



**TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION**
August 14, 2015

FILE NUMBERS: ZC 15-01: Zone Change R-10 to R-8
TP 15-02: 19-Lot Subdivision
NR 15-04: Natural Resource Overlay District Verification

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: Kirk and Wendy Smith
12356 Hampton Drive
Oregon City, Oregon 97045

Frederick Dolsen and Nora Stevens
12730 NE Flett Road
Gaston, Oregon 97119

REQUEST: The applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-8” Single-Family Dwelling District, a 19-Lot subdivision, and Natural Resource Overlay District Verification.

LOCATION: 19371 Pease Rd, Oregon City, Oregon 97045,
Clackamas County 3-2E-07B -02300
No Address, Oregon City, Oregon 97045,
Clackamas County 3-2E-07BA-07000
12356 Hampton Dr, Oregon City,
Oregon 97045, Clackamas County 3-2E-07BA-06900

REVIEWERS: Laura Terway, AICP, Planner
Wendy Marshall, P.E., Development Projects Manager

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
File Numbers ZC 15-01, TP 15-02 and NR 15-04

(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. 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 costs to benefited properties pursuant to the City's capital improvement regulations in effect at time of such improvement. (Code section 17.62.050.A.22). (DS)
2. Development shall comply with City of Oregon City Engineering Policy 00-01 and all applicable City design standards. (DS)
3. Applicant's engineer shall schedule a pre-design meeting with Engineering staff prior to first submittal of public facilities construction plans. (DS)
4. The temporary 4-inch main along the NE boundary between Windmill Drive and Pease Road shall be abandoned when the Windmill Drive 8-inch looped main is completed. (DS)
5. Water mains shall be provided with proper blow-off assembly at terminus of Hampton Drive and Boulder Run Court. (DS)
6. The proposed water main at the NE end of Windmill Drive will need to be moved away from the curb as far as practicable. (DS)
7. Each lot shall be provided with a minimum 1-inch diameter copper water service line and standard meter box. (DS)
8. The sanitary main in Hampton Drive will need to be designed to a depth to accommodate future development upstream of the NW site boundary. (DS)
9. Public sewer lines shall be located within the right-of-way to the extent practicable. With public facilities construction plan submittal, applicant shall provide justification that proposed easements are required in order to serve the development with gravity sewer. (DS)
10. The development will be required to annex into the Tri-City Sewer Service District. (DS)
11. Public facilities construction plans shall include an Erosion Prevention and Sediment Control (EPSC) Plan. As the site is over one acre, a 1200-C permit is required from Oregon Department of

Environmental Quality (DEQ) prior to start of construction. The EPSC plan shall be approved by DEQ as part of the permit, and the approved sheets included in the public facilities plan set prior to approval. (DS)

12. Public facilities construction plans shall include a Residential Lot Grading Plan per the City's Residential Lot Grading Criteria and International Building Code. If significant grading is required for the lots due to topography, rough grading shall be required of the developer prior to acceptance of the public improvements. Elevation differential at subdivision boundaries shall not exceed 2 feet. Grading shall in no way create ponding situations. (DS)
13. Prior to start of construction, applicant shall obtain all Public Works permits including site grading and DEQ 1200-C, and shall participate in a pre-construction conference with Public Works. (DS)
14. Fire hydrants shall be located and installed per requirements of Clackamas Fire District No. 1. (F)
15. Storm water detention and water quality treatment are required and shall comply with the City's Stormwater and Grading Design Standards. (DS)
16. Construction plans shall show an adjusted stormwater facility design incorporating the proposed pond with the adjacent Hampton Estates pond or as otherwise approved by city engineer. (DS)
17. A detailed drainage report shall be submitted with public facilities construction plans. The final report shall comply with City standards and shall address in adequate detail: water quality treatment, justification for proposed easements, drainage sub-basins, combination of this facility with Hampton Estates facility, conveyance of upstream flows, and a more detailed downstream analysis. (DS)
18. Additional detention or off-site capacity improvements may be required, based on the final drainage analysis. (DS)
19. Drainage for the Pease Road improvements will need to be addressed in the narrative of the drainage report, in the sub-basin map, and on the public facilities construction plans. (DS)
20. Proposed drainage system configuration regarding easement locations is subject to further review at construction plan submittal to ensure layout of the system meets City standards to the extent practicable given the topography of the site. (DS)
21. The storm main in Hampton Drive will need to be extended to the NW boundary, in its proper corridor, and designed to a depth to accommodate future upstream development. (DS)
22. The catch basin to catch basin configuration proposed at Hampton Drive and Boulder Run Court is not standard and will need to be revised on the construction plan unless there is adequate justification to eliminate a standard manhole connection. (DS)
23. Configuration of the storm laterals for lot drainage is subject to further review of public facilities construction plans. (DS)
24. The alternate to provide sidewalk in an easement along Lot 15 and Lot 16 on Boulder Run Court will be evaluated at construction plan review when driveway, street tree, and utility locations are known. (DS)
25. Dedicate sufficient right-of-way to provide 30 feet on NW side of right-of-way centerline along Pease Road frontage. Construct improvements along site frontage to include 15-foot pavement from centerline to face of curb, curb and gutter, 5.5-foot planter strip (this measurement includes curb), and 5-foot sidewalk located 0.5 feet from right-of-way. Improvements shall include monumentation, traffic control devices, undergrounding of overhead utilities, street trees, streetlights per PGE lighting standard, and all other appurtenances per City standards. (DS)
26. Boulder Run Court shall include 34-foot right-of-way, 28-foot pavement width, curb and gutter, 5-foot curb-tight sidewalk on NW side of street, monumentation, traffic control devices, street trees in easement, streetlights per PGE lighting standard, and all other appurtenances per City standards. Install hammerhead turn-around in private easements along SW end of street, subject to approval by Clackamas Fire District No. 1 at time of construction plan review. Installation of sidewalk along Lots 15 and 16 in an easement will be evaluated at time of construction plan review. (DS)

27. Hampton Drive shall include 54-foot right-of-way, 32-foot pavement width, curb and gutter, 5.5-foot planter strip (this measurement includes curb), and 5-foot sidewalk located 0.5 feet from right-of-way. Improvements shall include monumentation, traffic control devices, ADA ramps, street trees, streetlights per PGE lighting standard, and all other appurtenances per City standards. Hammerhead or other approved turn-around shall be provided at the NW terminus unless otherwise approved by Clackamas Fire District No. 1 at time of construction plan review. (DS)
28. Install ADA ramp on NE side of Hampton Drive across from Boulder Run Court intersection. (DS)
29. Windmill Drive shall include 54-foot right-of-way, 32-foot pavement width, curb and gutter, 5.5-foot planter strip (this measurement includes curb), and 5-foot sidewalk located 0.5 feet from right-of-way. Improvements shall include monumentation, traffic control devices, ADA ramps, street trees, streetlights per PGE lighting standard, and all other appurtenances per City standards. (DS)
30. On plat, provide a 10-foot public utility easement (PUE) along all street frontages, and access control strip across the newly created dead-end of Hampton Drive. (DS)
31. The final plat shall depict utility easements per the approved public facilities construction plans; it is anticipated that the easements as shown will be revised. (DS)
32. Applicant shall coordinate streetlight design and construction with Portland General Electric (PGE). (DS)
33. Pavement cuts for utilities shall comply with City Pavement Cut Policy and Standards. The Full Standard will be required unless determined otherwise by City Engineer. (DS)
34. Driveway spacing shall meet City standards. (DS)
35. Applicable System Development Charges (SDCs) are due at time of building permit issuance. Partial credits will be applied for the two dwellings. (DS)
36. Public facilities construction plans shall address the following items: show and clearly identify all existing and proposed utilities in and adjacent to the development, including stormwater, sanitary sewer, water mains and fire hydrants; adequate topography beyond boundaries of development to adequately depict tie-in of streets and utilities to the existing system; sewer laterals perpendicular to the main, and connected to the main and not into manholes where possible; correct north arrow and correct graphic and narrative scales on each plan sheet. Public facilities plan set shall include streetlight locations and details, street trees, site grading, and erosion protection and sediment control. (DS)
37. A geotechnical report shall be included with public facilities construction plan submittal per 15.48.090 unless otherwise approved by City Engineer upon review of preliminary stormwater facility design. (DS)
38. The applicant shall submit a plan for street trees in compliance with OCMC 12.08. (P)
39. 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 and 2 face Pease Road. (P)
2. If lots 1 and 2 are both accessed from Pease Road, 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)

2. The applicant shall provide a one-time payment as identified in Schedule A – Police Funding Fees.

I. BACKGROUND:

1. Existing Conditions

The subject site consists of three tax lots located at 19371 Pease Road and 12356 Hampton Drive in Oregon City (Exhibit 1). The site is currently developed with two single-family homes and associated accessory buildings.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



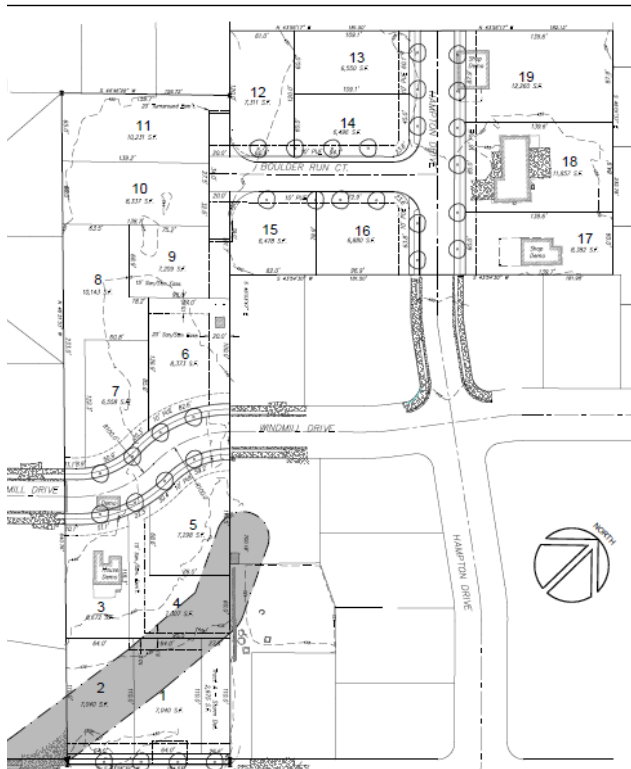
Figure 3: Natural Resource Overlay District



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-8” Single-Family Dwelling District, obtain verification that the Natural Resource Overlay District is not onsite, demolish one of the single-family homes onsite and all associated accessory structures and subdivide the property into 19 lots (Exhibit 2).

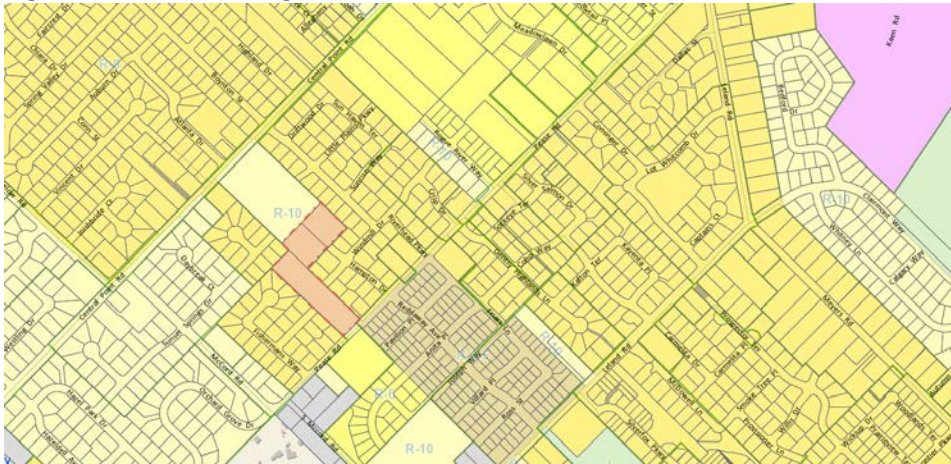
Figure 4: Proposed Layout



- 3. Zoning/Permitted Uses:** The subject site was annexed into Oregon City in 2008 with file AN 07-07. 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 properties are surrounded by multiple subdivisions within the “R-8” Single-Family Dwelling District with the exception of an underdeveloped property to the northwest of the site. The opposing side of Pease Road is developed with homes in the “R-6” Single-Family Dwelling District and the “R-3.5” Dwelling District.

Figure 5: Current Zoning



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

- 17.08 - R-10 Single Family Dwelling District
- 17.10 - R-8 Single Family Dwelling District
- 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
- 17.20 – Residential Design and Landscaping Standards
- 17.47 - Erosion and Sediment Control
- 17.41 – Tree Protection
- 17.49 – Natural Resource Overlay District
- 17.50 - Administration and Procedures
- 17.50 - Administration and Procedures
- 17.54.100 – Fences, Hedges and Walls

The City Code Book is available on-line at 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:

- Greg Peterson submitted comments regarding property values, dimensional standards, infrastructure, neighborhood livability, tax base, trees, preservation and development potential (Exhibit 4).
Staff Response: Findings for all applicable development criteria are provided within this report. Note that property values, preservation of forested areas, the implication on the tax base and the condition of the roadway not abutting the subject site are not development criteria.
- Mayor Dan Holladay submitted comments regarding preservation and development potential (Exhibit 5).
Staff Response: Findings for all applicable development criteria are provided within this report.
- Todd Last submitted comments regarding an unrelated document was inadvertently posted to the website with the development application (Exhibit 6).
Staff Response: The unrelated document was removed from the website.
- Wes Rogers, Director of Operations for the Oregon City School District submitted comments identifying that there are no issues with the development proposal.
Staff Response: Findings for schools are incorporated into the report (Exhibit 7).
- Scott Archer, Community Services Director submitted comments identifying that there are no issues with the development proposal (Exhibit 8).
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-8” Single-Family Dwelling district and subdivide the property into 19 lots with an Exemption to the Natural Resource Overlay District. The standards within this criterion are not applicable.

CHAPTER 17.10 - “R-8” SINGLE-FAMILY DWELLING DISTRICT

17.10.040. A. Minimum lot area, eight 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-8 zone, the 20% standard would allow lots as small as 6,400 square feet. All proposed lots exceed 6,400 square feet – the smallest is 6,478 square feet and largest is 12,260 square feet. The average lot size for the entire subdivision is 8,006.4 square feet.

Lot	Square Footage (Ft.)	Lot	Square Footage (Ft.)
1	7,040	11	10,231

2	7,040	12	7,311
3	6,672	13	6,550
4	7,007	14	6,496
5	7,298	15	6,478
6	8,373	16	6,880
7	6,558	17	8,382
8	10,143	18	11,857
9	7,209	19	12,260
10	8,337		

17.10.040. B. Minimum lot width, sixty feet;

Finding: Complies as Proposed. The proposed lot widths exceed the minimum lot width of 60 feet. The approximate lot widths are provided below.

Lot	Lot Width (Ft.)	Lot	Lot Width (Ft.)
1	64.0	11	65.0
2	64.0	12	61.0
3	60.0	13	60.0
4	60.0	14	60.0
5	76.0	15	82.0
6	77.0	16	78.9
7	60.8	17	60.0
8	63.5	18	84.9
9	68.9	19	87.9
10	60.0		

17.10.040. C. Minimum lot depth, seventy-five feet;

Finding: Complies as Proposed. The proposed lot depths exceed the minimum lot depth of 75 feet. The approximate lot depths are provided below.

Lot	Lot Depth (Ft.)	Lot	Lot Depth (Ft.)
1	110.0	11	139.2
2	110.0	12	120.0
3	118.3	13	109.1
4	95.5	14	109.1
5	95.0	15	78.9
6	105.0	16	96.9
7	110.0	17	139.7
8	110.0	18	139.6
9	77.0	19	139.6
10	138.7		

17.10.040.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 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.

17.10.040.E

1. Front yard: fifteen feet minimum depth.
2. Front porch, ten 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; seven 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 as Proposed. The site is currently constructed with two single-family dwellings and multiple accessory structures. No variances to any dimensional standards are proposed. The applicant has proposed to demolish all structures onsite with the exception of the single-family dwelling on lot 18 which complies with the setbacks of the zoning designation.

17.10.040.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.

17.10.040.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 as Proposed. Subsequent to the platting of this development, lot 18 will have an approximately 1,860 square foot footprint on a 11,857 square foot lot resulting in a lot coverage of approximately 16%, less than the maximum of 40%.

CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

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

Goal 1: Citizen Involvement

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

Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The Applicant met with a neighborhood association prior to submitting this application. 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-8" 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-8 development is appropriate.

Goal (5) Natural Resources

Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Finding: This policy is implemented by the application of the Natural Resources Overlay District (NROD). Please refer to the analysis in chapter 17.49 of this report.

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-8” development pattern will be consistent with this policy by creation of a more compact land use pattern and reduction in the square footage of publicstreet 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-8 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 18% of land within the city is designated “R-8” 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.

Zoning Designation	Acres	Percent of the City
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-8 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 7). 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.

The City of Oregon City Police Department will provide police services to the subject site. The subject site was annexed into Oregon City with Annexation file AN 07-07. Condition of approval number 12 states “The City Commission recognizes that the applicant did specifically offer a solution to the Police funding shortcomings as identified on Schedule A – Police Funding Fees” (Exhibits 10). Prior to issuance of occupancy for each new dwelling onsite, the applicant shall provide a one-time payment as identified in Schedule A – Police Funding Fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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-8 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 TIS was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who concluded: “the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule” (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 with Condition. 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-8 zoning district. Staff finds that the application is consistent with this approval criterion (B).

The City of Oregon City Police Department will provide police services to the subject site. The subject site was annexed into Oregon City with Annexation file AN 07-07. Condition of approval number 12 states “The City Commission recognizes that the applicant did specifically offer a solution to the Police funding shortcomings as identified on Schedule A – Police Funding Fees” (Exhibits 10). Prior to issuance of occupancy for each new dwelling onsite, the applicant shall provide a one-time payment as identified in Schedule A – Police Funding Fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. 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 TIS was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who concluded: “the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule” (Exhibit 3).

Additionally, Mr. Replinger indicated that “the TAL presents information on trip generation from the construction of 19 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 14 new AM peak hour trips; 18 new PM peak hour trips; and 172 new weekday trips”. (Exhibit 3). Staff concurs with Mr. Replinger and finds that the application is consistent with this approval criterion (C).

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 15-06) on April 1, 2015. The land use application was submitted within 6 months of the pre-application conference on April 15, 2015. The application was deemed incomplete on May 15, 2015 and after the submittal of additional information the application was deemed complete on July 1, 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 15-06) on April 1, 2015. The land use application was submitted within 6 months of the pre-application conference on April 15, 2015. The application was deemed incomplete on May 15, 2015 and after the submittal of additional information the application was deemed complete on July 1, 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. A transportation analysis letter (TAL) was prepared for this project, dated April 14, 2015, by Todd Mobley, 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 applicant submitted all required plans and a Natural Resource Overlay District Report prepared by Schott and Associates in Exhibit 2.

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. There is an existing 8-inch ductile iron water main in Windmill Drive on either side of the site. Connection will be made through the development, thus providing a permanent looped system. Therefore, the temporary 4-inch main along the NE boundary between Windmill Drive and Pease Road is no longer needed and is to be abandoned at this time. The proposed main at the NE end will need to be moved away from the curb as far as practicable, given the location of the existing tie-in. There is an existing 8-inch DI main in Hampton Drive that will be extended to the NW property boundary. The length of dead-end water main that will be created complies with City standards. The mains shall be provided with proper blow-off assembly at the terminus of Hampton Drive and Boulder Run Court. There is an existing 12-inch DI main along the Pease Road frontage to serve the site.

Fire hydrants shall be installed per requirements of Clackamas Fire District No. 1. The applicant should anticipate at least one new hydrant in the northwesterly section of the development.

Each lot shall be provided with a minimum 1-inch diameter copper water service line and standard meter box. The existing service for 19371 Pease Road may be used to serve new Lot 2 if determined to meet minimum City standards. The existing service to 12356 Hampton Drive will need to be relocated for the street extension and cannot be used to serve a new lot.

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. There is an existing 12-inch gravity sanitary sewer main in Pease Road. The applicant proposes to provide service to Lot 1 and Lot 2 from this main. There is an 8-inch main in Windmill Drive on the NE boundary. This main will be extended to serve a portion of the development. There is an 8-inch main in Hampton Drive. This main will be extended to serve the remainder of the site. Each lot is provided with a separate lateral. The main in Hampton Drive will need to be designed to a depth to accommodate future development upstream of the NW site boundary.

The applicant has proposed a portion of the sewer main to be within a public easement, and one service lateral in an unspecified easement. Public sewer lines shall be located within the right-of-way to the extent practicable. If topography allows, Lot 8 shall be served by a lateral along its frontage on Windmill Drive in lieu of the proposed easement. With the public facilities construction plan submittal, the applicant will need to justify that the easements are required in order to serve the development with gravity sewer. Laterals as shown will need to be adjusted on the construction plan; in particular, they should be perpendicular to the main, and connected to the main and not to a manhole where possible.

The plan shows what appears to be a sanitary pumping facility; this will need to be clarified on the construction plan.

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 Central Point Drainage Basin. The site generally drains southerly towards Pease Road.

Storm water detention and water quality controls are required for the development of this site and shall comply with the City's Stormwater and Grading Design Standards, 12/17/1999. The applicant is encouraged to incorporate Low Impact Development methodologies as outlined in the new standards which are effective 8/18/2015.

In the narrative, the applicant has indicated that the stormwater facility will be adjacent to and combined with the existing Hampton Estates subdivision pond, but that has not been reflected on the plans. The two ponds shall be combined as indicated; the construction plans will need to show an adjusted pond design such that the two ponds are made into one facility.

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

The applicant has provided a preliminary drainage report to the City for review. While the preliminary evaluation is sufficient to show that the proposed method of addressing storm drainage is feasible, a more detailed report shall be submitted with public facilities construction plans. The final report shall comply with City standards and shall address in adequate detail: water quality treatment, justification for proposed easements, drainage sub-basins, combination of this facility with Hampton Estates facility, and downstream conditions. Additional detention or off-site capacity improvements may be required, based on the final drainage analysis. Drainage for the Pease Road improvements will need to be addressed in the narrative of the drainage report, in the sub-basin map, and on the public facilities construction plans.

The applicant has proposed portions of the storm system to be within easements. Public sewer lines shall be located within the right-of-way to the extent practicable, and lots shall be served by direct connections to the public system where possible. The configuration is subject to further review at construction plan submittal to ensure configuration of the system meets City standards to the extent practicable given the topography of the site.

The main in Hampton Drive will need to be extended to the NW boundary, in its proper corridor, and designed to a depth to accommodate future upstream development.

A cursory review of the adjacent segments of Windmill Drive suggests that the proposed segment across the subject property may need to be constructed with a vertical curve (high point). This will revise the proposed storm system in this street. The two proposed catch basins at the NE terminus may not be necessary.

The catch basin to catch basin configuration proposed at Hampton Drive and Boulder Run Court is not standard and will need to be revised on the construction plan unless there is adequate justification to eliminate a standard manhole connection.

Configuration of the private storm lines for Lots 1, 3, 4 and 5 appears to be unnecessarily complex and problematic in terms of maintenance access. Alternative arrangements will need to be addressed with construction plan submittal. Several other private lines are proposed to be connected to public manholes or catch basins, and are placed at angles that are not ideal for maintenance purposes. The services should be discharged to the curb line through a weephole where possible or connected in to the public storm main.

The design comments stated above can be addressed on the construction plan, and do not alter the general stormwater management concept, which is approvable per City standards.

The plan shows an existing storm manhole in Pease Road at approximately Station 10+75. City records indicate this may be an abandoned sanitary manhole. This will need to be clarified on the construction plans, and will need to be removed if required for the street improvements.

The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through 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. Scott Archer, Community Services Director submitted comments identifying that there are no issues with the development proposal (Exhibit 8).

16.08.030.B.5. Traffic and Transportation

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 TIS 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 19 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 14 new AM peak hour trips; 18 new PM peak hour trips; and 172 new weekday trips.*
- 2. Access Locations. As explained in the TAL, most lots have frontage on Hampton Drive or Windmill Drive, both local streets. Two lots would have access on Pease Road, a collector. As noted in the TAL, several homes in the area have direct driveway access to Pease Road. Residential access to the road would not be unexpected by drivers. The engineer has evaluated sight distance in the*

area and concludes sight distance would allow on-coming motorists to stop or avoid residents backing onto the street.

- 3. Driveway Width. The TAL does not indicate any impediments to meeting driveway width standards.*
- 4. Intersection Spacing. The proposal will extend two existing streets and creates a new intersection of two local streets at Hampton Drive and Boulder Run Court. The new intersection would be located approximately 300 feet from the intersection of Hampton Drive and Windmill Drive. Intersection spacing is appropriate.*
- 5. Sight Distance. The engineer measured sight distance at the locations of driveways for parcels fronting Pease Road. He found this location provided sight distance exceeds the needed sight distance of 155 feet associated with the statutory speed of 25 mph associated with a residential area. He did not recommend mitigation and I concur. There do not appear to be any impediments to providing adequate sight distance at the intersection of Hampton Drive and Boulder Run Court.*
- 6. Safety Issues. 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 Windmill Drive and Hampton Drive increase connectivity in the area and are consistent with the TSP.*
- 8. Transportation Planning Rule (TPR) Analysis. The proposed rezoning of the property from R-10 to R-8 would have negligible impacts and does not change the functional classification of any existing or planned transportation facility.*

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. There are no transportation-related issues associated with this subdivision requiring mitigation. The proposed rezoning is not predicted to have a significant effect as defined under the Transportation Planning Rule (exhibit 3).

Staff concurs with Mr. Replinger and finds that the application is consistent with this approval criterion (C).

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 7).

16.08.030.B.7. Fire and Police Services

Finding: Complies with Condition. Clackamas 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, applicant shall submit the proposed development plans to Clackamas Fire District No. 1 for review, and install fire hydrants within the proposed development and along Pease Road per requirements.

The City of Oregon City Police Department will provide police services to the subject site. The subject site was annexed into Oregon City with Annexation file AN 07-07. Condition of approval number 12 states “The City Commission recognizes that the applicant did specifically offer a solution to the Police funding shortcomings as identified on Schedule A – Police Funding Fees” (Exhibits 10). Prior to issuance of occupancy for each new dwelling onsite, the applicant shall provide a one-time payment as identified in Schedule A – Police Funding Fees. **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.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 final plat of the proposed land division 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 185,147 square feet (4.25 acres) in size. The square footage of the proposed streets (30,052 square feet) and the storm detention tract (2,975 square feet) results in a net developable area for the project site of 152,120 square feet. The net developable area divided by 8,000 (the minimum lot size) provides a maximum density of 19 units. 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 all of 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.**

16.08.045 - 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: Applicable. The proposed design includes lot 8 and 4 which are a flag configuration.

16.08.050.A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.

Finding: Complies as Proposed. The proposed design includes lot 8 and 4 which are proposed due to the dimensional limitations of the existing property.

16.08.050.B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.

Finding: Complies as Proposed. The proposed design includes lot 8 and 4 which are a flag configuration. All lots have at least 20 feet of frontage on a public street. No access easement is proposed or required for either lot access.

16.08.050.C. The pole portion of the flag lot shall connect to a public street.

Finding: Complies as Proposed. The pole portion of lots 4 and 8 connect to the adjacent Windmill Drive.

16.08.050.D. The pole shall be at least 8 feet wide for the entire length.

Finding: Complies as Proposed. The pole portion of lots 4 and 8 are approximately 20.5 feet in width.

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

Finding: Complies as Proposed. The pole portion of the flag lots are incorporated into the overall lot.

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 within 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 applicant proposed to extend Windmill Drive and Hampton Drive through the site. The proposed design complies with these standards.

16.12.030 Blocks—Width.

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

Finding: Complies as Proposed. The proposed development results in a formation of new blocks which generally provide two tiers of lots.

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-8” 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: Complies as Proposed. The site is approximately 185,147 square feet (4.25 acres) in size. The square footage of the proposed streets (30,052 square feet) and the storm detention tract (2,975 square feet) results in a net developable area for the project site of 152,120 square feet. The net developable area divided by 8,000 (the minimum lot size) provides a maximum density of 19 units. This section requires a minimum of 80% of the maximum density be achieved, or 15 lots ($19 \times 0.8 = 15.2$). The applicant has proposed 19 lots.

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. This standard allows lots within 20 percent of the 8,000 square foot minimum lot size (6,400 square feet), provided the average lot size is 8,000 square feet or greater. All proposed lots exceed 6,400 square feet – the smallest is 6,478 square feet and largest is 12,260 square feet. The average lot size for the entire subdivision is 8,006.4 square feet.

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: Not Applicable. No through lots are proposed with this development.

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 has stated that no major site grading is planned in conjunction with this site. As shown on the preliminary grading plan submitted with this application, grading for site development is limited to street right-of-way areas and the proposed storm detention facility. No site grading will be commenced until the required grading permit has been issued by the City of Oregon City. Grading for individual homes will be reviewed prior to the issuance of building permits. The applicant provided a preliminary grading plan demonstrating compliance with the City's Public Works requirements for grading standards.

The applicant shall provide an Erosion Prevention and Sedimentation Control Plan and a Residential Lot Grading Plan to the City for review prior to approval of construction plans. 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. **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. Pease Road is classified as a collector street, which abuts Lots 1 and 2. Per this section the houses built on Lots 1 and 2 will have their most architecturally significant façade facing Pease. In addition, if access for lots 1 and 2 is taken from Pease, the properties shall combine driveways thus be limited to a single driveway for access to both lots. **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: Not Applicable. No lot within the subdivision will be large enough to be further divided.

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 proposes 10-foot wide public utility easements (PUEs) along all street frontages per City standards. The applicant has stated that no other easements are required. This statement appears to be in error, as the plan depicts stormwater and sanitary sewer easements, as required by OCMC. Refer to discussion of the proposed easements in Sections 16.08.030.B.2 and 16.08.030.B.3 of this report. **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. As identified in the analysis in chapter 17.49, there are no watercourses onsite.

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: Complies as Proposed. A 20-foot wide access easement is proposed to serve Lots 9, 10, and 11.

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. As identified in the analysis in chapter 17.49, there are no natural resources onsite.

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 has acknowledged that the stated procedures will be adhered to. Furthermore, the stated procedures are aligned with the City's standard operating procedures. Standard conditions requiring compliance with City requirements ensure proper procedures will be followed. **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. Please refer to the analysis in section 16.08.030.B.3 of this report.

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. Please refer to the analysis in section 16.08.030.B.2 of this report.

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. Please refer to the analysis in section 16.08.030.B.1 of this report.

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 as Proposed. The submitted plan depicts compliance with sidewalk standards.

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: Not Applicable. A bicycle route does not exist on Pease Road in the southwesterly direction. Therefore, there is not an opportunity to extend a route and this section is not applicable.

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 has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal.

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 as Proposed. The applicant has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal.

16.12.095.I. Street Trees.

Finding: 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 has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal.

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 has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal.

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 has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal.

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. 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 other ponding situations. The plan shall show any existing or 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 as Proposed. The applicant has indicated that compliance with the minimum improvement standards will be accomplished at time of construction plan submittal. 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 has acknowledged that the stated timeline procedures will be adhered to. Furthermore, the stated procedures are aligned with the City's standard operating procedures. Standard conditions requiring compliance with City requirements ensure proper procedures will be followed. **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 has acknowledged that the stated guarantee procedures will be adhered to. Furthermore, the stated procedures are aligned with the City's standard operating procedures. Standard conditions requiring compliance with City requirements ensure proper procedures will be followed. **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 proposed a subdivision, this section 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 Conditions. The provisions of this section recognize that development of streets in full compliance with City standards is not always practicable and allow for approval of modifications when certain criteria are met. The applicant has proposed three modifications.

Pease Road

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

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

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

Boulder Run Ct.

Boulder Run Court: The subject property is an infill site. Prior development of the adjacent subdivision to the southwest did not extend Mayfly Ct. to the boundary of the subject site and, as a result, this property is left with an awkward configuration that does not permit construction of a full City-standard

street. A reduced standard dead-end public street is proposed as a superior alternative to development with flag lots sharing a private easement. Specifically, the following modifications are requested for this street:

- Reduction of the right-of-way width from 54 feet to 34 feet,
- Reduction of pavement width from 32 feet to 28 feet (with parking limited to one side), approval with a private hammerhead turn-around rather than a full-standard circular cul-de-sac,
- Construction with a curb-tight sidewalk being provided only on one side (or in the alternative, with the sidewalk along Lots 15 and 16 being in an easement),
- Street trees being placed in an easement behind the sidewalk.

- A. The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the local street standards is not specifically listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. In this instance, because of the narrow configuration of the subject property and the unavailability of a street stub from Mayfly Ct., it is not practicable to serve this area of the site with a full-standard cul-de-sac. Provision of street trees in easements behind the sidewalk will provide for aesthetics comparable to local street standards. Boulder Run Ct. serves only five homes. Given the low volumes of traffic the proposed access will provide for safe and efficient vehicular access to these homes.
- B. The proposed plan would provide for two travel lanes, a parking strip and for sidewalk access. This is clearly preferable to a flag lot configuration with private ownership of a paved accessway. The plan provides for an emergency vehicle turn-around that is consistent with fire code standards, thereby ensuring the safety of the proposed design. Sidewalk access is proposed to provide for pedestrian traffic, and traffic volumes will be very low so that shared use of the pavement by cars and bicycles will be safe.
- C. The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process. In this instance, the proposed alternative design will provide for a street that will meet the intent of the TSP.
- D. The proposed street design for Boulder Run Ct. serves only five homes. It will provide for two travel lanes, the same as local street standards in the surrounding area, and for sidewalk access. The only functional difference will be that parking will be limited to one side of the street. Given the low traffic volumes and the fact that the lots in this area are large enough that homes will have ample area for off-street parking, this limitation will not be out of character with the design of other streets in the area.
- E. At this time, the applicant is not asserting a constitutional basis for the requested modification.

Street Spacing/Pedestrian Accessway

Street Spacing/Pedestrian Accessway Standards: Section 12.04.195 sets a maximum spacing distance between streets of 530 feet and says that if this distance is exceeded then a pedestrian accessway must be provided every 330 feet. The distance between Hampton Drive and Fishermans Way is approximately 689 feet. A new street intersection at this location is not desirable because it would be too close, but not aligned with, the new intersection of Pavilion Place and Pease Road on the opposite side of the street. Initial designs for the subdivision included a pedestrian accessway, but discussions with Public Works staff indicate that they do not believe there is a need for the accessway and do not want to maintain it. For this reason, it was eliminated from the final design and a modification is requested.

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

Staff concurs with the modification on Pease Road as proposed.

Staff concurs with the modification on Boulder Run Court subject to the following revision: The alternate to provide sidewalk in an easement along Lot 15 and Lot 16 will be evaluated at construction plan review, when driveway, street tree, and utility locations are known.

Staff concurs with the modification eliminating a pedestrian/bicycle accessway from Pease Road to Windmill Drive, between Fishermans Way and Hampton Drive. With the completion of Windmill Drive between Fishermans Way and Hampton Drive, all lots will be provided direct connectivity to Pease Road in the southwesterly and northeasterly directions without additional length of route.

Submitted plan and narrative conform to the standards, with the condition that elimination of sidewalk on Boulder Run Court will be further considered at time of construction plan review. **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 as Proposed. Applicant has stated that street, curb and sidewalk improvements will be constructed in accordance with approved plans designed to conform to City street standards.

12.04.020 Construction specifications—Unimproved streets.

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. No unimproved streets are proposed.

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.

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

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. Applicant has indicated that curb cuts will comply with 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 owner 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 to 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

Type of Street

Finding: Not Applicable. See Section 12.04.007 for discussion of modification to Boulder Run Court

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. No retaining walls are proposed.

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. No retaining walls are proposed.

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.

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 as Proposed. Applicant has acknowledged future compliance with permit requirements at time of construction.

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 as Proposed. Applicant has acknowledged future compliance with permit requirements at time of construction.

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 Condition. The applicant has proposed work in the public ROW that will require pavement restoration. This includes new pipe lines. The applicant shall restore the pavement in accordance with the City pavement cut 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 as Proposed. All excavations will comply with this Chapter via the conditions of approval.

12.04.120 Obstructions – Permit Required

12.04.120.A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

- 1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
- 2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;*
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. Alternative routes if necessary;*
 - e. Minimizing obstruction area; and*
 - f. Hold harmless/maintenance agreement.*
- 3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.*

12.04.120.B. Temporary Obstructions.

- 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
- 2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
- 3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
- 4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:*
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;*
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. Alternative routes if necessary;*
 - e. Minimizing obstruction area; and*
 - f. Hold harmless/maintenance agreement.*
- 5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:*
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*

- c. No alternative locations are available that would not require use of the public right-of-way; and
- d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

12.04.120.C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Finding: Not Applicable. The applicant has not proposed an obstruction with this application.

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.

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.

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.

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

12.04.175 Street Design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. 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 Proposed. Applicant states that the proposed street pattern connects Windmill Drive through the site to complete the existing block. The location of this street is set by existing street stubs on the east and west. The width is consistent with local street standards. The plan also extends Hampton Drive to the northwest border. This street connects to the existing terminus of Hampton Drive and extends it through the site so that it can eventually connect with Central Point Road, as shown on the Future Streets Plan. The width of this street meets local street standards. An access control strip will be provided to meet the standards of section 12.04.200.

12.04.180 Street Design.

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

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

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

Proposed designs of Hampton Drive and Windmill Drive comply with City standards. See 12.04.007 for discussion of modified street sections for Pease Road and Boulder Run Court. **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. A condition has been applied to require access control strip on Hampton Drive dead-end. **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. See 12.04.007 for discussion of modified spacing standards.

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

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
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	25 ft.

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
	than single and two-family dwellings	
<i>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.</i>		

Finding: Complies with Condition. Driveway locations have not been shown on the proposed subdivision. A condition will be applied to ensure driveways will be located 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.

12.04.199.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. See 12.04.007 for discussion of modification to accessway standards.

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 referenced 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 as Proposed.

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. Please refer to 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: Not Applicable. Half-streets are not proposed or required.

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: Complies as Proposed. The applicant has stated that existing development patterns require the use of a dead-end street. Had Mayfly Ct. been extended to the subject property, this may not have been the case, but it was permitted to be developed as a cul-de-sac. The maximum number of lots that may be served by a cul-de-sac or dead-end street is 25. The proposed Boulder Run Ct. would serve 5 lots. The maximum allowable length is 200 feet and the proposed length is 190 feet. As required, a hammerhead emergency vehicle turn-around meeting Fire District standards is proposed to be provided at the end of the dead-end street.

See 12.04.007 for further discussion on the modification to Boulder Run Court.

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. Boulder Run Court does not duplicate other street names within the City of Oregon City.

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 as Proposed. Applicant has indicated grades and curves will conform to the standards.

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

12.04.245 Street Design--Pedestrian and Bicycle Safety.

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

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

Finding: Not Applicable.

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 as Proposed. Planter strips will be provided per City standards with the exception of Boulder Run Court. See 12.04.007 for discussion of Boulder Run Court proposed street cross-section.

12.04.270 Standard Construction Specifications.

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

Finding: Complies as Proposed. Applicant has acknowledged that construction will need to comply with the standards.

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.

OCMC CHAPTER 17.49, NATURAL RESOURCE OVERLAY DISTRICT

The applicant submitted an NROD Report, prepared by Schott & Associates and dated April 2015, as part of the application materials. The report authors determined that the drainage which originally precipitated the NROD overlay was culverted when the subdivision to the northeast was constructed and that there are no wetlands or waterways on the subject site.

The City of Oregon City (the City) has contracted with David Evans and Associates, Inc. (DEA), to review permit applications located within the Natural Resource Overlay District (NROD) and mitigation plans, as applicable, to ensure they are complete and meet Oregon City zoning code criteria. Gigi Cooper of DEA submitted comments in Exhibit 9 concluding that “based on our review, the applicant meets the requirements of 17.49.260 for a Type II verification review”.

Based on the analysis and findings presented in this report, and the exhibits attached herein, the enclosed project is **exempt** from further review under the standards contained in OCMC Chapter 17.49.

Figure 3: Natural Resource Overlay District



17.49.260. Type II verification.

Verifications of the NROD which cannot be determined pursuant to the standards of Section 17.49.255 may be processed under the Type II permit procedure.

Finding: Applies. The applicant proposed a Type II verification.

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

Finding: Complies as Proposed. The applicant submitted site plans per 17.49.220 as part of the application packet.

17.49.206.B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area.

Finding: Complies as Proposed. The applicant provided an NROD report dated April 2015, prepared by Schott & Associates. The applicant provided the company profile and qualifications of the report preparers.

17.49.260.C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:

1. All approved development in the NROD has been completed;
2. All mitigation required for the approved development, located within the NROD, has been successful; and
3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

Finding: Not Applicable. The request is not to remove a recently developed area (there are structures on the subject site, but they are not recent), therefore provision C does not apply.

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 Conditions. Applicant acknowledges development shall comply. Refer to section 16.08.030.B.3 of this report for a discussion of stormwater. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Condition. See 16.08.030.B.3 for discussion of stormwater design.

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 stormwater.

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: Storm water quality control is required. Refer to section 16.08.030.B.3 of this report for a discussion of stormwater.

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

a. *Fuel dispensing facilities;*

b. *Bulk petroleum storage in multiple stationary tanks;*

c. *Solid waste storage areas for commercial, industrial or multi-family uses;*

d. *Loading and unloading docks for commercial or industrial uses; or*

e. *Covered vehicle parking for commercial or industrial uses.*

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

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

Finding: Not Applicable. No new waste discharges or new stormwater flow will occur with this development.

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 31 street trees. Based upon the layout, there is approximately 1,523 feet of frontage which require 43 street trees (1,523/35=43.5). The applicant shall revise the street tree plan to comply with this standard.

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 any existing street trees 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 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 area)	Column 2 Number of trees to be planted. (If removed Within the construction 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 arborvitae near the intersection of Hampton Drive and Boulder Run Court. 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 424 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"	6	3	18	59	1	59
13"-18"	8	6	48	24	2	48

19"-24"	2	9	18	20	3	60
25"-30"	4	12	48	10	4	40
31+"	3	15	45	8	5	40
Total	23		177	121		247
Grand Total	424 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 17.41100 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 Developmemt 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 Developmemt 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, Zone Change and Natural Resource Overlay District 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, Zone Change and Natural Resource Overlay District review 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 15-06) on April 1, 2015. The land use application was submitted within 6 months of the pre-application conference on April 15, 2015. The application was deemed incomplete on May 15, 2015 and after the submittal of additional information the application was deemed complete on July 1, 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 15, 2015. The application was deemed incomplete on May 15, 2015 and after the submittal of additional information the application was deemed complete on July 1, 2015. The City has until October 29, 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 15, 2015. The application was deemed incomplete on May 15, 2015 and after the submittal of additional information the application was deemed complete on July 1, 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 has not proposed a fence or retaining wall with the proposed development.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed development for a site identified as Clackamas County 3-2E-07B -02300, Clackamas County 3-2E-07BA-07000 and Clackamas County 3-2E-07BA-06900, 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 ZC 15-01, TP 15-02 and NR 15-04 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Letter from John Replinger of Replinger and Associates, City Consultant
4. Comments from Greg Peterson of 18865 Shenandoah Drive, Oregon City
5. Comments from Mayor Dan Holladay
6. Comments from Todd Last

7. Comments from Wes Rogers, Director of Operations for the Oregon City School District
8. Comments from Scott Archer, Community Services Director
9. Letter from Gigi Cooper at David Evans and Associates
10. Excerpts from AN 07-07