing 8-inch ductile iron City water mains in the adjoining streets stubbed to the subject property (Anita Place, Pelican Lake Place, Joseph Way, and Villard Place). The applicant proposed these stubbed 8-inch water mains will be extended to service the proposed lots in the subdivision. The applicant further proposed to provide water service to Lot 16 (which fronts Leland Road) from an existing 8-inch Clackamas River Water District (CRW) water main installed in Leland Road. The applicant also proposed hot tapping an existing 8-inch CRW water line at the intersection of McCord Road and Villard Place. The CRW water mains in this area are in poor condition. They are scheduled to be abandoned in the future, and properties will be served by City water mains. Therefore, the proposed connections to CRW water mains will not be practical.

There is an existing 8-inch ductile iron Oregon City (City) water main in McCord Road northwest of the property. The applicant shall extend this water main to the southeast within McCord Road to the southeastern most boundary of the proposed development's frontage along McCord Road. Extension of this 8-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. The applicant shall connect the extended 8-inch water main in McCord Road to the 8-inch water main proposed on Villard Place.

There is an existing 12-inch ductile iron City water main in Leland Road which terminates at the intersection of Leland Road and Kalal Court. Section 16.12.095 of the Municipal Code states that an applicant is responsible for extending the City's water system to and through the project boundaries to serve neighboring undeveloped properties. Section 1.03 of the Water Distribution System Design Standards states that permanent distribution facilities shall be provided to all lots created by subdivision, and along the subject site frontage. Section 2.00 of the standards states that the main shall be extended across the street frontage when the main is located within the right-of-way. Therefore, the applicant shall extend this 12-inch water main to the southwest within Leland Road to the western most boundary of the proposed development's frontage along Leland Road to serve Lot 16. Extension of this 12-inch water main shall include all appurtenances, such as fire hydrants, valves, and fittings as needed for a complete water system. Extension of this 12-inch water main conforms to the recommendations found in the City's 2012 Water Distribution System Master Plan. Furthermore, this Leland Road extension plays an important role in the overall connectivity in this area, which will increase water flow, water pressure, and water quality for this development beyond just Lot 16. The 12-inch main shall include a 12-inch by 8-inch tee fitting installed to serve Kalal Court. An 8-inch water main is required to provide adequate service to the development. In cases where the size of the master-planned main exceeds that required for development, the applicant can be reimbursed for the cost difference. The 12-inch main described in the staff report is identified in the capital improvement program (CIP); therefore, the applicant may request system development charges (SDC) credit as referenced in OCMC 13.20.

Although not imposed as a condition of approval to this zone change and subdivision approval, the City has interest in having the Applicant's Contractor install new 1-inch water service lines and meter boxes to all existing CRW customers which front newly installed water mains as part of these water main extensions (8-inch on McCord Road and 12-inch on Leland Road). Any agreement between the City and the Applicant's Contractor to provide these service lines and meters will be negotiated separate from this land use decision.

The applicant proposed a new water system with minimum 8-inch water mains throughout the site, and will provide stubs for future extension with development of adjacent properties. The proposed 8-inch ductile iron water mains on Anita Place, Pelican Lake Place, Joseph Way, and Villard Place shall be connected to the adjacent, existing City water system on these streets per City Construction Standards.

The existing 4-inch ductile iron City water mains installed between Anita Place and Pelican Lake Place (within an easement) and between Pelican Lake Place and to the northeast to the existing 8-inch ductile iron City water main within Joseph Place shall be abandoned as part of this project. During design, the applicant shall coordinate with City staff with regard to how to abandon these existing 4-inch City water mains and sequencing of these abandonments to minimize the number of affected properties. Properties currently served off of these existing 4-inch water lines shall be transferred to the proposed 8-inch water line within Joseph Way.

During design the applicant shall coordinate with the City staff with regard to the location of fittings and bending radius allowed for the pipes. In general the allowed bending radius of the pipes and deflection angle at the joints shall be half of the manufacturer's recommendations.

New fire hydrants will be located and installed per Clackamas Fire District No. 1's requirements (including the 8-inch and 12-inch water main extensions on McCord Road and Leland Road, respectively). All new water services will be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

The applicant proposed a water system that appears to meet City code requirements with a few modifications. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *16.08.030.B.2. Sanitary Sewer*

**Finding: Complies with Condition.** The applicant proposed extension of the existing 8-inch City sanitary sewer mains within Anita Place and at the intersection of Joseph Way and Pelican Lake Place to service the proposed lots in the subdivision. The applicant shall provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer main extension at the intersection of Joseph Way and Pelican Lake Road shall be extended in its standard utility location. The proposed 8-inch City sanitary sewer main on Joseph Way shall be extended as far as necessary, as determined by the City Engineer to provide sanitary sewer service to Lots 10 and 11. The sanitary sewer service connection for Lot 11 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the manhole.

The proposed 8-inch sanitary sewer mains in Anita Place and Pelican Lake Place on the southern end of the subdivision shall be extended to the property line with manholes to serve future development.

There is an existing 8-inch City sanitary sewer main within Villard Place. Because of existing grades, connection of the proposed 8-inch sanitary sewer mains to the existing sanitary sewer mains within Villard Place is not required. Extension of the proposed 8-inch City sanitary sewer main within Villard Place to the eastern property line is not required. The proposed 8-inch sanitary sewer main shall be extended as far as necessary, as determined by the City Engineer to provide sanitary sewer service to Lot 13. The sanitary sewer service connection for Lot 13 shall be made on the proposed 8-inch sanitary sewer main, and not directly to the manhole.

The applicant shall design the sanitary sewer system to ensure adequate service to upstream future development per City design standards.

The applicant proposed a private sanitary service line for Lot 16 to run northwest across Lot 17 within a sanitary sewer easement and discharge within a proposed 8-inch City sanitary sewer main near the southern terminus of Pelican Lake Place. This does not meet the City's long-term plan for sanitary sewer service on Leland Road. The existing 8-inch Oregon City gravity sanitary sewer main and manhole near the intersection of Leland Road and Kalal Court shall be extended to the southwestern most boundary of

the proposed development's frontage along Leland Road to provide sanitary service for Lot 16. The sanitary sewer lateral for Lot 16 shall be installed to run perpendicular to the extended 8-inch gravity sanitary sewer main within Leland Road per City design standards. The sanitary sewer service connection for Lot 16 shall be made on the proposed 8-inch City sanitary sewer main, and not directly to the manhole.

The applicant will not be required to extend the existing 8-inch sanitary sewer main on Leland Road if they can demonstrate, to the satisfaction of the City Engineer, that properties that abut Leland Road (19555, 19565, 19570, 19575 Leland Road) can be efficiently served with gravity sewer services by way of future main line or service line extensions of nearby existing public sewer mains. If this can be adequately demonstrated, the sanitary sewer lateral for Lot 16 can be located within a private sewer easement across Lot 17 and discharge into the proposed sanitary sewer system on Pelican Lake Place.

The applicant proposed a sanitary sewer system appears to meet City code requirements with a few modifications. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.08.030.B.3. Storm Sewer and Storm Water Drainage*

**Finding: Complies with Condition.** The site is located in the Beaver Drainage Basin as designated in the City's Drainage Master Plan. The site generally drains towards the west to a natural drainage way, which drains to Beaver Creek which drains to Parrott Creek, which is a tributary of the Willamette River. The Willamette River is an anadromous salmon-bearing stream. Storm water detention and water quality controls are required for the development of this site.

Water quality and detention for this development is proposed to occur within an existing storm water facility at the western corner of the project, adjacent to McCord Road (constructed as part of the Pavilion Park subdivision). The applicant proposed the expansion of the existing Pavilion Park detention pond to accommodate storm water from the proposed development. The applicant shall adjust the existing detention facility as necessary such that the two detention ponds are made into one facility. A geotechnical report shall be required for improvements to expand detention facilities.

The proposed storm water facility modification is within the Natural Resource Overlay District (NROD). The applicant did not submit a NROD application for these improvements. Therefore, without a NROD application, standards cannot be evaluated. Prior to final construction plan approval, applicant shall obtain NROD land use approval.

The applicant proposed storm sewer improvements throughout the site to pick up on-site drainage and drain it to the proposed (and expanded) storm water facility, prior to connection to the existing storm drainage system in McCord Road.

The applicant provided preliminary hydrology/detention or water quality calculations to the City for review. While the preliminary storm evaluation is sufficient to show that the proposed method of addressing storm drainage will work, it needs to be finalized in compliance with the City standards and acceptable to the City staff.

The downstream evaluation will need to be conducted on the existing collection system to determine if larger pipes are required, and to determine if there any impacts to the existing detention pond. Additional detention or off-site capacity improvements may be required.

The applicant shall install a temporary asphalt berm along the southern side of Anita Place to channelize the run-off from the street. Anita Place in this section is a half street (plus 10 feet) and therefore needs an asphalt berm constructed with this development to ensure storm water drains to proposed catch basins.

Storm sewer improvements will be required as part of the proposed development. Storm sewer improvements will be designed to collect and convey on-site drainage. The public storm water collection system shall be located in the public right-of-way.

Each lot shall drain to the street or an alternate location approved during construction plan review. Detention and water quality will be required for the development to mitigate for impacts to downstream receiving waters. The new storm sewer system will have to be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards. Prior to final construction plan approval, the storm water report shall be finalized based upon the City Design Standards.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant shall schedule a meeting with the City development services staff prior to beginning design. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.08.030.B.4. Parks and Recreation*

**Finding: Complies as Proposed.** Park System Development Charges will be paid at the time building permits are issued for each lot within the subdivision.

*16.08.030.B.5. Traffic and Transportation*

**Finding: Complies with Condition.** A transportation analysis letter (TAL) was prepared for this project, dated April 14, 2015, by Todd Mobley, P.E. of Lancaster Engineering (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who wrote:

- 1. Trip Generation. The TAL presents information on trip generation from the construction of 25 single-family dwellings on a site currently occupied by one. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation Manual. The subdivision is predicted to produce 18 new AM peak hour trips; 24 new PM peak hour trips; and 228 new weekday trips.*
- 2. Access Locations. Existing street stubs for Anita Place, Pelican Lake Place, Joseph Way, and Villard Place would all be extended into the site. In addition, Villard Place is proposed to be extended to form a new intersection with McCord Road. Most lots would have frontage on these new local streets. One would have frontage on Leland Road and one on McCord Road. For the parcel fronting on Leland Road, the engineer notes that no alternative access is possible for this lot and proposed that an on-site turnaround be used to provide access from this parcel. I concur. Due to the speeds on Leland Road and proximity of the lot to the 90-degree curve on Leland Road, I recommend that*



*any lot taking direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.*

- 3. Driveway Width. The TAL does not indicate any impediments to meeting driveway width standards.*
- 4. Intersection Spacing. The proposal will extend several existing streets and creates three new intersections on Villard Place, including the one at McCord Road. Intersection spacing is appropriate. It continues the layout of streets already established by the development of adjacent subdivisions.*
- 5. Sight Distance. The engineer measured sight distance at the proposed intersection of McCord Road and Villard Place. He found sight distance was available in excess of 500 feet to the northwest and to southeast. This is far in excess of that necessary for the statutory speed or the observed speeds in that location. He also assessed sight distance for the proposed driveway for the parcel with access to Leland Road. He found intersection sight distance to the southwest to be adequate. To the northeast, he noted vegetation somewhat limit sight distance and noted that it may be removed with subsequent development. In the interim, he found that stopping sight distance was available for the driveway. It is critical that an on-site turnaround be provided for this parcel. I concur with the engineer's analysis of sight distance.*
- 6. Safety Issues. With the exception of the sight distance issue associated with a single lot addressed above, the engineer did not identify any safety issues associated with the subdivision and notes that the traffic impacts will be negligible. I concur with the engineer's conclusion.*
- 7. Consistency with the Transportation System Plan (TSP). Based on the materials submitted it appears that the streets would be developed in accordance with city standards and would be consistent with the TSP. The extension of streets from adjacent subdivisions and, especially the connection of Villard Drive to McCord Road, increase connectivity in the area and are consistent with the TSP.*
- 8. Transportation Planning Rule (TPR) Analysis. Because the applicant is proposing to rezone the property from R-10 to R-6, a TPR analysis is also included. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. I concur.*

#### *Conclusion and Recommendations*

*I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.*

*There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property (Exhibit 3).*

In addition, Mr. Replinger wrote a supplemental analysis in response to Mr. Neils' comments:

*Mr. Neils raises concerns about safety, the proposed access to McCord Road, and issues related to the Master Plan related to densities and additional traffic.*

*In light of Mr. Neils' comments, I reviewed the applicant's Traffic Analysis Letter (TAL) with particular emphasis on the sections on sight distance and trip generation.*

*As described in the TAL, the applicant's traffic engineer performed measurements where Villard Drive is planned to intersect McCord Road. His measurements were conducted according to standard methods. He reports sight distance is far in excess of the minimum required for the statutory speed limit on McCord Road. In fact, he reports that the available sight distance is adequate for speeds up to 45 mph. I find no reason to revise my conclusion about the adequacy of sight distance or revise my conclusion about the appropriateness of a new intersection at the proposed location on McCord Road.*

*Mr. Neils also suggested that Leland Road is more appropriate for additional traffic than is McCord. The TAL notes the difficulty of providing adequate sight distance on Leland Road at the location where the parcel has frontage. While adequate for a driveway, this location is not recommended as a location for a new public street intersection. The layout of the proposed subdivision, with Villard Drive intersecting McCord Road, significantly improves connectivity by reinforcing the grid system in the area. I view the increased connectivity to be one of the principals supported by the adopted Transportation System Plan. Due to the increased connectivity afforded by this subdivision, I think it is likely that Villard Drive, Anita Place, and Joseph Way will help distribute traffic to and from the subdivision resulting in minimal changes to traffic volumes on McCord Road.*

*As described in the TAL, a previous analysis associated with annexation to the city analyzed this parcel as a 21-lot subdivision. Under the proposed zoning, 25 lots are proposed. An increase in 4 dwellings would not prove significant from a traffic standpoint at any location.*

*Because the proposal involves rezoning, the engineer conducted a Transportation Planning Rule analysis. He provided an analysis of the maximum trip generation under R-6 and concluded the impact was negligible. The engineer states that the proposal does not change the functional classification of any existing or planned transportation facility; does not alter the standards for implementing the functional classification system; and does not alter the level of travel or degrade the performance of the transportation system such that it would not meet applicable performance standards. In light of Mr. Neils' comments I reviewed the TPR analysis in the TAL and conclude that the engineer's analysis and conclusions were valid.*

*I leave it to others to comment on Mr. Neils' preference for a buffer between different zoning categories. As I stated above, the rezoning would allow four additional dwelling units above those allowed under current zoning. Four additional dwelling units will not produce a significant effect on the transportation system. As for the inadequacy of Pease Road, I see no reason to expect significant traffic from this subdivision to use Pease Road. I expect Pease Road will eventually be upgraded to appropriate standards, including the provision of sidewalks, as specified in the Transportation System Plan.*

*In conclusion, I did not find any arguments in Mr. Neils' comments to alter my conclusion that the TAL provides an adequate basis to assess the transportation impacts of the proposed subdivision. The proposed intersection of Villard Drive and McCord Road is appropriate and will have adequate sight distance. The subdivision will result in minimal additional traffic. Connectivity in the vicinity is enhanced by connections with adjacent streets. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule.*

*There are no transportation-related issues associated with this subdivision requiring mitigation. For the parcel that would have direct access to Leland Road, the engineer recommends an on-site turn around. I concur; I recommend that the lot with direct access to Leland Road be developed such that vehicles can turn around on site instead of backing onto the street when exiting the property.*

Staff concurs with Mr. Replinger and finds that the application is consistent with this approval criterion (C). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.08.030.B.6. Schools*

**Finding: Complies as Proposed.** The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed at the time building permits are issued for each lot in the subdivision. Wes Rogers, Director of Operations for the Oregon City School District submitted comments identifying that there are no issues with the development proposal (Exhibit 5).

*16.08.030.B.7. Fire and Police Services*

**Finding: Complies with Condition.** Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation. Prior to public facilities construction plan approval, the applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install fire hydrants within the proposed development and on Leland Road per requirements.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the Applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;*

**Finding: Not Applicable.** As described above, all public facilities and services are available. Therefore, this standard does not apply to this application.

*16.08.030.C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.*

**Finding: Not Applicable.** This application does not include any requests for variances.

*16.08.030.D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;*

**Finding: Complies with Condition.** The applicant did not submit a copy of the draft CC&Rs for the subdivision. Prior to issuance of a permit associated with the proposed development the applicant shall submit CC&R's for the subdivision (if applicable) which do not conflict with the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.08.030.E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;*

**Finding: Complies as Proposed.** The applicant proposed to construct the subdivision in a single phase.

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

**Finding: Complies as Proposed.** The site is approximately 224,198 square feet (5.15 acres) in size. However, there are 74,043 square feet of right-of-way dedications, resulting in a net developable area for the project of 150,155 square feet. The net developable area divided by 6,000 (the minimum lot size) provides a maximum density of 25 units. The Oregon City Municipal Code requires a minimum of 80% of the maximum density be constructed. Eighty percent of 25 is 20 units. The applicant has proposed 25 lots. Therefore, the application complies with the maximum allowed density and achieves at least 80 percent of the maximum density of the base zone for the net developable area. All lots will be developed with single-family dwellings.

*16.08.035 - Notice and invitation to comment.*

*Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.*

**Finding: Complies as Proposed.** The application was deemed complete and notice was transmitted for comment in accordance with Section 17.50. This standard is met.

*16.08.040 - Preliminary subdivision plat—Approval standards and decision.*

*The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.*

**Finding: Complies with Conditions.** This staff report contains findings and conditions of approval to assure that the applicable approval criteria are met. These findings are supported by substantial evidence which includes preliminary plans, a Transportation Analysis Letter, and other written documentation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.08.045 - Building site—Frontage width requirement.*

*Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.*

**Finding: Complies as Proposed.** As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

*16.08.050 - Flag lots in subdivisions.*

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

**Finding: Not Applicable.** No flag lots are proposed.

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

*16.12.015 Street design—Generally.*

*Development shall demonstrate compliance with Chapter 12.04—Streets, Sidewalks and Public Places.*

**Finding:** Please refer to the analysis in Chapter 12.04 of this report.

*16.12.020 Blocks—Generally.*

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

**Finding: Complies as Proposed.** The proposed subdivision would extend Blanchett Drive, and several yet-to-be-named new local streets through the property with a connection to White Lane, and street stubs to adjacent redevelopable land within the city limits. The proposed street layout provides for improved pedestrian, bicycle and motor vehicular circulation in this area and may be extended in the future with development of adjacent properties. The block system proposed has been designed to accommodate the existing overhead power line easement through the provision of additional residential lot size and depth, and by placing the required storm facility in a tract underneath the power line. The proposed street pattern provides for adequate building site size, as demonstrated by the site plan submitted with this application.

#### **16.12.025 Blocks-Length**

*Block lengths for local streets and collectors shall not exceed five hundred feet between through streets, as measured between nearside right-of-way lines.*

**Finding: Complies as Proposed.** The block proposed lengths do not exceed 500 feet. The shadow plat shows a proposed street extending onto Leland Road which would result in an appropriate block width and a more appropriate intersection spacing.

#### **16.12.030 Blocks—Width.**

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

**Finding: Complies as Proposed.** The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

#### **16.12.035 Blocks-Pedestrian and Bicycle Access**

**Finding: Complies as Proposed.** The proposal includes a contiguous street system that minimizes out-of-direction travel by pedestrians and bicyclist with installation of sidewalks and a bike lane on the street system. Separate pedestrian and bicycle access ways are neither proposed nor required. According to the City's adopted transportation system plan (TSP), a regional trail connection / shared use path in this area is envisioned, which will be met through the pedestrian sidewalk system within the development. This standard is met.

#### **16.12.040 Building sites.**

*The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:*

*A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.*

*B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.*

**Finding: Complies as Proposed.** The buildings sites proposed are appropriate in size, width, shape, and orientation for low-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-6" Single-Family Dwelling District. The applicant is not requesting a variance to any dimensional standard.

#### **16.12.045 Building sites—Minimum density.**

*All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.*

**Finding:** Please refer to the analysis in Section 16.08.030.F of this report.

#### **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 twenty percent 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. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

**Finding: Complies as Proposed.** The site is approximately 224,198 square feet (5.15 acres) in size. However, there are 74,043 square feet of right-of-way dedications, resulting in a net developable area for the project of 150,155 square feet. The net developable area divided by 6,000 (the minimum lot size) provides a maximum density of 25 units. The Oregon City Municipal Code requires a minimum of 80% of the maximum density be constructed. Eighty percent of 25 is 20 units. The applicant has proposed 25 lots. Therefore, the application complies with the maximum allowed density and achieves at least 80 percent of the maximum density of the base zone for the net developable area. All lots will be developed with single-family dwellings.

#### *16.12.055 Building site—Through lots.*

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

**Finding: Complies as Proposed.** No through lots are proposed.

#### *16.12.060 Building site—Lot and parcel side lines.*

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

**Finding: Complies as Proposed.** As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

#### *16.12.065 Building site—Grading.*

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

**Finding: Complies with Condition.** The applicant provided a preliminary grading plan demonstrating compliance with the City's Public Works requirements for grading standards if a few modifications are provided. The grading plan shows cuts up to 2-feet and fills up to 2-feet.

The applicant shall provide a geotechnical report along with the design plans. The applicant shall submit an erosion control plan and obtain an erosion control permit and field installation for review by the Public Works Department prior to start of construction.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements.

The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval prior to approval of construction plans. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential



Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.070 Building site—Setbacks and building location.*

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

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

*B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.*

*C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.*

*D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:*

*1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*

*2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

*E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.*

**Finding: Complies with Condition.** Leland Road is classified as a minor arterial and McCord Road is designated a collector street which abut 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. If lots 1 and 2 are both accessed from McCord, the driveways shall be combined at the property line into a single access at the right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.075 Building site—Division of lots.*

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

**Finding: Complies as Proposed.** No lots within the subdivision have sufficient lot size for further land division, given the average lot size of the subdivision.

*16.12.080 Protection of trees.*

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

**Finding:** Please refer to the analysis in chapter 17.41 of this report.

*16.12.085 Easements.*

*The following shall govern the location, improvement and layout of easements:*

*16.12.085.A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.*

**Finding: Complies with Condition.** The applicant proposed 10-foot wide public utility easements (PUE's) along all street frontages. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat.

The applicant shall provide a 10-foot PUE along the southern property line of Lot 15 (which will front the future extension of Ross Street).

The applicant shall provide a 10-foot PUE along the entire frontage of Lot 17 (which will partially front Pelican Lake Place and the future Ross Street Extension). Currently, the applicant has proposed a 10-foot PUE along the eastern property line of Lot 17 and this is not required. See this section for discussion regarding a required water line easement across Lots 16 and 17.

Proposed lots 16 and 17 shall have a 10-foot wide water line easement across their eastern property boundary to provide installation of, maintenance of, and access to a required 4-inch ductile iron City water main. Refer to section 16.08.030.B.1 of this report for a discussion of this required 4-inch ductile iron water main.

All existing and proposed utilities and easements shall be indicated on the construction plans.

The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.085.B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.*

**Finding: Not Applicable.** There are no unusual facilities proposed or required within this development.

*16.12.085.C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.*

**Finding: Not Applicable.** The land division is not traversed by a watercourse.

*16.12.085.D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.*

**Finding: Not Applicable.** The applicant has not proposed any access easements as part of this development.

16.12.085.E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

**Finding: Not Applicable.** The land division is not traversed by a watercourse.

*16.12.090 Minimum improvements—Procedures.*

*In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:*

*A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.*

*B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.*

*C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.*

*D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.*

*E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.*

**Finding: Complies with Condition.** The applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. As required by these standards and city policy, inspections will occur during construction of these improvements. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. Furthermore, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.095 Minimum improvements—Public facilities and services.*

*The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:*

*16.12.095.A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant*

*shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and*

**Finding: Complies with Condition.** Please refer to the analysis in 16.08.030.B.5 of this report.

*16.12.095.B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.*

**Finding: Complies with Condition.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

*16.12.095.C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.*

**Finding: Complies with Condition.** Refer to section 16.08.030.B.2 of this report for a discussion of sanitary sewer.

*16.12.095.D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.*

**Finding: Complies with Condition.** Refer to section 16.08.030.B.1 of this report for a discussion of the water system.

*16.12.095.E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.*

**Finding: Complies with Condition.** Please refer to section 12.040.180 B for a discussion of sidewalks.

*16.12.095.F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

**Finding: Complies as Proposed.** Please refer to the analysis in chapter 12.04 of this report.

*16.12.095.G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.*

**Finding: Complies as Proposed.** The applicant indicated compliance with this section. This standard is met.

*16.12.095.H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.*

**Finding: Complies with Condition.** As required in this criterion, the applicant shall install street lights along the frontage of the project. See section 12.040.180 B for a discussion.

*16.12.095.I. Street Trees.*

**Finding: Complies with Condition.** Please refer to the analysis in section 12.08 of this report.

*16.12.095.J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.*

**Finding: Complies as Proposed.** The applicant indicated compliance with this section. This standard is met.

*16.12.095.K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

**Finding: Complies as Proposed.** The applicant indicated compliance with this section. This standard is met.

*16.12.095.L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*

**Finding: Complies as Proposed.** The applicant indicated compliance with this section. This standard is met. Refer to section 16.08.030.B.1 of this report for a discussion of the water system.

*16.12.095.M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.*

**Finding: Complies with Condition.** The applicant provided a preliminary rough grading plan that indicates the applicant will be able to meet the City's Public Works erosion control standards. Further, the applicant indicated that it will comply with this section by submission of its erosion control plan to the Public Works Department to ensure the erosion control will meet the Public Works requirements. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show

the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.100 Same—Road standards and requirements.*

*A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:*

*1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*

*2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

*B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.*

**Finding: Complies with Condition.** Please refer to the findings in chapter 12.04 within this report.

*16.12.105 Same—Timing requirements.*

*A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.*

*B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.*

*C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.*

**Finding: Complies with Condition.** The applicant indicated compliance with this section by completing all public improvements prior to final plat or guaranteeing the construction improvements in a manner acceptable to the City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*16.12.110 Minimum improvements—Financial guarantee.*

*When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.*

*A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.*

*B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:*

*1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer.*



*The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.*

*2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.*

*C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*

**Finding: Complies with Condition.** The applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application.

The applicant proposed that the developer pay a fee in lieu of construction along the Leland Road frontage. The reasoning provided by the applicant is that the frontage is a very short section and improvements do not currently exist on either side of the street where the development fronts Leland Road. Development Services staff will consider allowing the developer to pay a fee in lieu of construction of street improvements along the Leland Road frontage. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES**

##### *12.04.003 Applicability*

*A. Compliance with this chapter is required for all Land Divisions, Site Plan and Design Review, Master Plan, Detailed Development Plan and Conditional Use applications and all public improvements.*

**Finding: Applicable.** The applicant applied for a subdivision, this chapter is applicable.

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

*A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*

*B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.*

*C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and*

*regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.*

*D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.*

*E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.*

**Finding: Complies as Proposed.** The applicant acknowledges the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.

#### *12.04.007 Modifications.*

*The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:*

- 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.*

**Finding: Complies with Condition.** The applicant has proposed two modifications.

#### **McCord Road**

A modification to the standard street section has been requested for McCord Road. The proposed development includes frontage on McCord Road, which is classified as a collector street (residential). The City standards for a Collector street are: 85-foot Right-of-Way, 59 feet of pavement, three (3) 11-foot travel lanes, curb and gutter, 6-foot bike lane, 7-foot street parking, 5-foot sidewalk, and 7.5-foot landscape strip. A modified street section shall be constructed in lieu of the standard section. The modified street section includes 17 feet of pavement (includes 11-foot travel lane and 6-foot bike lane), curb and gutter, 7.5-foot planter and a 5-foot sidewalk, and a 0.5-foot access strip. The total width of these improvements is 30 feet as measured from the centerline of the right-of-way. The applicant shall dedicate sufficient right-of-way to provide 30 feet on the applicant's side of the centerline of right-of-way on McCord 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. The proposed plan would provide for adequate 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, and will be designed to provide safe movement of pedestrians and bicycles.

- 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 is based on 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.

### **Leland Road**

A modification to the standard street section has been requested for Leland Road. The proposed development includes frontage on Leland Road, which is classified as a minor arterial street (residential). The City standards for a Minor Arterial street are: 114-foot Right-of-Way, 68 feet of pavement, three (3) 12-foot travel lanes, curb and gutter, 7-foot street parking, 6-foot median, 6-foot bike lane, 5-foot sidewalk, and 10.5-foot landscape strip. The applicant proposed matching the street section on Leland Road approximately 185 feet north of the proposed development. This street section has a total width of 70 feet, including 48 feet of pavement, street parking, bike lane, sidewalk and landscape strip. After internal staff review, it was determined that the applicant shall construct the following street section along the Leland Road frontage: 12-foot travel lane, 6-foot bike lane, 7-foot parking lane, curb and gutter, 7.5-foot landscape strip, 5-foot sidewalk, and a 0.5-foot access strip. The total width of these improvements is 38 feet as measured from the centerline of the right-of-way. The applicant shall dedicate sufficient right-of-way to provide 38 feet on the applicant's side of the centerline of right-of-way on Leland 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. The proposed plan would provide for adequate 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, and will be designed to provide safe movement of pedestrians and bicycles.
- 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 is based on 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.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *12.04.010 Construction specifications—Improved streets.*

*All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.*

**Finding: Complies with Condition.** See section 12.040.180 B for findings.

#### *12.04.020 Construction specifications—Unimproved streets.*

*Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.*

**Finding: Not Applicable.** The applicant has not proposed to construct any infrastructure within an unimproved street.

**12.04.025 - Street design—Driveway Curb Cuts.**

**12.04.025.A.** *One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.*

**12.04.025.B.** *With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.*

<i>Property Use</i>	<i>Minimum Driveway Width at sidewalk or property line</i>	<i>Maximum Driveway Width at sidewalk or property line</i>
<i>Single or Two-Family Dwelling with one Car Garage/Parking Space</i>	<i>10 feet</i>	<i>12 feet</i>
<i>Single or Two-Family Dwelling with two Car Garage/Parking Space</i>	<i>12 feet</i>	<i>24 feet</i>
<i>Single or Two-Family Dwelling with three or more Car Garages/Parking Space</i>	<i>18 feet</i>	<i>30 feet</i>
<i>Non Residential or Multi-Family Residential Driveway Access</i>	<i>15 feet</i>	<i>40 feet</i>

*The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).*

**12.04.025.C.** *The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:*

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*
  - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.*
  - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the “R-5” Single –Family Dwelling District or “R-3.5” Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.*

**12.04.025.D.** *For all driveways, the following standards apply.*

- 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.*
- 2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.*

12.04.025.E. *Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.*

**Finding: Complies as Proposed.** The applicant has stated that they will work with City staff to ensure that curb cuts are designed and improved consistent with City standards.

12.04.030 *Maintenance and repair.*

*The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.*

**Finding: Complies as Proposed.** The applicant is responsible for maintaining said sidewalk and abutting curb.

12.04.031 *Liability for sidewalk injuries.*

*A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.*

*B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.*

**Finding: Not Applicable.** This is not a criterion for this development.

12.04.032 *Required sidewalk repair.*

*A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.*

*B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.*

*C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.*

*D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.*

**Finding: Not Applicable.** The applicant has not proposed and is not required to repair a sidewalk.

12.04.033 *City may do work.*

*If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.*

**Finding: Not Applicable.** This is not a criterion for this development because no sidewalk repair is required.

12.04.034 *Assessment of costs.*

*Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.*

**Finding: Not Applicable.** This is not a criterion for this development because no sidewalk repair is required.

12.04.040 *Streets--Enforcement.*

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

**Finding: Not Applicable.** This is not a criterion for this development.

**12.04.045 Street design – Constrained local streets and/or rights-of-way**

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table 12.04.045		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-way	Pavement Width
Constrained local street	20 to 40	20 to less than 32 feet

**Finding: Not Applicable.** The applicant has not proposed a constrained street.

**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.

**Finding: Not Applicable.** Applicant is not proposing construction of a retaining wall.

**12.04.060 Retaining walls--Maintenance.**

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

**Finding: Not Applicable.** Applicant is not proposing construction of a retaining wall.

**12.04.070 Removal of sliding dirt.**

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

**Finding: Not Applicable.** The applicant has not proposed and is not required to remove sliding dirt with this application.

**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.*

**Finding: Complies with Conditions.** Work is anticipated to be within right-of-way on McCord Road and Leland Road to connect to existing utilities. The applicant shall obtain all permits as required for any work within the right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.*

**Finding: Complies with Conditions.** The City shall review a permit upon submittal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *12.04.095 - Street Design—Curb Cuts.*

*To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:*

- A. To provide adequate space for on-street parking;*
- B. To facilitate street tree planting requirements;*
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- D. To assure that adequate sight distance requirements are met.*

*Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.*

**Finding: Complies as proposed.** The applicant will comply with City standards regarding number and design of curb cuts for driveway approaches, sidewalk ramps, etc.

#### *12.04.100 Excavations – Restoration of Pavement*

*Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.*

**Finding: Complies with conditions.** The applicant has proposed work in the public right-of-way that will require pavement restoration. This includes new pipe lines. The applicant shall restore the pavement in accordance with the City Pavement Cut Policy and Standards and meet the Full Standard for all cuts.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.*

**Finding: Complies.** All excavations will comply with this Chapter via the conditions of approval.

*12.04.120 Obstructions – Permit Required*

**Finding: Complies as proposed.** The applicant shall obtain all required permits before any obstructions of the right-of-way.

*12.04.130 Obstructions--Sidewalk sales.*

*A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.*

*B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.*

**Finding: Not Applicable.** The applicant has not proposed a sidewalk sale with this application.

*12.04.140 Obstructions--Nuisance--Penalty.*

*Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.*

**Finding: Not Applicable.**

*12.04.150 - Street and alley vacations—Cost.*

*At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.*

**Finding: Not Applicable.** The applicant has not proposed a street or alley vacation with this application.

*12.04.160 Street vacations--Restrictions.*

*The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.*

**Finding: Not Applicable.** The applicant has not proposed a street or alley vacation with this application.

**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.*

**Finding: Complies with Condition.** The applicant has proposed standard street improvements and other public facilities work in accordance with adopted public facility plans, and is required to conform to Engineering Policy 00-01, which applies to any development requiring provision of public facilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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. 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. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.

**Finding: Complies as Conditioned.** The location, widths, and grades of the proposed street network provide connectivity for future development of adjacent properties, a convenient street system, and for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 12.04.180 Street Design.

All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A

	<i>Public/Quasi Public</i>									
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<b>Local</b>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>62 ft.</i>	<i>40 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft.x5 ft. tree wells</i>		<i>N/A</i>	<i>8 ft.</i>	<i>(2) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>60 ft.</i>	<i>38 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 19 ft. Shared Space</i>			<i>N/A</i>
	<i>Residential</i>	<i>54 ft.</i>	<i>32 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 16 ft. Shared Space</i>			<i>N/A</i>

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

**Finding: Complies with Condition.** McCord Road and Leland Road are under the jurisdiction of Clackamas County. The County typically defers to the City regarding development along County jurisdictional roads. Applicant shall obtain all necessary Clackamas County permits for work within their right-of-way.

McCord Road is classified as a Collector Street in the Oregon City Transportation System Plan (TSP), which requires a right-of-way (ROW) width of 85 feet. Currently, McCord Road has a ROW width of approximately 40 feet along the development's McCord Road frontage. The applicant shall dedicate sufficient ROW to provide a total of 30 feet of ROW along the frontage of McCord Road in order to provide ROW for the modified street section improvements required from the centerline. See Chapter 12.04.007 of this report for further description of the required street section along the McCord Road frontage.

Leland Road is classified as a Minor Arterial in the Oregon City Transportation System Plan (TSP), which requires a right-of-way (ROW) width of 114 feet. Currently, Leland Road has a ROW width of approximately 64 feet along the development's Leland Road frontage, and transitions to 70 feet approximately 185 feet north of the project's Leland road frontage. The applicant shall dedicate sufficient ROW to provide a total of 38 feet of ROW along the frontage of Leland Road in order to provide ROW for the modified street section improvements required from the centerline. See Chapter 12.04.007 of this report for further description of the required street section along the Leland Road frontage.

Joseph Way was partially constructed as part of Pavilion Park and Rian Park Subdivisions. The applicant shall construct the remaining portions of Joseph Way and shall dedicate sufficient ROW to provide for a total ROW width along Joseph Way of 53 feet.

For most of Anita Place south of Villard Place, the applicant shall dedicate 38-feet of ROW to construct a standard City half street. This shall include 26-feet of pavement (16 feet half street plus 10 feet), 0.5-foot curb & gutter, 5-foot planter strip, 5-foot sidewalk, 0.5-foot access strip, street trees and street

lighting. This is the City's standard for half streets. The applicant shall also construct a temporary asphalt berm along the southern edge of Anita Place within this half street section. This temporary asphalt berm will allow storm water runoff to properly flow to adjacent catch basins.

The remainder of the streets are classified as a Local Streets in the Oregon City Transportation System Plan, which requires a ROW width of 54 feet. The applicant has proposed a ROW dedication of 54 feet for Villard Place, Anita Place, and Pelican Lake Place. This shall include 32-feet of pavement, curb & gutter, 5-foot planter strips, 5-foot sidewalks, street trees and street lighting.

The applicant has proposed a street system that appears to meet City requirements with a few modifications. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.04.185 Street Design--Access Control.*

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The City may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

**Finding: Complies with Condition.** There are two temporary dead-ends proposed, and one half street. Non-vehicular access strips shall be dedicated along the ends of the dead-end streets and along the southern side of Anita Place. Appropriate plat restrictions allowing access to adjoining properties will be placed on the final plat prior to recording. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.04.190 Street Design--Alignment.*

*The centerline of streets shall be:*

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

**Finding: Complies as Proposed.** The proposed street alignments meet the City requirements. This standard is met.

*12.04.194 Traffic Sight Obstructions*

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

**Finding: Complies as Proposed.** Applicant acknowledges streets will be designed per this standard.

*12.04.195 Spacing Standards.*

*12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.*

**Finding: Complies as Proposed.** The proposed distances between intersections are within the ranges of this condition.

12.04.195.B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

<b>Table 12.04.195.B Minimum Driveway Spacing Standards</b>		
<b>Street Functional Classification</b>	<b>Minimum Driveway Spacing Standards</b>	<b>Distance</b>
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.
The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.		

**Finding: Complies with Condition.** Driveway locations have not been shown on the proposed subdivision. The applicant shall coordinate with City staff on the locations of driveways to meet the spacing standard. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 12.04.199 Pedestrian and Bicycle Accessways

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable.

Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

12.04.199.A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

12.04.199.B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five foot planter strip and a three foot planter strip.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five foot planter strip and a three foot planter strip.

12.04.199.C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

2.04.199.D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

12.04.199.E. Accessways shall comply with Americans with Disabilities Act (ADA).

12.04.199.F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

12.04.199.G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

12.04.199.H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

12.04.199.I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings .

12.04.199.J. The Community Development Director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

12.04.199.K. Ownership, liability and maintenance of accessways.

To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

**Finding: Not Applicable.** There are no accessways as part of this project.

#### 12.04.205 Mobility Standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.

A. For intersections within the Regional Center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:
  - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
  - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
  - a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205 / OR 99E Interchange

I-205 / OR 213 Interchange

OR 213 / Beaver Creek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

- a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
- b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development.

Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

**Finding: Complies with Condition.** Please refer to the analysis in 16.08.030.B.5.

#### 12.04.210 Street design--Intersection Angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

**Finding: Complies with Condition.** The intersections have been shown with the angle very close to 90-degrees. It does not appear that the intersections of Villard Place with Anita Place and Pelican Lake Place and the intersection of Pelican Lake Place and Joseph Way have 50-feet of tangent. The design engineer shall work with the City to adjust the intersections to provide the 50-foot of tangent as practical. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.*

**Finding: Not Applicable.** See section 12.04.180.

*12.04.220 Street Design--Half Street.*

*Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets. When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.*

**Finding: Complies with Condition.** The applicant has proposed a half street for Anita Place, south of Villard Place, as described in sections 12.04.007 and 12.04.180.

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

*The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.*

**Finding: Not Applicable.** There are no cul-de-sacs or permanent dead-ends proposed.

*12.04.230 Street Design--Street Names.*

*Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.*

**Finding: Complies as Proposed.** All street names being proposed under this development are extensions of other existing streets. The applicant shall work with City staff to provide street names that meet City requirements if changes are requested.

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

*Grades and center line radii shall conform to the standards in the City's street design standards and specifications.*

**Finding: Complies with Condition.** The applicant has proposed horizontal curves on Villard Place, Anita Place, and Pelican Lake Place. Through the design review process the applicant shall work with the City to adjust the design as required to meet standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.*

**Finding: Complies as Proposed.** Lot 16, which fronts on Leland Road (a minor arterial street), is designed to provide an on-site turnaround in order to avoid vehicles backing out into Leland Road. Lots 2 and 25 front on McCord Road, but will be accessed from Villard Place. Lot 1, which also fronts on McCord Road, will be accessed directly from McCord Road, but no safety concerns have been identified in the TAL submitted as part of the 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.*

**Finding: Complies as Proposed.** The proposed street layout includes horizontal curves that will naturally slow down vehicular traffic, and the streets are short which also tends to keep speeds down.

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

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.*

**Finding: Not Applicable.** No alleys are proposed.

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

*Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in 17.04.1310.*

*Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including*



*easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.*

**Finding: Not Applicable.** There are no nearby transit facilities.

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

*All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*

*To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.*

**Finding: Complies with Condition.** Please refer to section 12.04.180.

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

*The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.*

**Finding: Complies with Condition.** The applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the applicant to provide any public improvements. As part of this policy the applicant is responsible for meeting design standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **12.04.280 Violation--Penalty.**

*Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.*

**Finding: Applicable.**

### **CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY**

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

**13.12.050.A. Stormwater Conveyance.** The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

**Finding: Complies with Condition.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

**13.12.050.B.** *Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

1. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;*

**Finding: Complies with Conditions.** Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

2. *Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*

**Finding: Complies with Condition.** Storm water quantity control is required. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

3. *Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*

**Finding: Not Applicable.** The proposed work is not redevelopment.

4. *An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*

a. *The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*

b. *The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42*

**Finding: Not Applicable.** Exemption not required.

**13.12.050.C.** *Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

1. *Category A. Activities subject to general water quality requirements of this chapter:*

a. *The construction of four or more single-family residences;*

b. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*

c. *Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*

d. *An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*

**Finding: Complies with Condition.** Storm water quality control is required. Refer to section 16.08.030.B.3 of this report for a discussion of storm water.

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*

- a. *Fuel dispensing facilities;*
- b. *Bulk petroleum storage in multiple stationary tanks;*
- c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
- d. *Loading and unloading docks for commercial or industrial uses; or*
- e. *Covered vehicle parking for commercial or industrial uses.*

**Finding: Not Applicable.** The proposed work does not include these elements.

3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

**Finding: Not Applicable.** No new wastewater or storm water flows will discharge to the Clackamas River Watershed with this development.

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

**Finding: Complies with Conditions.** See 16.08.030.B.3 for discussion of stormwater management.

## **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.*

**Finding: Complies with Condition.** The applicant submitted a street tree plan which included trees placed along the frontages of the development. The species of the trees was not identified on the plan and the applicant indicated that “the species of street trees will be submitted for review and approval of the community development director prior to final plat approval” (Exhibit 2). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.015.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.*

**Finding: Complies with Condition.** A street tree plan was submitted with the preliminary locations of 66 street trees. Based upon the layout, there is approximately 2,562.9 feet of frontage which require 73 street trees ( $2,562.9/35=73.22$ ). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.015.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.*

**Finding: Complies with Condition.** A street tree plan was submitted with the preliminary locations of street trees, but did not include the correct number of street trees nor did it include the location of street lights, fire hydrants or power lines. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.015.C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*

**Finding: Complies with Condition.** The applicant submitted a street tree plan which included trees placed along the frontages of the development. The size of the trees was not identified on the plan. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.015.D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

**Finding: Complies as Proposed.** The applicant indicated that the “abutting property owners will be responsible for maintenance of street trees along their street frontage” (Exhibit 2).

*12.08.020 Street tree species selection.*

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

**Finding: Complies with Condition.** The applicant submitted a street tree plan which included trees placed along the frontages of the development. The species of the trees was not identified on the plan and the applicant indicated that “the species of street trees will be submitted for review and approval of the community development director prior to final plat approval” (Exhibit 2). Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.025 General tree maintenance.*

*Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.*

**Finding: Complies as Proposed.** The applicant indicated that the “abutting property owners will be responsible for maintenance of street trees along their street frontage” (Exhibit 2).

*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.*

**Finding: Complies as Proposed.** Though the City is not proposing maintenance on an existing street tree at this time, the applicant indicated that “the proposed development will conform to this provision” (Exhibit 2).

*12.08.035 Public tree removal.*

*Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.*

*All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.*

**Finding: Not Applicable.** All tree removal associated with the proposed development is reviewed under chapter 12.08.

*12.08.040 Heritage Trees and Groves.*

*A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.*

*1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.*

*2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:*

**Finding: Not Applicable.** No heritage trees or groves are currently on the subject site nor are they proposed with this development.

## **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.*

**Finding: Complies with Condition.** The applicant provided a preliminary grading plan demonstrating general compliance with the City's Public Works requirements for grading standards. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre.

A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*15.48.090 Submittal requirements.*

*An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.*

*A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:*

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

*B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.*

*C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:*

- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
- 2. When an embankment for a stormwater pond is created by the placement of fill;*
- 3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

*D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.*

**Finding: Complies with Conditions.** Conditions will be applied to require a Residential Lot Grading Plan and geotechnical report with construction plan submittal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL**

### **17.47.030 - Applicability.**

*A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.*

*B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.*

**Finding: Applicable.** The applicant has proposed to construct a new subdivision with associated street improvements.

### **17.47.060 - Permit required.**

*The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.*

**Finding: Complies with Condition.** The applicant has proposed to construct a new subdivision with associated street improvements. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### **17.47.070 - Erosion and sediment control plans.**

*A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.*

*B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:*

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

*C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.*

*D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.*

*E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.*

*F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.*

*G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).*

**Finding: Complies with Condition.** The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **CHAPTER 17.41 - TREE PROTECTION STANDARDS**

##### *17.41.020 Tree Protection – Applicability.*

- 1. Applications for development subject to Chapter 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than 25% on sites greater than 25% percent slope, unless exempted under section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

**Finding: Applicable.** The proposed development includes a Subdivision, therefore this section applies.

##### *17.41.030 – Tree Protection - Conflicting Code Provisions.*

*Except as otherwise specified in this section, where these standards conflict with adopted City development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in section 17.04, shall govern.*

**Finding: Applicable.** The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

##### *17.41.040 – Tree Protection – Exemptions.*

*These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930.*

*Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.*

**Finding: Not Applicable.** The applicant has not proposed an exemption in accordance with this provision.

##### *17.41.050 - Tree Protection – 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 section 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 17.41.080-100; or*
- C. Option 3 – Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to section 17.41.110-120.; 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 80% of minimum density with reduction of lot size; or
- (2) Preclude meeting minimum connectivity requirements for subdivisions.

**Finding: Complies with Condition.** The applicant has proposed to utilize option 1, mitigation. As identified in this section, all replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city. Prior to occupancy of the dwellings on the subject site, the applicant shall record a covenant or easement on all properties with new or existing trees planted on private property.

The applicant did identify trees for protection onsite, thought the amount of mitigation trees needed is unknown because the caliper of all existing trees onsite was not identified. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060 - Tree Removal and Replanting - Mitigation (Option 1).

17.41.060.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.

**Finding: Complies with Condition.** This section requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. No documentation was submitted indicating compliance with this section and the narrative indicated that “A mitigation plan will be prepared by an arborist and submitted for review prior to final plat approval”. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan prepared by a certified arborist, horticulturalist, forester or other environmental professionals with experience and academic credentials in forestry or arboriculture. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060.B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees 6" DBH (minimum 4.5 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.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

- 2 inch caliper deciduous, or
- 6 foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction	Column 2 Number of trees to be planted. (If removed Within the construction
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	area)	area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

**Finding: Finding: Complies with Condition.** The applicant submitted a tree mitigation plan which incorrectly calculated the mitigation and did not identify the caliper of a cluster of trees near the intersection of Villard Place and Anita Place. Based on the tree removal plan submitted, staff calculated the mitigation in the table below (which did not include the row of arborvitae, resulting in a total 40 mitigation trees which are required to be planted.

Size of Tree Removed	Mitigation Outside of Construction Area			Mitigation Inside of Construction Area		
	# Removed	Mitigation for Each	Total	# Removed	Mitigation for Each	Total
6"-12"	0	3	0	19	1	19
13"-18"	0	6	0	1	2	2
19"-24"	2	9	0	5	3	15
25"-30"	0	12	0	1	4	4
31+"	0	15	0	0	5	0
Total	0		0	121		40
Grand Total	40 Mitigation Trees Required					

Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of 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 17.41.050(A) 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.*

**Finding: Complies with Condition.** The applicant indicated that the trees will be planted within this subdivision or within other subdivisions being developed by the applicant and the final mitigation plan would be submitted with the construction plans. The applicant shall have an approved mitigation planting plan prior to issuance of a permit associated with the proposed development. The mitigation plan may incorporate any of the options in Chapter 17.41 in addition to planting mitigation trees on private property (with an associated covenant) or increasing the size of trees onsite or within the right-of-way. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.41.080. Tree Preservation within Subdivisions and Partitions – Dedicated Tract (Option 2).*

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41.100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or a homeowners association; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. At the owners option, public open space where the tract has been dedicated to the City or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the Community Development

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 17.41.090. Incentive for Tree Protection Tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on- site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

1. Provide a map showing the net buildable area of the tree protection tract;
2. Provide calculations justifying the requested dimensional adjustments
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080, 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
5. Meet all other standards of the base zone except as modified in section 17.41.100.

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 17.41.100. Permitted Modifications to Dimensional Standards (Option 2 Only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone.. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A  
Lot Size Reduction

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B

*Reduced Dimensional Standards for Detached Single-Family Residential Units*

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000-9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000-7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000-5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800-3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C

*Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units*

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500-7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800-3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*\*0 foot setback is only allowed on single-family attached units*

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.41.110. Tree Protection by Restrictive Covenant (Option 3).*

*Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.*

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.41.120. Permitted Adjustments (Option 3 Only).*

*A. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent (50%) if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than 3 feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.*

*B. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to*

*redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.*

*C. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.*

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.41.130 - Cash-in-lieu of Planting (Tree Bank/Fund) (Option 4)*

*The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.*

*A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.*

*B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.*

**Finding: Complies with Condition.** The applicant has chosen to utilize option 1, however, the mitigation trees was miscalculated. The applicant may choose to utilize options 2, 3 and/or 4 in addition to option 1 in Chapter 17.41 when recalculating the mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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:*

- 1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
- 2. Approved construction fencing, a minimum of 4 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
- 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
- 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
- 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
- 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
- 7. No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.*

8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a Certified Arborist.*
  9. *The City may require that a Certified Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
  10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*
- 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.*

**Finding: Complies as Proposed.** The applicant has submitted a plan identifying protection fencing for existing tree which would be protected during development. Additional tree protection measures are not required.

## **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

### *17.50.010 Purpose.*

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.*

**Finding: Complies as Proposed.** The proposed Subdivision and associated Zone Change Review is subject to a Type IV discretionary approval. The applicant's narrative and the accompanying plans and supporting studies are all provided in an effort to present comprehensive evidence to support the proposed office development.

### *17.50.030 Summary of the City's Decision-Making Processes.*

**Finding: Complies as Proposed.** The proposed Subdivision and Zone Change application is being reviewed pursuant to the Type IV process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

### *17.50.050 Preapplication Conference*

*A Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or*

*failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

*B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.*

**Finding: Complies as Proposed.** The applicant held a pre-application conference (file PA 14-37) on January 7, 2015. The land use application was submitted within 6 months of the pre-application conference on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

#### *17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** The applicant's representatives attended the Tower Vista Neighborhood general membership meeting on February 19, 2015 to present conceptual plans for the proposed office development.

#### *17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

#### *17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** This land use application was submitted on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015. The City has until November 4, 2015 to make a final determination.

#### *17.50.080 Complete Application--Required Information.*

**Finding: Complies as Proposed.** This land use application was submitted on April 22, 2015. The application was deemed incomplete on May 22, 2015 and after the submittal of additional information the application was deemed complete on July 7, 2015.

#### *17.50.090 Public Notices.*

**Finding: Complies as Proposed.** Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

#### *17.50.100 Notice Posting Requirements.*

**Finding: Complies as Proposed.** The site was posted with a sign longer than the minimum requirement.

### **17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARDS**

**Finding: Not Applicable.** The applicant has not proposed to construct a building with the proposed development. New construction will be reviewed for compliance with the dimensional standards of the zoning designation upon submittal of permits.

### **17.54.100 – FENCES, HEDGES AND WALLS**

**Finding: Not Applicable.** The applicant indicated that no fences or walls are proposed with this development.

### **CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the proposed Subdivision and Zone Change located at 19588 McCord Road, Oregon City, Oregon 97045, identified as Clackamas County 3-2E-07B -04100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission and City Commission approve files TP 15-03 and ZC 15-02 with conditions, based upon the findings and exhibits contained in this staff report.

### **EXHIBITS:**

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Letters from John Replinger of Replinger and Associates, City Consultant
4. Comments from Dan Neils of 19652 McCord Road, Oregon City
5. Comments from Wes Rogers, Director of Operations for the Oregon City School District
6. Comments from Scott Archer, Community Services Director
7. Excerpts from Annexation file AN 14-01