

# **Cunningham – Application Table of Contents**

## **Narrative**

- I. Summary of Proposal
- II. Current Conditions
- III. Annexation Approval Criteria
- IV. Zone Change Approval Criteria
- V. Land Division Approval Criteria

## **Exhibits**

- A. Site Plan/Supplemental Survey (4 full sized, 30 reduced)
- B. Preliminary Partition Plan (4 full sized, 4 reduced)
- C. Transportation Analysis Letter from Lancaster Engineering (2 copies)
- D. Arborist Report and Tree Inventory from City Wide Tree Service (2 copies)
- E. Caulfield Neighborhood Association Meeting Minutes (2 copies)
- F. Pre-App Conference Summary (2 copies)

## **Attachments**

- A. Application Form

## **Annexation**

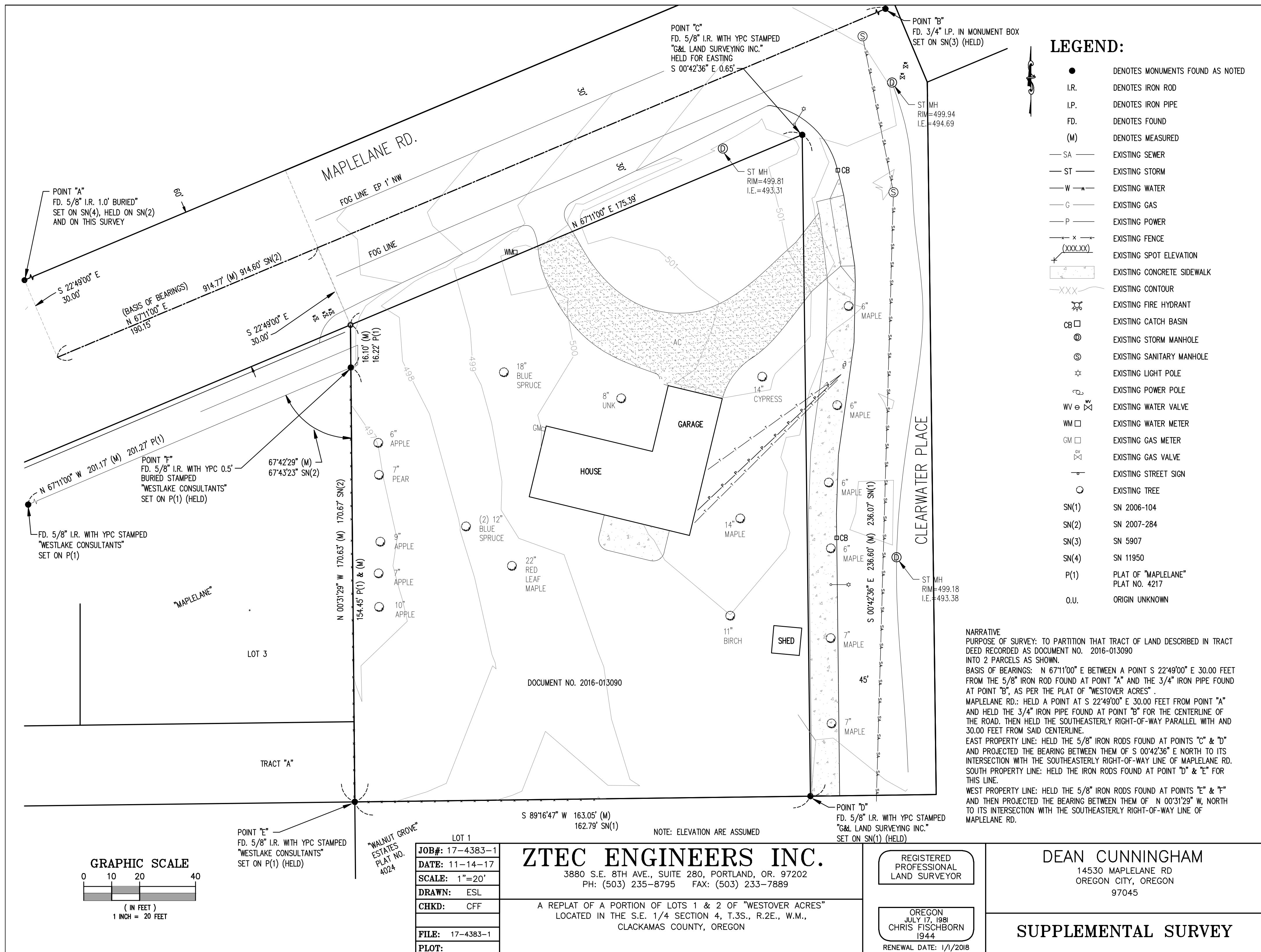
- B. Petition from 100% of Land Owners (2 copies)
- C. Legal Description of property to be annexed (2 copies)
- D. List of property owners within 300 feet (2 copies)
- E. Mailing Labels for property owners within 300 feet (1 copy)
- F. Clackamas County Tax Map with property highlighted (2 copies)

## **Zone Change**

- G. Title Report (2 copies)
- H. Sign-in Sheet from Neighborhood Meeting (2 copies)
- I. Neighborhood Meeting – Issues Discussed (2 copies)

## **Minor Partition**

- J. Legal Descriptions of Proposed Parcels (2 copies)
- K. Receipt from County Assessor's Office



# LEGEND:

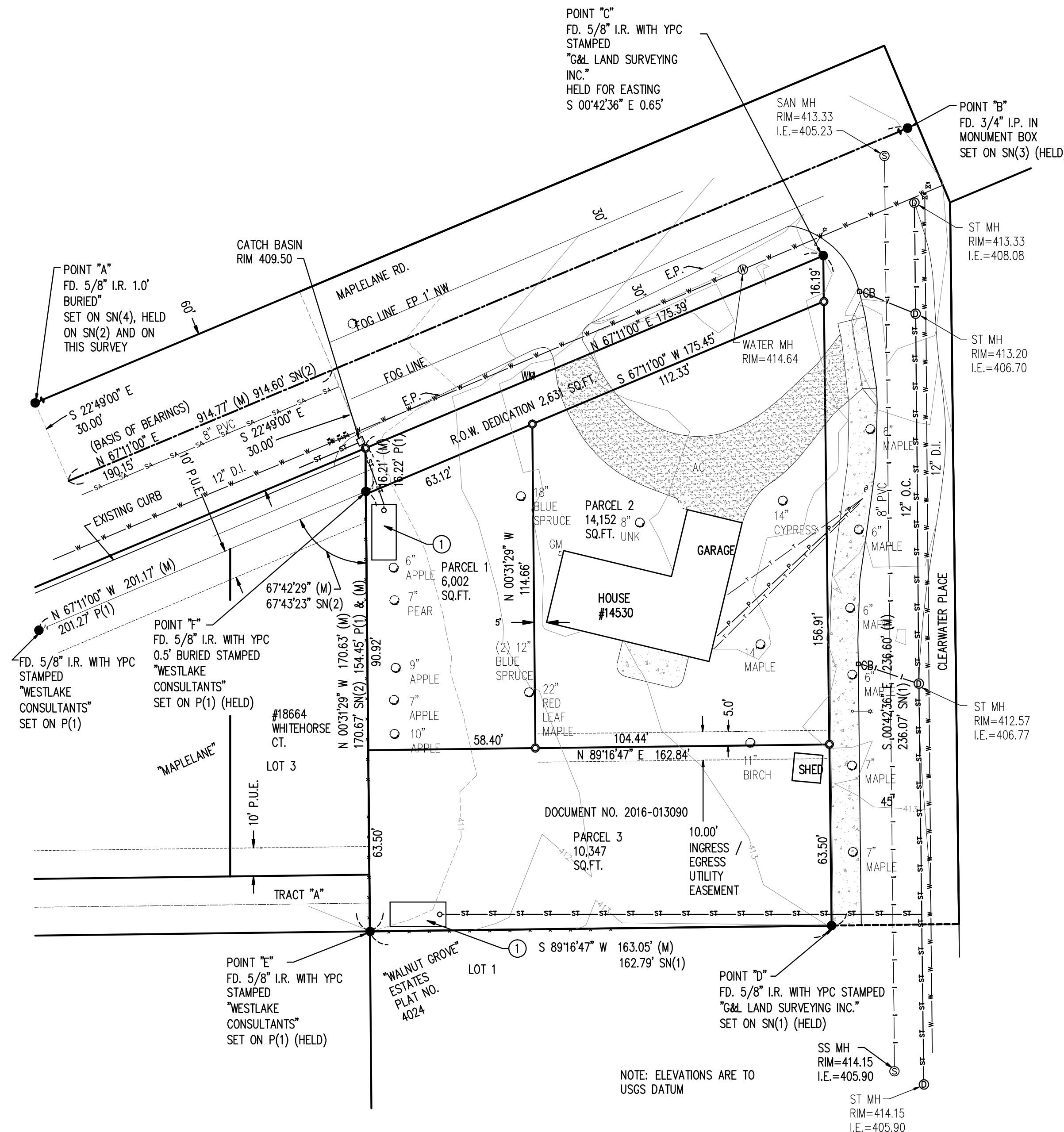
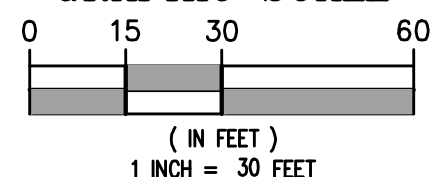
- DENOTES MONUMENTS FOUND AS NOTED
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- GM □ EXISTING GAS METER
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- ⊙ EXISTING STREET SIGN
- ⊙ EXISTING TREE
- SN(1) SN 2006-104
- SN(2) SN 2007-284
- SN(3) SN 5907
- SN(4) SN 11950
- P(1) PLAT OF "MAPLELANE"  
PLAT NO. 4217
- O.U. ORIGIN UNKNOWN

NARRATIVE  
PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN TRACT DEED RECORDED AS DOCUMENT NO. 2016-013090 INTO 3 PARCELS AS SHOWN.  
BASIS OF BEARINGS: N 67°11'00" E BETWEEN A POINT S 22°49'00" E 30.00 FEET FROM THE 5/8" IRON ROD FOUND AT POINT "A" AND THE 3/4" IRON PIPE FOUND AT POINT "B", AS PER THE PLAT OF "WESTOVER ACRES".  
MAPLELANE RD.: HELD A POINT AT S 22°49'00" E 30.00 FEET FROM POINT "A" AND HELD THE 3/4" IRON PIPE FOUND AT POINT "B" FOR THE CENTERLINE OF THE ROAD. THEN HELD THE SOUTHEASTERLY RIGHT-OF-WAY PARALLEL WITH AND 30.00 FEET FROM SAID CENTERLINE.  
EAST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "C" & "D" AND PROJECTED THE BEARING BETWEEN THEM OF S 00°42'36" E NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.  
SOUTH PROPERTY LINE: HELD THE IRON RODS FOUND AT POINT "D" & "E" FOR THIS LINE.  
WEST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "E" & "F" AND THEN PROJECTED THE BEARING BETWEEN THEM OF N 00°31'29" W, NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

## STORM DRAINAGE NOTES:

- ① INSTALL ON-SITE LIDA FACILITIES WITH OVERFLOW CONNECTED TO PUBLIC STORM SEWER FACILITIES SIZES PER PROPOSED NEW IMPERVIOUS AREAS AND MEASURED SITE INFILTRATION RATE.

## GRAPHIC SCALE



JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=30'
DRAWN:	ESL
CHKD:	CFF
FILE:	17-4383-1
PLOT:	

## ZTEC ENGINEERS INC.

3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202  
PH: (503) 235-8795 FAX: (503) 233-7889

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES"  
LOCATED IN THE S.E. 1/4 SECTION 4, T.3S., R.2E., W.M.,  
CLACKAMAS COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

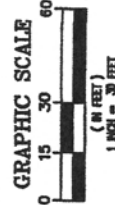
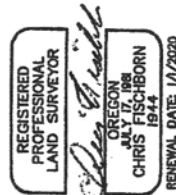
OREGON  
JULY 17, 1981  
CHRIS FISCHBORN  
1944  
RENEWAL DATE: 1/1/2018

DEAN CUNNINGHAM  
14530 MAPLELANE RD  
OREGON CITY, OREGON  
97045

## SUPPLEMENTAL SURVEY

# LEGEND:

- DENOTES MONUMENTS FOUND AS NOTED
- DENOTES 5/8"X37" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC 15 1944" AND SET ON
- LR. DENOTES IRON ROD
- LP. DENOTES IRON PIPE
- FD. DENOTES FOUND
- (M) DENOTES MEASURED
- SQ. FT. DENOTES SQUARE FEET
- S.N. DENOTES SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- PI(1) DENOTES PLAT OF "MAPLELANE" PLAT # 4217
- SN(1) DENOTES S.N. 2006-104
- YPC DENOTES YELLOW PLASTIC CAP
- O.U. DENOTES ORIGIN UNKNOWN
- DEED(1) DOC. NO. 2004-207125
- CO. RD. DENOTES COUNTY ROAD
- SN(2) SN 2007-284
- SN(3) SN 5907
- SN(4) SN 11950



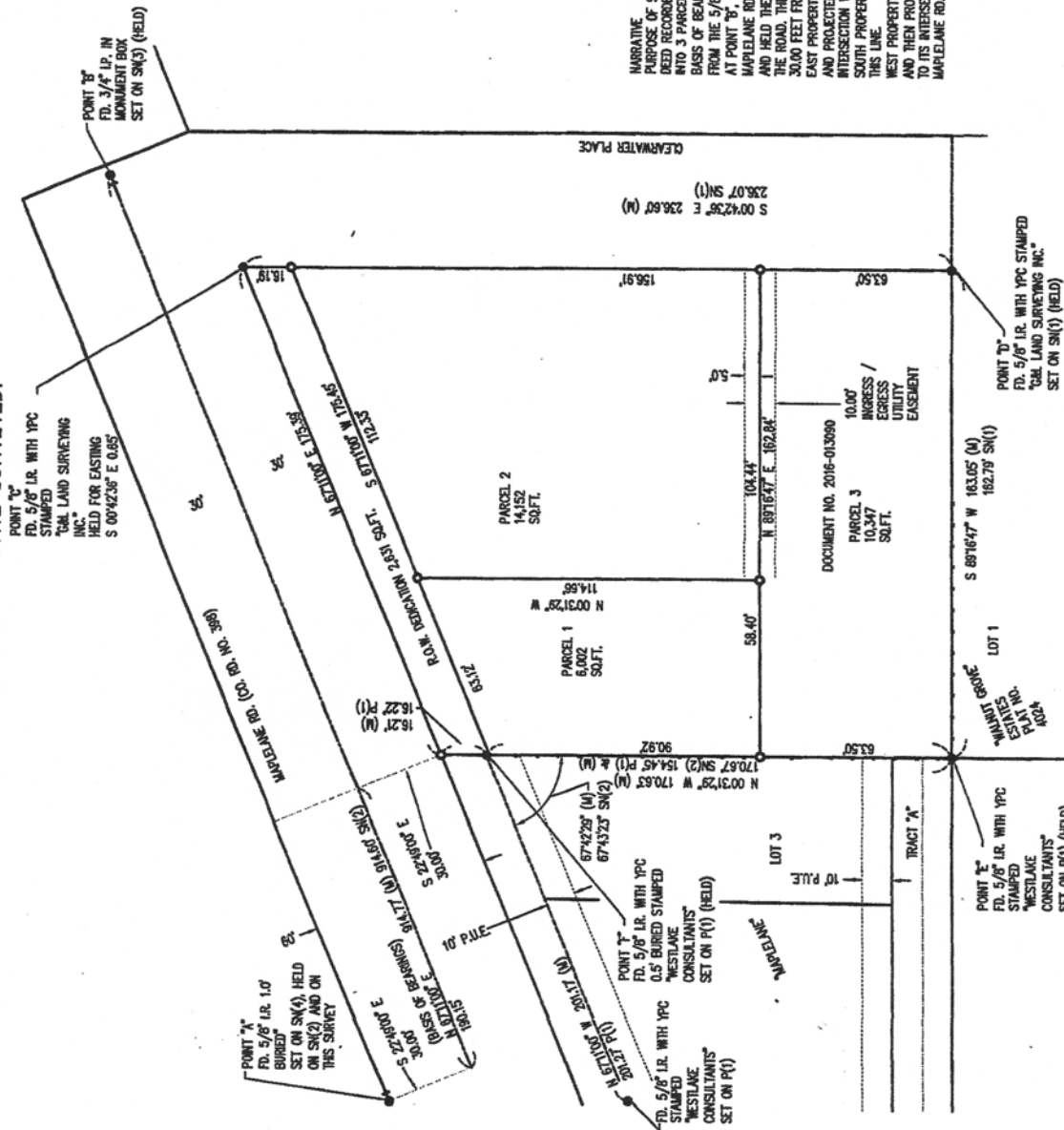
# PARTITION PLAT

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES" LOCATED IN THE SE 1/4 SECTION 4, T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

**ZTEC ENGINEERS INC.**

3880 S.E. 8TH AVENUE, SUITE 280, PORTLAND, OREGON 97202  
PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. 17-4383-1 DATE SURVEYED:



**NARRATIVE**  
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MAPLELANE RD: HELD A POINT AT 9°22'49"00" E 30.00 FEET FROM POINT "A" AND HELD THE 3/4" IRON PIPE FOUND AT POINT "B" FOR THE CENTERLINE OF THE ROAD. THEN HELD THE SOUTHEASTERLY RIGHT-OF-WAY PARALLEL WITH AND 30.00 FEET FROM SAID CENTERLINE.  
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PARTITION PLAT NO. \_\_\_\_\_



August 1, 2018

Debbie Cleek  
The Bookin Group  
1140 SW 11th Avenue, Suite 500  
Portland, OR 97205



**LANCASTER**  
**ENGINEERING**

321 SW 4th Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

RE: 14530 S Maplelane Road Annexation – Transportation Analysis Letter

Dear Ms. Cleek,

This Transportation Analysis Letter (TAL) evaluates the transportation impacts of the proposed annexation, rezoning, and redevelopment of a property located at 14530 S Maplelane Road in Oregon City, Oregon. The project will include the annexation of the site into the city, a zone map amendment from *R-10 Single-Family Dwelling District* (R-10) to *R-6 Single-Family Dwelling District* (R-6), and the partitioning and redeveloping of the property into three lots.

The purpose of this study is to determine whether the transportation system within the vicinity of the site is capable of safely and efficiently supporting the existing uses and accommodate the proposed project, as well as to determine any mitigation that may be necessary to do so. Detailed information on trip generation calculations and safety analyses is included as an attachment to this letter.

## ***Location Description***

### ***Project Site Description***

The project site is located north of Sugarpine Street, south of S Maplelane Road, and west of Clearwater Place in Oregon City, Oregon. The site includes a single tax lot, lot 500, which encompasses an approximate total of 0.76 acres. The site is currently developed with one single-family house that takes access to both S Maplelane Road and Clearwater Place. Upon redevelopment of the site, the existing lot will be partitioned into three, where the existing single-family house will be maintained and two new houses constructed. The two proposed houses will take access onto Clearwater Place. The existing house will maintain its current access onto Clearwater Place while its driveway onto S Maplelane Road will be closed.

The subject site is located within a predominately residential area that is undergoing a transition from lower density rural to higher density (sub)urban residential uses. One notable development located within



approximately a half-mile walking/biking distance of the site includes the Berry Hill Shopping Center to the southwest.

### *Vicinity Roadways*

The proposed development is expected to impact the following two nearby vicinity roadways: S Mapelane Road and Clearwater Place. Table 1 provides a description of each of the vicinity roadways.

**Table 1: Vicinity Roadway Descriptions**

Roadway	Jurisdiction	Functional Classification	Cross-Section	Speed	On-street Parking	Bicycle Lanes	Curbs	Sidewalks
S Maple Lane Road	Clackamas County	Minor Arterial	2 Lanes	45 mph Posted	Partially Permitted	None	Partial South Side	Partial South Side
Clearwater Place	Oregon City	Local Street	2 Lanes	25 mph Statutory	Partially Permitted	None	Partial Both Sides	Partial Both Sides

### *Vicinity Intersections*

The intersection of S Mapelane Road at Clearwater Place is a three-legged intersection that is stop-controlled for the northbound approach of Clearwater Place. All three approaches each have one shared lane for all turning movements. Crosswalks are unmarked across all three intersection legs.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.



Figure 1 – Aerial Photo of Site Vicinity (Image from Google Earth)

## Site Trips

### Trip Generation

A trip generation analysis was prepared for the proposed zone change of the property and for the subsequent redevelopment of the site from one to three single-family houses. The purpose for conducting the zone change analysis is to determine the net change in trip generation potential of the site between the existing and proposed zones. The trip generation analysis for the proposed development was conducted to determine the impacts of the three-lot partition on the nearby transportation system.

#### *Trip Generation – Zone Change Analysis*

Upon annexing the property, the site by default will be rezoned from *Future-Use 10-acre* (FU-10) under Clackamas County zoning to *R-10 Single-Family Dwelling District* (R-10) Oregon City zoning. From there, the site will be rezoned from R-10 to R-6. To determine the impacts of the proposed zone change, reasonable worst-case development scenarios for the default R-10 zone and proposed R-6 were determined utilizing data from the most traffic-intensive uses permitted for each zone that could be developed within the site.



The default R-10 zone requires that each single-family detached dwelling have a minimum lot size of 10,000 square-feet while the proposed R-6 zone requires a minimum lot size of 6,000 square-feet. Based on a survey of the site, under the default R-10 zone up to three single-family houses could be constructed while under the proposed R-6 zone up to five houses could be constructed.

To estimate the number of trips that could be generated under each zone, trip rates from the *Trip Generation Manual*<sup>1</sup> were used. Data from land-use code 210, *Single-Family Detached Housing*, was used to estimate potential trip generation under R-10 and R-6 zoning based on the number of dwelling units.

The trip generation calculations show that upon rezoning the site from R-10 to R-6, the trip generation potential of the site could increase by up to 2 morning peak hour trips, 2 evening peak hour trips, and 20 average weekday trips. The trip generation estimates of the proposed development are summarized in Table 2 below. Detailed trip generation calculations are included as an attachment to this letter.

**Table 2: Zone Change Trip Generation Summary**

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Default R-10 Zone	210	2 units	1	1	2	2	1	3	28
Proposed R-6 Zone	210	5 units	1	3	4	3	2	5	48
Net Change		2 units	0	2	2	1	1	2	20

#### *Trip Generation – Proposed Development Analysis*

Upon rezoning the site, the subject property will be partitioned and redeveloped as a three-lot partition. To estimate the number of trips that will be generated by the proposed development relative to existing site conditions, trip rates from the *Trip Generation Manual* were used. Data from land-use code 210, *Single-Family Detached Housing*, was used to estimate site trip generation based on the number of existing and proposed dwelling units.

The trip generation calculations show that the proposed development is projected to generate a net increase of 1 morning peak hour trip, 2 evening peak hour trips, and 18 average weekday trips. The trip generation estimates of the proposed development are summarized in Table 3 below. Detailed trip generation calculations are included as an attachment to this letter.

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<sup>1</sup> Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017.



**Table 3: Proposed Development Trip Generation Summary**

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Development	210	1 units	0	1	1	1	0	1	10
Proposed Development	210	3 units	1	1	2	2	1	3	28
<b>Net New Trips</b>		<b>2 units</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>18</b>

### *Trip Distribution*

The directional distribution of site trips to/from the proposed development was estimated based on locations of likely trip destinations and locations of major transportation facilities in the site vicinity. It is estimated that approximately 80 percent of site trips will travel to/from the west along S Maplelane Road while approximately 20 percent of site trips will travel to/from the east. This can be equated to 1 morning peak hour trip and 2 evening peak hour trips traveling to/from the west along S Maplelane Road while nominal volumes of peak hour traffic will travel to/from the east.

### *Site Trip Impacts to OR-213 at S Beaver Creek Road*

The intersection of OR-213 at Beaver Creek Road has been identified as operating at/near capacity by both Oregon City and the Oregon Department of Transportation (ODOT). Due to the minimal expected impacts from the proposed project to the intersection, no operational analysis is required; however, the number of peak hour site trips expected to impact the intersection needs to be reported. Table 5 summarizes the projected site trip impacts to this intersection. The percentage of site trip impacts were assumed to be approximately 80 percent of the trips generated, or all trips projected to travel west along S Maplelane Road as described in the *Trip Distribution* section.



Table 4: Site Trip Impacts at OR-213 at Beavercreek Road

Intersection	Percentage of Site Trip Impacts	Morning Peak Hour Site Trips	Evening Peak Hour Site Trips
OR-213 at Beavercreek Road	80%	1	2

## Safety Analysis

### Crash Data Analysis

Using data obtained from ODOT's Crash Analysis and Reporting Unit, a review was performed for the most recent five years of available crash data (January 2012 through December 2016) along the roadway of Clearwater Place. The crash data was evaluated based on the number of crashes, the type of collisions, and the severity of the collisions.

Based on a review of the crash data, one collision was reported along Clearwater Place during the analysis period, specifically at the intersection with S Maplelane Road. The crash was a rear-end collision that was classified as "Possible Injury – Complaint of Pain" (*Injury C*). Due to the low number of crashes and the low severity of collisions near the project site, no specific safety mitigation is necessary or recommended as part of the proposed development.

### Sight Distance Analysis

Sight distance was examined for the two proposed and the single existing site access intersections along Clearwater Place (refer to Site Plan included within the attachments). Sight distance was measured and evaluated in accordance with standards established in *A Policy on Geometric Design of Highways and Streets*<sup>2</sup>. According to AASHTO, the driver's eye is assumed to be within the side-street approach, 3.5 feet above the pavement at a position of 15 feet behind the near edge of the traveled way. Measurements are taken to a position within the approaching travel lanes 3.5 feet above the pavement on the major-street.

Based on a statutory speed of 25 mph along Clearwater Place, the minimum recommended intersection sight distance for maintaining relatively uninterrupted traffic flow along the roadway is 280 feet (stopping sight distance at 25 mph is 155 feet).

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<sup>2</sup> American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 6<sup>th</sup> Edition, 2011.





For the existing access intersection along Clearwater Place (serving Parcel 2), intersection sight distance was measured to be in excess of 300 feet to the south while sight distance to the north was measured beyond S Maplelane Road. Upon redevelopment and subsequent removal of an onsite shed, intersection sight distance at proposed Parcel 1 access was measured to be 242 feet to south, limited by foliage on the adjacent property to the south, while sight distance to the north was measured back to S Maplelane Road. For the proposed access serving Parcel 3, at the time of conducting sight distance measurements, no specific location for a driveway had been proposed. However, regardless of placement of the Parcel 3 access, intersection sight distance to the north would extend back to S Maplelane Road (provided the onsite shed is removed) while sight distance to the south would be no less than 180 feet, limited by foliage on the adjacent property to the south.

While intersection sight distance was measured to be less than 280 feet to the south of the proposed shared access, per the AASHTO manual, stopping sight distance is considered the minimum requirement to ensure safe operation of an intersection. This is the distance that allows an oncoming driver to see a hazard on the roadway, react, and come to a complete stop if necessary to avoid a collision. Conversely, intersection sight distance is an operational measure intended to provide sufficient line of sight along the major-street so that a driver could turn from the minor-street approach without impeding traffic flow. Based on the available sight distance, there is sufficient stopping sight distance to accommodate a northbound approaching vehicle traveling at 34 mph (9 mph above the statutory speed of 25 mph).

To support the use of the minimum required stopping sight distance standard in lieu of the minimum recommended intersection sight distance, Clearwater Place is classified by Oregon City as a Local Street and is located within a residential neighborhood. As such, interruptions in the flow of traffic are to be expected at this and other similar locations due to conflicts with: vehicles backing from driveways into the road; pedestrians, bicyclists, and children playing within the street; and drivers entering/exiting vehicles that are parked on-street. Furthermore, Clearwater Place is intended to primarily serve local residents living within the subdivision to the south and is not meant to serve either high speed (statutory residential speed of 25 mph) or high volumes of traffic. Additionally, the segment of roadway that fronts the project site is in close proximity of a stop sign to the north, whereby northbound vehicles will actively be slowing as they approach the proposed access. Due to the character of the roadway, interruptions in traffic flow, and slowing of northbound traffic are to be expected along Clearwater Place whereby utilizing stopping sight distance is practical.

Based on the detailed analysis, adequate sight distance is available to the north and south of the existing and proposed access intersections along Clearwater Place for them to operate safely. It is recommended that the existing onsite shed be removed to improve sight lines viewing south of the proposed shared access. No other sight distance mitigation is necessary or recommended.



## Design Standards

The following sections provide narrative with regard to access spacing and driveway width standards as described within Oregon City's Municipal Code Section 12.04 – *Streets, Sidewalks, and Public Places*.

### Spacing Standards

Per Table 12.04.195.B – *Minimum Driveway Spacing Standards*, for Local Streets the “*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*” is 25 feet. The existing and proposed driveways are located at/further than 25 feet from S Mapelane Road and Sugarpine Street. Additionally, both site access driveways and nearby off-site driveways serve single/two family dwellings, whereby minimum spacing standards between adjacent driveways is not applicable. Accordingly, minimum driveway spacing standards are met.

### Driveway Width Standards

Per Section 12.04.025 – *Street Design-Driveway Curb Cuts*, driveway widths shall be designed to the standards detailed in Table 5 on the following page.

**Table 5: Driveway Curb Cut Dimensions**

Property Use	Driveway Width at Sidewalk or Property Line	
	Minimum (Feet)	Maximum (Feet)
Single or Two-Family Dwelling with One Car Garage/Parking Space	10	12
Single or Two-Family Dwelling with Two Car Garage/Parking Space	12	24
Single or Two-Family Dwelling with Three or more Car Garages/Parking Space	18	30
Nonresidential or Multi-Family Residential Driveway Access	15	40



## **Connectivity Analysis**

Under existing conditions, adjacent properties to the east and south of the site are developed as single-family houses where no new vehicle, bicycle, or pedestrian connections will be constructed. Current access to the existing onsite house is provided via single driveways onto S Maplelane Road and Clearwater Place. Curbs and sidewalks are in place along the western side of Clearwater Place while no pedestrian facilities are provided on S Maplelane Road along site frontage. Bicycle lanes are not provided along either Clearwater Place or S Maplelane Road (from Walnut Grove Way to the northeast).

As part of the proposed partition, two new vehicular accesses (via individual house driveways) will be constructed onto Clearwater Place while the existing access onto the roadway will be maintained. The existing access onto S Maplelane Road will be removed and right-of-way improvements, inclusive of curbs and pedestrian sidewalks, will be constructed along site frontage. Although no plans are currently made to redevelop properties to the north and east of the site, buildout of the proposed partition project is not expected to impact the potential redevelopment of these adjacent properties or their connectivity to the transportation system.

## **Transportation Planning Rule**

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting potential increases in traffic intensity that could result from changes to adopted plans and land-use regulations. Since the proposed project includes a change in zoning, the TPR must be addressed. The applicable elements of the TPR are quoted in *italics* below, with responses following.

*Oregon Administrative Rule 660-12-0060*

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of the rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan;*
  - (b) Change standards implementing a functional classification system; or*
  - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*



Debbie Cleek  
August 1, 2018  
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- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet performance standards identified in the TSP or comprehensive plan.*

Regarding the proposed change in zoning, subsections (a) and (b) are not triggered, since the zone change will not alter the functional classification of any existing or planned facility and the project does not include a change to any functional classification standards. Subsection (c) is also not triggered since the net increase in the peak hour trip potential of the site resulting from the proposed zone change is expected to be no greater than two trips. The proposed zone change will therefore have a de minimis impact on operation of area transportation facilities, and the performance of existing and planned transportation facilities will be nominally degraded. Accordingly, the TPR is satisfied since the zone change will not significantly affect the transportation system.

## **Conclusions**

The projected impacts of the proposed S Maplelane Annexation to the existing transportation system within the site vicinity are expected to be minimal. The new site trips are not expected to significantly alter the operation or safety of the existing transportation facilities. Additionally, the nearby vicinity roadways and intersections are expected to operate safely.

If you have any questions or concerns regarding this analysis or need further assistance, please don't hesitate to contact us.

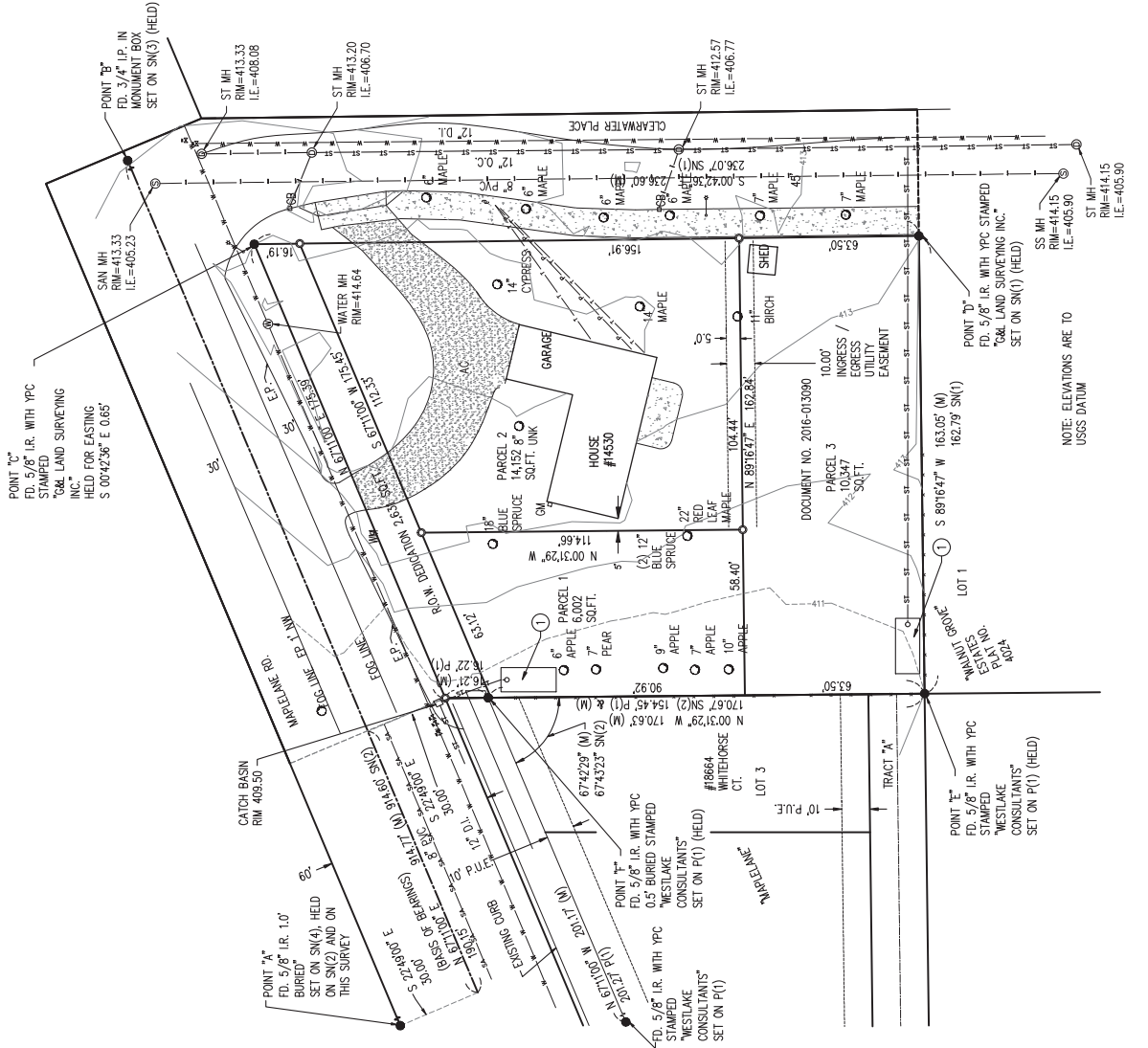
Sincerely,



Daniel Stumpf, EI  
Senior Transportation Analyst

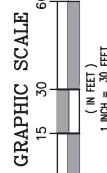
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- O.U. ORIGIN UNKNOWN



STORM DRAINAGE NOTES:

1. INSTALL ON-SITE LIDA FACILITIES WITH OVERFLOW CONNECTED TO PUBLIC STORM SEWER FACILITIES SIZES PER PROPOSED NEW IMPERVIOUS AREAS AND MEASURED SITE INFILTRATION RATE.



ZTEC ENGINEERS INC.

3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202  
PH: (503) 235-8795 FAX: (503) 233-7889  
A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES"  
LOCATED IN THE S.E. 1/4 SECTION 4, T.35., R.2E., W.M.,  
CLACKAMAS COUNTY, OREGON

JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=30'
DRAWN:	ESL
CHECK:	OFF
FILE:	17-4383-1
PLOT:	

DEAN CUNNINGHAM

14530 MAPLELANE RD  
OREGON CITY, OREGON  
97045

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JAN 28  
CHRIS FISCHBORN  
1944

RENEWAL DATE: 1/1/2018

SUPPLEMENTAL SURVEY

**TRIP GENERATION CALCULATIONS**  
**Reasonable Worst-Case Development (R-10 Zone)**

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Setting/Location* General Urban/Suburban  
*Variable:* Dwelling Units  
*Variable Value:* 3

**AM PEAK HOUR**

*Trip Rate:* 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	1	1	2

**PM PEAK HOUR**

*Trip Rate:* 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	2	1	3

**WEEKDAY**

*Trip Rate:* 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	14	14	28

**SATURDAY**

*Trip Rate:* 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	14	14	28



**TRIP GENERATION CALCULATIONS**  
**Reasonable Worst-Case Development (R-6 Zone)**

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Setting/Location* General Urban/Suburban  
*Variable:* Dwelling Units  
*Variable Value:* 5

**AM PEAK HOUR**

*Trip Rate:* 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>1</b>	<b>3</b>	<b>4</b>

**PM PEAK HOUR**

*Trip Rate:* 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>3</b>	<b>2</b>	<b>5</b>

**WEEKDAY**

*Trip Rate:* 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>24</b>	<b>24</b>	<b>48</b>

**SATURDAY**

*Trip Rate:* 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>24</b>	<b>24</b>	<b>48</b>

## TRIP GENERATION CALCULATIONS

### Existing Development

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Setting/Location* General Urban/Suburban  
*Variable:* Dwelling Units  
*Variable Value:* 1

#### AM PEAK HOUR

*Trip Rate:* 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>0</b>	<b>1</b>	<b>1</b>

#### PM PEAK HOUR

*Trip Rate:* 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>1</b>	<b>0</b>	<b>1</b>

#### WEEKDAY

*Trip Rate:* 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>5</b>	<b>5</b>	<b>10</b>

#### SATURDAY

*Trip Rate:* 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>5</b>	<b>5</b>	<b>10</b>

## TRIP GENERATION CALCULATIONS

### Proposed Development

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Setting/Location* General Urban/Suburban  
*Variable:* Dwelling Units  
*Variable Value:* 3

#### AM PEAK HOUR

*Trip Rate:* 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	1	1	2

#### PM PEAK HOUR

*Trip Rate:* 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	2	1	3

#### WEEKDAY

*Trip Rate:* 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	14	14	28

#### SATURDAY

*Trip Rate:* 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	14	14	28

## CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CLEARWATER PL at MAPLELANE RD, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION RELATED	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2015														
REAR-END	0	1	0	1	0	2	0	1	0	1	0	1	0	0
YEAR 2015 TOTAL	0	1	0	1	0	2	0	1	0	1	0	1	0	0
FINAL TOTAL	0	1	0	1	0	2	0	1	0	1	0	1	0	0

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

URBAN NON-SYSTEM CRASH LISTING  
CLEARWATER PL at MAPLELANE RD, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015

1 - 1 of 1 Crash records shown.

[illegible]

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

## URBAN NON-SYSTEM CRASH LISTING

CLEARWATER PL and Intersectional Crashes at CLEARWATER PL, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015

1 - 1 of 1 Crash records shown.

[illegible]

*Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811. 720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.*



Gary Nebergall  
(503) 969-7917

Daniel Nebergall  
(503) 997-9757  
Certified Arborist  
PN 7179-A

CCB # 100699

May 15, 2018

Dean Cunningham  
14530 S Maplelane Rd.  
Oregon City OR 97045  
[kandcdean@gmail.com](mailto:kandcdean@gmail.com)  
CC: Debbie Cleek [cleek@bookingroup.com](mailto:cleek@bookingroup.com)

Dean,

On Wednesday May 9<sup>th</sup>, at your request, I visited the property site listed above. My assignment was to provide a tree inventory and a health/risk rating for existing trees on site.

The inventory consisted of measuring each tree and assigning a number for easy identification. The health/risk rating consists of good, fair and poor with comments and concerns for each. If you have any questions, please do not hesitate to call.

There are 3 trees on site, which were rated poor, #101 Blue Spruce, #108 Blue Spruce and #112 Birch.

Tree #101 (Blue Spruce):

The upper trunk of this tree splits out to two co-dominate stems. Where these stems are attached to the trunk a vertical seam has formed and a bark inclusion has formed. This is a structural defect of a tree and this weak attachment has a high failure risk. This tree also has small holes on the trunk with sap/fluid secretion. This damage is caused by sapsuckers or wood peckers.

Tree #108 (Blue Spruce):

This tree also has two co-dominate stems that are weakly attached at the lower trunk. There is a vertical crack and a bark inclusion is present. This structural defect is a hazard and the stems have a high risk of failure.

Tree #112 (Birch):

It appears this tree had neighboring trees that died because the stumps appeared to have decay. In the upper crown of this tree, I noticed several dead branches which I suspect this is caused by an insect called brown birch borer. This pest is killing birch trees throughout the metro area.

Attached is a copy of the tree inventory.

*Chris Ritschard*

Chris Ritschard  
Certified Arborist PN – 0164A



16090 SE McLoughlin Blvd.  
Milwaukie, OR 97267  
(503) 653-6873

Liability Policy # 52HHUOK3579

Andrew Nebergall  
(503) 793-5090

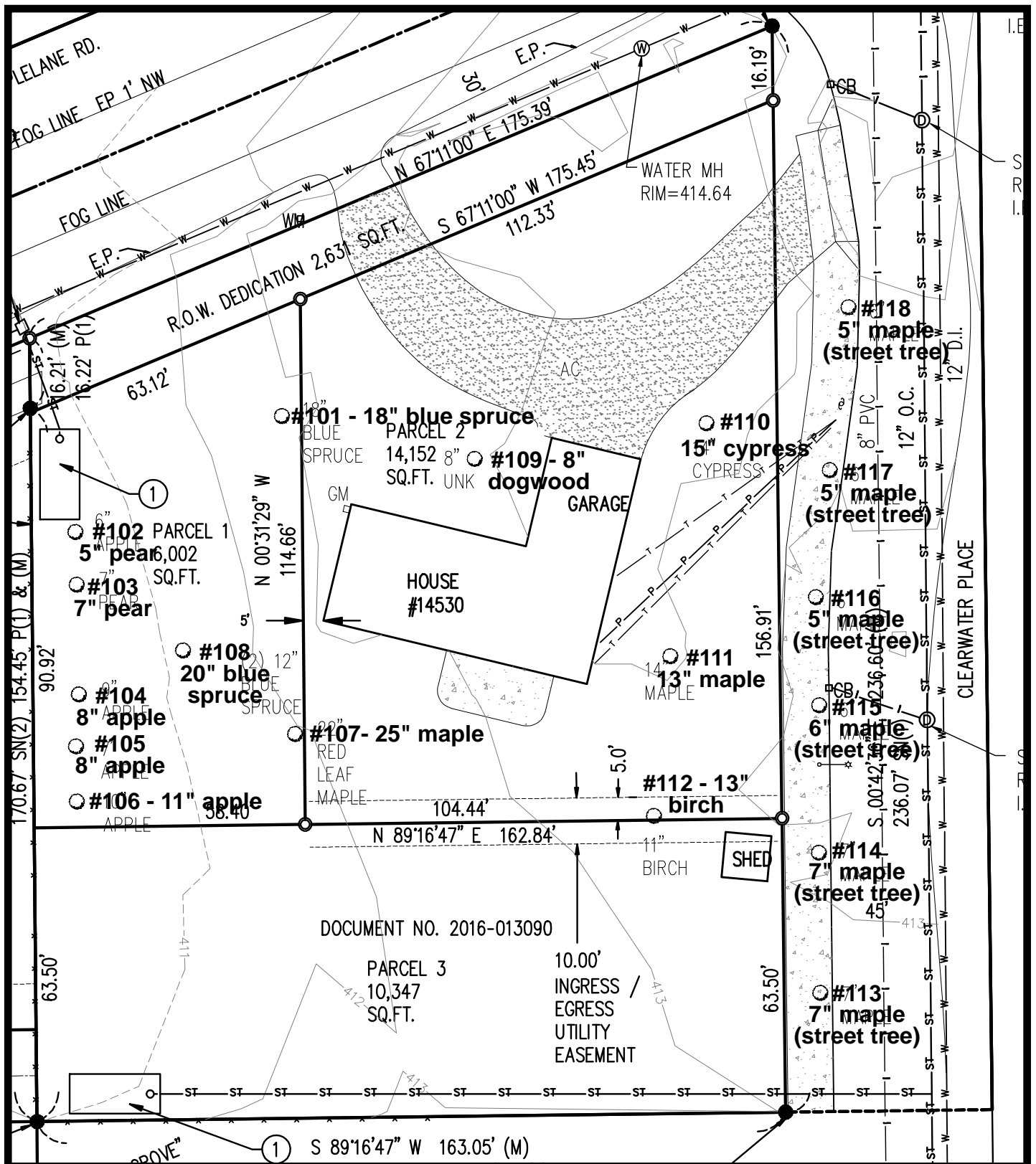
Chris Ritschard  
(503) 793-5087  
Certified Arborist  
PN 0164-A

SAIF Policy # 485761

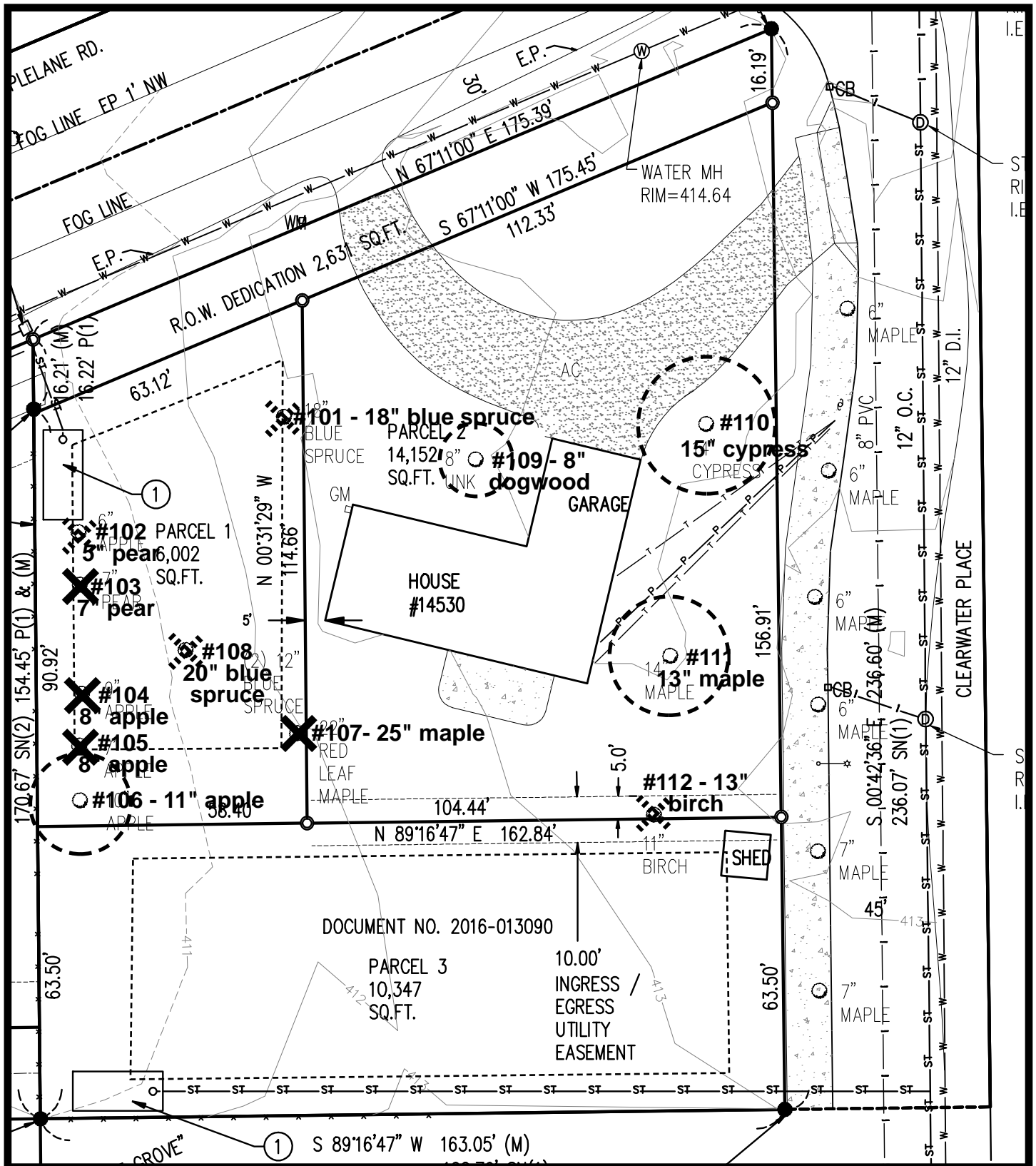
## Cunningham 14530 S Maplelane Rd

Tree #	Tree Specie	Size in Inches	Rating	Comments
	<b>Parcel #1</b>			
101	Blue Spruce	18	Poor	Structural defect, bark inclusions 2 tops. Sapsucker/woodpecker damage/ pitch secretions
102	Pear	5	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
103	Pear	7	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
104	Apple	8	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
105	Apple	8	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
106	Apple	11	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
107	Maple	25	Good	Good Incremental growth, nice shade tree
108	Blue Spruce	20	Poor	Co-dominate stems, vertical crack, bark inclusions, structural defect.
	<b>Parcel #2</b>			
109	Pink Dogwood	8	Good	Nice ornamental specimen tree
110	Cypress	15	Fair	Deadwood throughout the crown
111	Silver Leaf Maple	13	Fair	Deadwood throughout the crown
112	Birch	10	Poor	Decay at root flair, Bronze birch borer damage
	<b>Right of Way Trees</b>			
113	Maple	7	Good	Wound lower trunk, young right of way tree
114	Maple	7	Good	Young right of way tree
115	Maple	6	Good	Young right of way tree
116	Maple	5	Good	Young right of way tree
117	Maple	5	Good	Young right of way tree
118	Maple	5	Good	Young right of way tree

# Tree Inventory Plan



# Tree Removal Plan



Exempt Tree

Tree to be Removed

Tree to be Preserved

## **Caufield Neighborhood Association - Meeting Minutes**

**May 22th, 2018**

Attendance: 15 neighbors, 3 guests

### **Pledge of Allegiance**

#### **Mike Villanti - O.C. Police Department**

Presented upcoming local PD events including:

Touch a truck event	6/18/18 at OC Library
National Night out	8/7/2018 5:30 - ??
Shred event	9/22 9:00am-12:00pm
Oregon City Police Dept. summer camp	

Beavercreek traffic speed - OCPD upping presence on Beavercreek to slow down traffic in response to the increased number and severity of accidents. Currently proving to be effective in reducing speeding.

#### **Debra Cleek representing Dean Cunningham (land owner) - Brookin Group**

Debra passed out plot map, blue print for parcel division, and aerial view map of subject property. Dean currently lives on the property and would like to divide it up into 3 plots to build on. He desires to rezone the land to R6. Plot is currently surround on 2 of 3 sides by city land. With the rezone, the properties will connect to city water and sidewalk will be competed connecting Clearwater Pl. to Mapelane Rd. Access easement will connect one of the homes out onto Clearwater since Mapelane Rd. is an access restricted road. Structures to be build will be similar in design to their neighbors though this area does not fall into a neighborhood that has building style regulations. Dean is not sure if he'll sell the land individually or build and then sell. Debra explained the difference between 4 lots and 3. Land use regulations change, plus the lay out of the homes would create frontage road access challenges. Current water line will received an upgrade in looping the water line from the addition and will improve local regarding fire water pressure.

Motion for CNA to support the annexation

Motion seconded

Motioned passed by voice vote: CNA supports the annexation

#### **Mr. Wes Rogers – OCSD Facilities manager and school board member, presenting the upcoming school bond measure with Q&A.**

Wes handed out a packet for feedback on bond measure public opinion. OC School Board had been evaluating school building real estate holding and current holdings and school district facility plans. It has been 18 years since last seismic upgrades to structures. The most recent bond measure (2000) was passed to build the high school [OCHS has 1,950 students and can hold up to 2,500]

#### **Do we as citizen want to renew that bond for upgrades?**

Fun facts: Majority of residents do not have students in the school district

OCSD State leader in test scores and leadership

ROI- Our bond rate is one of the lowest in Clackamas County.

#### Presentation:

-What happened to the last bond? City has almost doubled since the last bond. This has lowered the rate on our tax bill. School administration and staff expenses have been kept low, so that the focus is on funding for classroom instruction and amenities.

-Why is the school district looking at another contraction bond? A smaller percentage of the state general fund going to schools. Update facilities to make them more efficient and safe, create up-to-date learning spaces, and upgrade technology access potential. Cost per student per year is approx. \$7,500

-Declining enrollment - closed some schools so focus operational spending on existing schools.

-Local school bonds - No money given to school district for building of facilities or upgrades. Bonds is where this type of construction funding comes from.

1. Currently working very hard to be good stewards of funds for current spending.

2. Facility plan and report

3. Community meetings to help continuously revise the plan to meet public's expectations.

Current plan - safety and security in every school. Security: 1. Alert: intercom, visual and audio alarms, updated clocks. Internal building and external building security alert.

Perimeter: 2. Intermediate Fencing. Door opening alert, secure entrance, vehicular traffic flow safety improvements.

-Gardiner Middle School will be replaced in possibly a new location and Ogden will be updated and made more secure from outside incursions. The new and updated facilities will also encompass new facilities for community recreation (tracks, ball fields, walking trails, etc.)

CNA Feedback – citizens generally excited to support bond passage and really want to see the school district improve and get stronger; Want OC to be able to compete with other local school districts.

Wes handed out survey sheets that most citizens completed while at the meeting.

#### **Executive Reports:**

Darrell Bennett - Chiefs committee guest speaker from OLCC who oversees the weed shops. have hired some new inspectors. Plant is documented from seed to smoke. No reported problems ATT regarding increase in crime or inspection violations. Fire Dept - 9 fire fighters 4 media from schools and are out training in the community; the Mollala Ave. Fire Station is still on schedule to open in Oct 2018

Mike Mitchell - CIC umbrella group of all the neighborhood associations  
New park space name 5/31 on city website. Submit suggestions on news website. 300 submissions so far! Great community involvement!

Kristina Browning - Check out Facebook page [Caufield NA]; Also, check out Next Door website community updates



Robert Malchow- Winco is due to open before July 4th! CNA execs are still trying to coordinate an update from the Developer of at the Kmart facility.

**Community concerns/suggestions:** September and November are the next meetings.

- OC golf course annexation update?

- Gravel pile on Beavercreek was dug up when they put the water line in and will be used for fill. Water line for approved development of live-work space breaking ground delay but not sure why or for how long. Developer is Evergreen development out of Seattle and the location of the land is across and a little south of the high school.

- School bus speeding, they have all slowed down since the last meeting, yay!

- Lower speed limits in residential area for all traffic? Well zoned around schools; Public Works Department working on family friendly routes: park-to-park, school-to-park where there isn't a great curb/sidewalk route. These are in progress.

- Adding lights on Beavercreek school zone speed limit signs? Issue brought up at chiefs meeting. Not enough signage up but not really a plan for installing lights. When the live/work units by Evergreen Development are established flashing lights for school arrival and dismissal may be put in place at the developer's expense.

There were 3 Raffle winners!

Meeting adjourned at 8:25 PM

**Next meeting: Tuesday - Sept. 25, 2018 at 6:45 PM**



### PRE-APPLICATION MEETING NOTES

**Date of Meeting: February 7, 2018**

File Number: **PA 18-07**– Annexation  
Address: 14530 S Maplelane Rd, Oregon City, OR 97045  
Tax Assessor Map: Clackamas County Map 3-2E-04DB-00500  
Total Acres: 1 acre  
Current County Zone: FU-10  
City Comprehensive LR – Low Density Residential  
Project Name: Annexation  
Staff Present: Christina Robertson-Gardiner AICP, Senior Planner  
Email: [crobertson@orccity.org](mailto:crobertson@orccity.org) Ph: (503) 496-1568  
Sang Pau, PE, Development Project Engineer,  
Email: [spau@orccity.org](mailto:spau@orccity.org) Ph: (503) 974-5503

#### General Comment Regarding Annexation Review

Annexations are discretionary approvals of the City Commission, which are subject to the criteria in **Chapter 14 – Annexation**. Annexations must be reviewed and recommended for approval by the Planning Commission to the City Commission. Following City Commission approval, some annexations are subject to approval of the voters of the City of Oregon City prior to any rezoning or subdivision approval.

**Note:** Recent passage of a new state law has removed the voter approval requirement for annexations that are within the UGB, have a comprehensive plan designation, are contiguous to city limits, and otherwise comply with the city's comprehensive plan.

Generally speaking, it is premature to submit any specific site layout or development plans for review prior to annexation approval. Annexation approval and site plan review are entirely different processes and subject to very different criteria.

#### Application:

The applicant is wholly responsible for providing a complete application. Staff will provide checklists, examples and templates to assist you with the application process. *If you are unfamiliar with the process, staff recommends that you have your application for annexation prepared by a qualified professional who is familiar with the annexation process in Oregon, such as a land use planner, land use attorney, or engineer.*

#### City Code Chapter 14

- OCMC [14.04.050](#)(E).(1-9). The required narrative statement in response to items 7(a) through (g) must be included:  
*7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:*

- a. *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*
  - b. *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
  - c. *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
  - d. *Statement outlining method and source of financing required to provide additional facilities, if any;*
  - e. *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*
  - f. *Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*
  - g. *Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;*
- **OCMC 14.04.060 – Annexation Factors.** Narrative shall address each of the required Annexation Factors (1) through (7). *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*
    1. *Adequacy of access to the site;*  
**Comment:** Address how current and future access to the site is adequate.
    2. *Conformity of the proposal with the city's comprehensive plan;*  
**Comment:** The applicant's narrative should the applicable goals and policies. Staff will include the applicable goals and policies with the Code Response Template.
    3. *Adequacy and availability of public facilities and services to service potential development;*  
**Comment:** The applicant's narrative should the current Oregon City public facilities plans for Water, Sewer, Stormwater and Transportation and the respective demand placed on these services by the potential development of the site.
    4. *Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*  
**Comment:** The applicant's narrative should these criteria.
    5. *Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;*  
**Comment:** The applicant's narrative should address any natural hazards present on site.
    6. *Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;*  
**Comment:** The applicant's narrative should address any specially designated open space, scenic, historic or natural resource areas on the site. Staff is not aware of any, although there are constraints on building in a powerline easement. We recommend contacting the County Historic Preservation staff for any cultural or historic records for the site.
    7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.*

**Comment:** The applicant's narrative should address any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

### **Metro Code 3.09.045.A-D (Boundary Change Criteria)**

- Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.
- Whether the proposed boundary change will affect the quality and quantity of urban services
- Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

### **Oregon City Comprehensive Plan – Applicable Goals and Policies**

Section 1: *Citizen Involvement*, Goals 1.1-1.4, Policies 1.1.1, 1.2.1, 1.4.1

Section 2: *Land Use*, Goals 2.1, 2.4, 2.5, 2.7, Policies 2.1.2, 2.4.1-5, 2.5.1, 2.5.2, 2.5.4, 2.7.1-3

Section 5: *Open Space, Scenic and Historic Areas and Natural Resources*, Goals 5.1, 5.2, Policies 5.1.1, 5.1.2, 5.2.1, Goal 5.3, Policies 5.3.2, Goal 5.4, Policies 5.4.2, 5.4.4-11, 5.4.16

Section 6: *Quality of Air, Water and Resources*, Goal 6.1, Policy 6.1.1, 6.1.4, Goal 6.2, Policies 6.2.1, 6.2.2

Section 7: *Natural Hazards*, Goal 7.1, Policies 7.1.1, 7.1.8, 7.1.11

Section 8: *Parks and Recreation*, Goal 8.1, Policies 8.1.1, 8.1.5, 8.1.6, 8.1.9, 8.1.11, 8.1.12, 8.1.14

Section 9: *Economic Development*, Goals 9.1, 9.4, 9.5, 9.7, Policies 9.5.1, 9.7.1

Section 10: *Housing*, Goals 10.1, 10.2, Policies 10.1.1-7, 10.2.2, 10.2.5

Section 11: *Public Facilities*, Goals 11.1-4, 11.6, 11.8, 11.9, 11.10, Policies 11.1.1-7, 11.2.2, 11.2.5, 11.3.1, 11.4.1,

11.6.1, 11.8.3, 11.9.1, 11.10.1, 11.10.2

Section 12: *Transportation*, Goals 12.1, 12.3, 12.5-8, Policies 12.1.1-4, 12.3.1-4, 12.3.8, 12.3.9, 12.5.1-3, 12.6.1-

6.4, 12.7.1, 12.7.4, 12.8.1, 12.8.3

Section 13: *Energy Conservation*, Goals 13.1, 13.2, Policies 13.2.1-13.2.3, 13.2.5

Section 14: *Urbanization*: Goals 14.1, 14.3-5, Policies 14.1.1, 14.1.2, 14.3.1-4, 14.4.1-4, 14.5.2

### **Concept Plan Goals and Policies**

- This area is not within a Concept Plan area boundary regulated under Metro Title 11.

### **Zone Change**

A Zone Change request to R10, R8, or R6 may be submitted concurrently with the annexation request or submitted separately and is a discretionary zone change processed pursuant to the criteria in OCMC 17.68. If the traffic analysis assigned more than 20 pm peak trips to Beavercreek and 213, there will be a condition that it cannot be applied until alternate mobility is effective and the code amended is adopted.

### **Alternative Mobility Targets**

During the Transportation System Plan (TSP) update in 2012, it was determined that the intersection of Beavercreek and Hwy 213 would not meet Oregon Highway Plan mobility standards through the TSP planning horizon year of 2035. The TSP recommended the City move forward with a requirement to address the need for a refinement plan at the intersections. The City, along with a Technical Advisory Group and a Community Advisory Group identified multi-modal transportation improvements to meet Oregon Highway Plan mobility targets at the intersection and determined those improvements are not feasible and practical, primarily due to cost. As a result the City is currently in a public review process to consider reasonable improvements to increase the capacity and/or safety of the intersection, though allow additional congestion (alternative mobility targets).

The study is critical to implementation of the Beaver Creek Road Concept Plan, as areas located in the new urban growth boundary expansion areas of the Beaver Creek Road Concept Plan cannot request development approval until the study is adopted. In addition, the study may identify public improvements necessary prior to proceeding with implementation of the Concept Plan. The public meetings for this process began in December of 2016 and the product is anticipated to be completed with a local adoption in spring of 2018. See- <https://www.orcity.org/publicworks/project/ps-16-024> or <https://www.orcity.org/planning/project/l-17-03-alternate-mobility-targets> for more information.

## **Transportation**

If a concurrent Zone Change is pursued. Fees for review of the traffic analysis letter will be required pursuant to the TIA fee structure. The City's transportation consultant John Replinger has reviewed the pre-application and has the following comments: Even though the amount of trips are very small for this proposal, because the traffic generated by development of the site would impact that intersection of 2013/Beaver Creek, it becomes more difficult.

The problem that arises from this annexation and zoning is that it will impact the 213/Beaver Creek intersection. The impact is minimal (about 6 AM and 6 PM peak hour trips.) ODOT might want the applicant to actually analyze the intersection to see if the additional trips push the v/c above 0.99. With over 4,000 peak hour trips, the additional 6 trips probably will not. At the very least, the applicant must calculate the number of trips during the AM and PM peak hours that would go through the 213/Beaver Creek intersection.

Based on the paragraph below, Oregon City would condition the approval of the application to pay a proportional share of the planned improvements for the 213/Beaver Creek intersection. Based on the Highway 213 Corridor Alternative Mobility Targets study, that would mean participating in funding for the planned \$1.5 million project. Since the traffic volume is so small, the applicant's share would not be more than a couple thousand dollars. Mr. Replinger would perform a calculation based on the applicant's TIA.

The applicant should also be aware of OCMC 12.04.205.D. The final paragraph reads as follows:

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.

Therefore:

*The applicant will need to have a traffic engineer conduct a transportation study in conformance with the City's Guidelines for Transportation Impact Analyses available on the Oregon City website.*

*Based on the information provided by the applicant, it appears the transportation analysis associated with this development proposal can be satisfied by submittal of a Transportation Analysis Letter (TAL). This option*

*is available when specific criteria are met. These include a determination that the development generates 24 or fewer AM and PM peak hour trips and fewer than 250 daily trips. Details for a TAL can be found in Section 3.1 of the Guidelines. It is the applicant's responsibility to verify the trip generation characteristics of the proposed development.*

*Because the proposal includes a zone change, the applicant will also need to address the requirements of Oregon's Transportation Planning Rule. Specifically, the applicant shall address the provisions of 660-12-0060 Plan and Land Use Regulation Amendments. When a zone change is proposed, a future year analysis is required assessing the impact associated with the planning horizon specified in the city's adopted Transportation System Plan.*

*The applicant's traffic engineer is welcome to contact the city's traffic engineering consultant, John Replinger, at [Replinger-Associates@comcast.net](mailto:Replinger-Associates@comcast.net) or at 503-719-3383.*

- Annexation area is part of the original 1979 UGB, which has a designation of Low Density Residential – LR.
- Pursuant to OCMC [17.68.025 - Zoning changes for land annexed into the city](#).
- Pursuant to OCMC [12.04.205 - Mobility standards](#). (D)(2). *Development which does not comply with the mobility standards for the intersections identified in [Section] 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.*

### **Annexation Election**

It appears that this annexation may be exempt from the voter approval requirements of OCMC 14.04, pursuant to SB 1573.

### **Review Fees (2018 Fee Schedule)**

Annexation:	\$4,526.00
Mailing Labels:	\$15.00
Metro Mapping Fees:	\$150.00

-----	
Zone Change:	\$2,916.00
Traffic Analysis Letter (TAL)	\$489.00

### **Neighborhood Association Meeting Required**

Per OCMC [17.50.055 - Neighborhood association meeting](#). Documentation of the meeting with the applicable Neighborhood Association is required for a complete application. Staff will confirm which N.A. the annexation would be included within upon annexation. The annexation property is within the Caulfield Neighborhood Association boundary. See Web page <http://www.orcity.org/community/neighborhood-associations> for contact and meeting information.

## Miscellaneous Comments

Staff will provide you a Code Response template similar to a Staff Report and electronic versions of the applicable plans, policies and approval criteria above to assist in the preparation of your application.

These pre-application conference notes were prepared in accordance with OCMC [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.*



## DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

**Planning Project Number:** PA 18-07  
**Address:** 14530 Mapelane Road, Oregon City, OR 97045  
**Map Number(s):** 3-2E-4DB  
**Tax Lot(s):** 00500  
**Project Name:** 14530 Mapelane Annexation  
**Meeting Date:** February 7, 2018  
**Reviewer(s):** Sang Pau

---

### General Comments

1. The annexation of this property does not appear to have enough impact to nearby public infrastructure to warrant improvements.

### Streets

1. The property has frontage on Mapelane Road. Mapelane Road is under the jurisdiction of Clackamas County.
2. The property has frontage on Clearwater Place. Clearwater Place is under the jurisdiction of the City of Oregon City.

### Stormwater

1. There is an existing 12-inch stormwater main within Mapelane Road at the western edge of the property's frontage.
2. There is an existing 12-inch stormwater main and catch basins within Clearwater Place.

### Water

1. There is an existing City owned 12-inch ductile iron water main within Mapelane Road near the western edge of the property's frontage.
2. There is an existing City owned 12-inch ductile iron water main within Clearwater Place.
3. There is an existing Clackamas River Water District (CRW) owned 16-inch water main within Mapelane Road
4. There is an existing CRW owned 12-inch ductile iron water main within Mapelane Road.



5. The existing home is currently served by CRW but will need to switch to a City owned water main when the property is redeveloped. The property will be automatically withdrawn from the District upon approval of the annexation.

### **Sanitary Sewer**

1. There is an 8" sanitary sewer main within Maplelane Road near the western edge of the property's but does not extend across the frontage of the subject property.
2. There is also an 8" sanitary sewer main within Clearwater Place which runs across the frontage of the subject property.
3. A building permit will be required if the applicant intends to connect to a City sewer main. The applicant must pay System Development Charges (SDC) upon building permit issuance.
4. For connection to sanitary sewer, annexation into the Tri-City Service District will be required prior to connection to the City's sanitary sewer system. The application can be found at <http://www.clackamas.us/wes/annexation.html>.

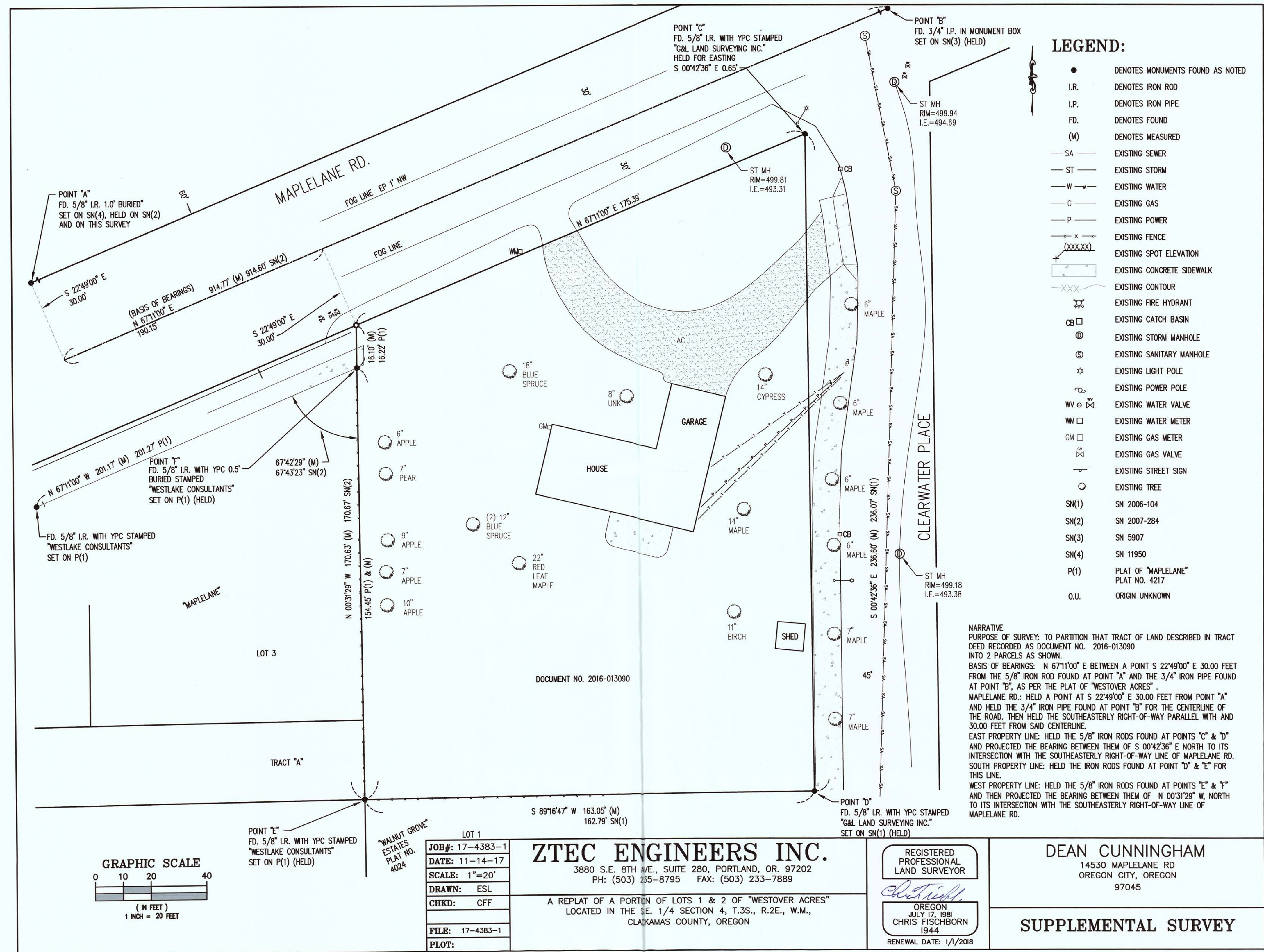
**From:** Pete Walter  
**Sent:** Tuesday, March 22, 2016 3:17 PM  
**To:** Diliana Vassileva  
**Subject:** FW: 14530 mapelane narrative

-----Original Message-----

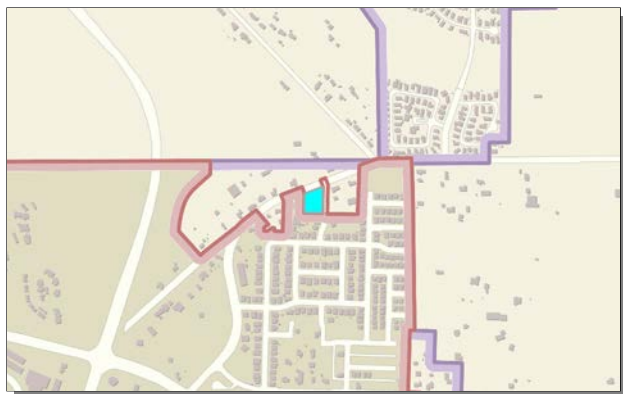
From: Dean And Krysten [<mailto:deanandkrysten@yahoo.com>]  
Sent: Tuesday, March 22, 2016 2:28 PM  
To: Pete Walter <[pwalter@ci.oregon-city.or.us](mailto:pwalter@ci.oregon-city.or.us)>  
Subject: 14530 mapelane narrative

I Dean Cunningham, am seeking to annex one (1) parcel into the City of Oregon City. The parcel is currently located within unincorporated Clackamas County, inside the Portland metropolitan area Urban Growth Boundary (UGB), and within the Urban Growth Management Agreement (UGMA) Area of Oregon City and Clackamas County. The area of the proposed annexation is at 14530 mapelane rd. The area is comprised of one (1) tax lot for a total area of approximately 0.89 acres. The property is part of the original UGB (1979).









Overview Map

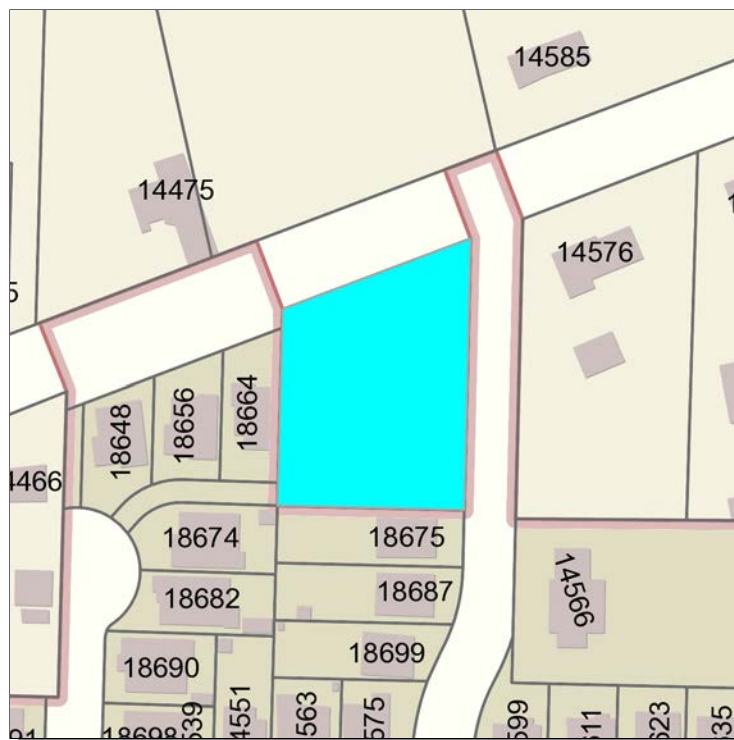
### Taxlot Information

APN: 3-2E-04DB-00500

Alt ID: 00842789

Site Address: 14530 S MAPLELANE RD  
OREGON CITY, OR 97045

Year Built: 1966



Taxlot highlighted in blue

### Taxpayer Information

Taxpayer: Suppressed

Address: Suppressed

### Reference Information

Parcel Area (acres - approx): 0.8

Parcel Area (sq. ft. - approx): 32,670

Twn/Rng/Sec: 03S 02E 4

Tax Map Reference: 32E04DB

### Values

Mkt Values as of: 01/05/2016

Land Value (Mkt): \$141,711

Building Value (Mkt): \$136,740

Exempt Amount: \$0

Net Value (Mkt): \$278,451

Note: These are Market, NOT Assessed values.

Assessed Value: \$193,014

### Planning Designations

Zoning: County

- County

Comprehensive Plan: Ir

- Residential - Low Density

Subdivision: WESTOVER ACRES

PUD (if known):

Neighborhood Assn:

Urban Renewal District: Not in an urban renewal district

Concept Plan: Not in a concept plan area

Historic District: Not in a historic district

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In High Water Table Area? N

In Nat. Res. Overlay District (NROD)? N

In 1996/FEMA 100 Yr Floodplain? N

In Sewer Moratorium Area? N

In Thayer Pond Fee Area? Y

In Beavercreek Rd Access Plan Area? N

In Barlow Trail Corridor? N

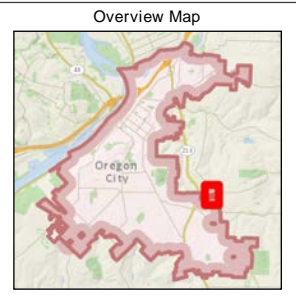
# Oregon City GIS Map



### Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



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



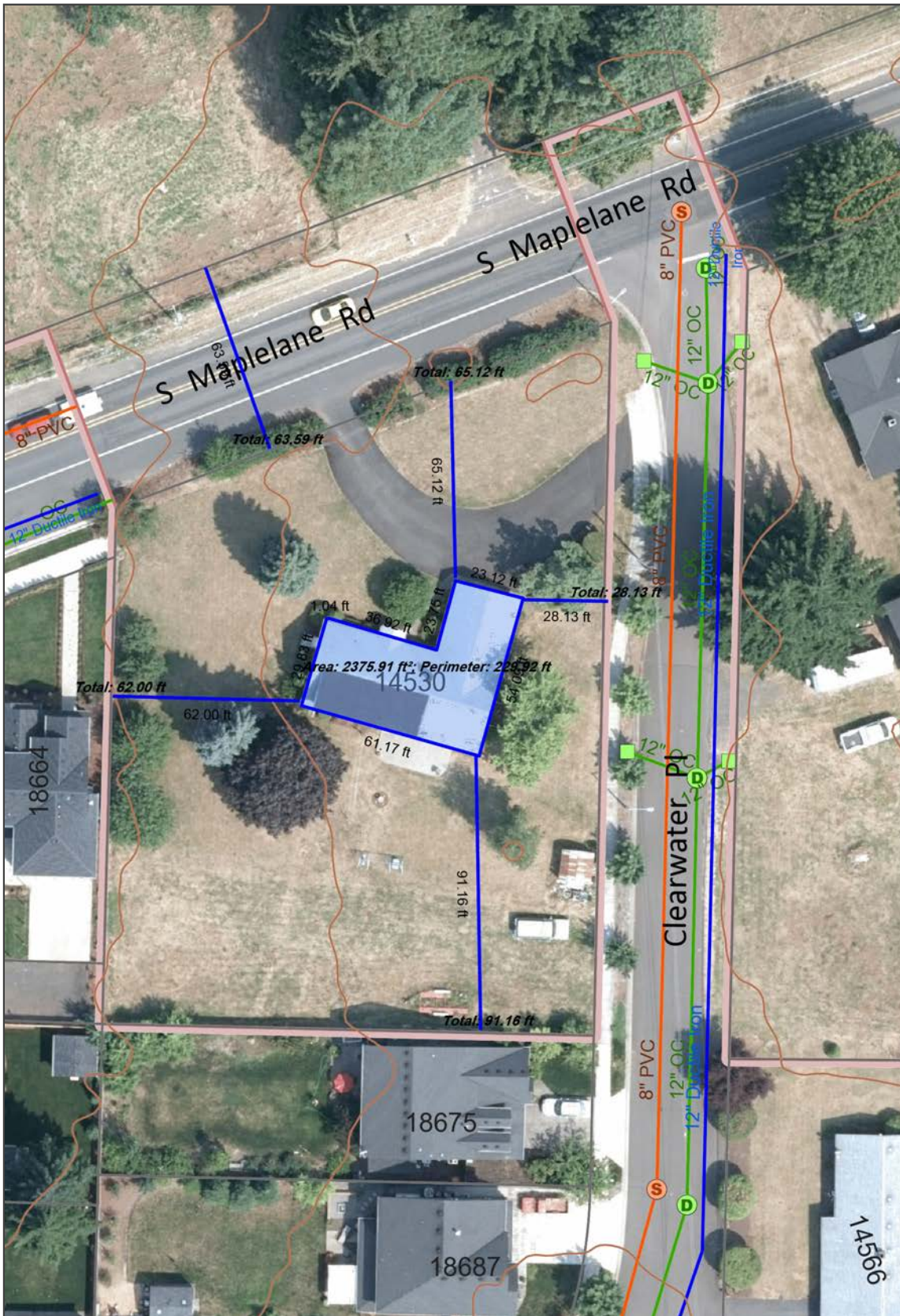
0 248 Feet  
1: 2,972

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.orcity.org](http://www.orcity.org)





# Oregon City GIS Map



### Legend

Contours (2ft) - 1:3,600 and clc

- 10 foot
- 2 foot

Taxlots

Taxlots (Outside UGB)

Unimproved ROW

Water Hydrants

Water Pipes (City Owned)

Sewer Structures (City Owned)

Sewer Pipes (City Owned)

- Gravity Line
- Force Main
- Outfall

Storm Structures (City Owned)

- Manhole
- Inlet
- Outlet

Storm Conduits (City Owned)

- Pipe
- Culvert
- Ditch
- Detention Tank

Storm Ponds

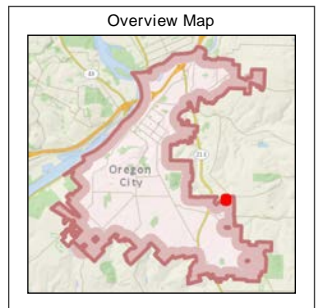
- Pond
- Swale
- Man-Made Wetland

City Limits

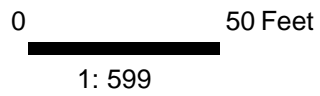
UGB

Basemap

Notes



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City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
www.oregoncity.org





MIKE McCallister, Manager  
SEPTIC AND ONSITE WASTEWATER SYSTEMS PROGRAM

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

## SEWER AVAILABILITY WORK SHEET

DATE: \_\_\_\_\_ PERMIT/SERVICE NO.: \_\_\_\_\_

### SECTION 1

#### APPLICANT INFORMATION

1. Property Address: 14530 S Maple Lane RD  
City, Zip: \_\_\_\_\_  
Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot #: \_\_\_\_\_
2. Name of Applicant: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, Zip: \_\_\_\_\_

3. Describe type of facility the on-site sewage system will serve (business, residence or other):

☐ Single Family Residence ☐ Business ☐ Other: \_\_\_\_\_

4. Type of on-site sewage system permit application being proposed for this property:

☐ New Installation Permit ☐ Repair Permit ☐ Alteration Permit

☐ Non water-carried facility requests (pit privy, vault toilets for campgrounds)

### SECTION 2

TO BE FILLED OUT BY SEWER DISTRICT, CITY ENGINEERING, PUBLIC WORKS  
DEPARTMENT OR OTHER SEWER ADMINISTRATIVE BODY

#### SANITARY SEWER AVAILABILITY

OAR 340-071-0160 requires a permit application for onsite sewage disposal be denied if:

*A sewerage system which can serve the proposed sewage flow is both legally and physically available.*

\* *Physical Availability:* A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:

- For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than 450 gallons, within 300 feet;

- For a proposed subdivision or group of two to five single family dwellings, or equivalent projected daily sewage flow, not further than 200 feet multiplied by the number of dwellings or dwelling equivalents;
- For proposed subdivisions or other developments with more than five single family dwellings, or equivalents, the county agent shall make a case-by-case determination of sewerage availability.

EXCEPTION: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

\* *Legal Availability:* A sewerage system shall be deemed legally available if the system is not under a DEQ connection permit moratorium, *and the sewerage system owner is willing or obligated to provide sewer service.*

10. Is a sewerage system physically available and legally available to serve this property?

Physically available: ☐ YES ☐ NO

Legally available: ☐ YES ☐ NO

Distance from property to nearest accessible service line in feet: \_\_\_\_\_

Reason sewer is not available (if either "No" is check above): \_\_\_\_\_

**SEWER ADMINISTRATOR SIGNATURE:**

Print name: \_\_\_\_\_

Title: \_\_\_\_\_ Contact Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.  
3880 SE 8<sup>th</sup> Ave., Suite 280  
Portland, OR 97202

Ronald b. Sellards, P.E.

503-235-8795

FAX: 503-233-7889

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Dean Cunningham  
Annexation Tract

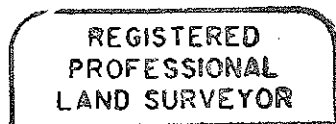
Exhibit "A"

A Tract of land being all of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records and being a portion of Maplelane Road and a portion of Clearwater Place, all located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

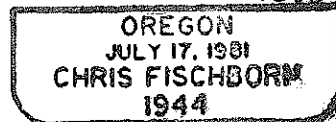
Beginning at a 5/8 inch rod with a yellow plastic cap stamped "Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of "Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the Easterly line of said "Maplelane", a distance of 170.63 feet to a point on the Southeasterly right-of-way line of Maplelane Road; thence North 22°49'00" West, a distance of 60.00 feet to a point on the Northwesterly right-of-way line of said "Maplelane Road; thence North 67°11'00" East, along said Northwesterly right-of-way line, a distance of 223.96 feet to a point; thence South 22°49'00" East, a distance of 60.00 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 254.88 feet to a point; thence South 89°17'24" West, a distance of 45.00 feet to 5/8 inch iron rod with yellow plastic cap stamped "G&L LAND SURVEYING, INC" found on the West right-of-way line of said Clearwater Place, said point also being the Southeast corner of said Document No. 2016-013090 and on the North line of the plat of "Walnut Grove Estates"; thence South 89°16'47" West, along said North line of said Walnut Grove Estates, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 1.3230 acres more or less.

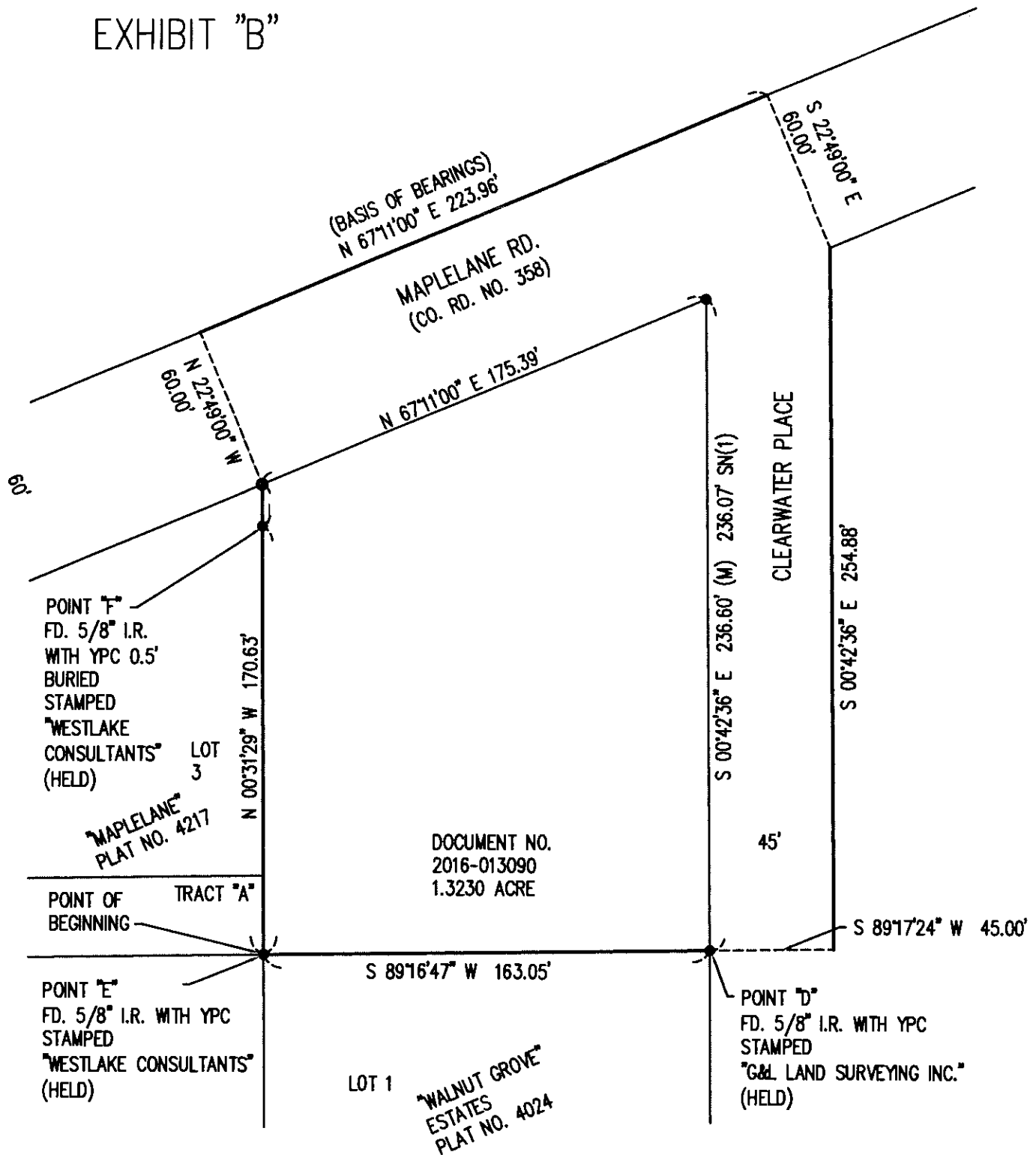
The basis of bearings for this description is the Plat of "Westover Acres".



*Chris Fischborn*



# EXHIBIT "B"



NOTE;  
YPC - DENOTES YELLOW PLASTIC CAP

LOCATED IN THE S.E. 1/4 SECTION 4,  
T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

TITLE: EXHIBIT - ANNEXATION

PLOT DATE: 11/22/17

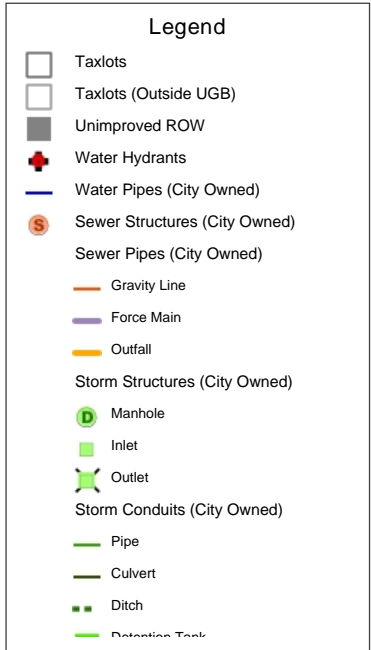
FILE: 17-4383-1

CLIENT: DEAM CUNNINGHAM

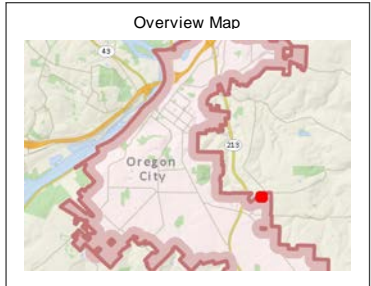
SHEET: 1

**ZTec ENGINEERS, INC.**  
3880 S.E. 8TH AVE., SUITE 280  
PORTLAND, OREGON 97202  
(503) 235-8795

# Oregon City GIS Map



### Notes



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0 50 100 Feet

1: 600

Map created 2/7/2018

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.oregcity.org](http://www.oregcity.org)





City of Oregon City  
Permit Receipt  
RECEIPT NUMBER 00038243

Account Number: 020662

Date: 1/22/2018

Applicant: GREGORY DEAN CUNNINGHAM

Type: charge # 2

Permit Number	Fee Description	Amount
PA-18-0007	4332 Pre-App Fee	574.00
Total:		\$574.00

**From:** [Rogers, Wes](#)  
**To:** [Carlos Callava](#)  
**Subject:** Re: PA 18-07 Annexation on Maplelane Road  
**Date:** Monday, January 22, 2018 3:59:43 PM

---

All public schools for this property have capacity to accommodate any students that eventually may reside at this address.

..wes rogers

On Mon, Jan 22, 2018 at 3:52 PM, Carlos Callava <[ccallava@orcity.org](mailto:ccallava@orcity.org)> wrote:

Good afternoon,

Please join us for a pre-application conference to discuss an emergency sewer annexation on Maplelane Road. The applicant's previous pre-app has expired (PA 16-12). The subject property is located at 14530 S Maplelane Road, Clackamas Map 3-2E-04DB, Tax Lot 00500. Please provide your comments by January 31, 2018.

Thank you.

**Carlos  
Callava  
Assistant  
Planner  
Planning  
Division**



City of  
Oregon City  
PO Box 3040  
221 Molalla  
Avenue, Suite  
200  
Oregon City,  
Oregon  
97045  
Direct -  
503.496-  
1562  
Planning  
Division -  
503.722.3789  
Fax  
503.722.3880

**Website:** [www.orcity.org](http://www.orcity.org) | [webmaps.orcity.org](http://webmaps.orcity.org) | Follow us on: [Facebook!](#) | [Twitter](#)

Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--

Wes Rogers, Director of Operations  
503-785-8426  
[wes.rogers@orecity.k12.or.us](mailto:wes.rogers@orecity.k12.or.us)  
Oregon City School District  
PO Box 2110  
Oregon City, OR 97045

**From:** [Carr, Erik](#)  
**To:** [Carlos Callava](#)  
**Cc:** [Pete Walter](#)  
**Subject:** Declined: PA 18-07 Annexation on Maplelane Road  
**Start:** Wednesday, February 07, 2018 10:00:00 AM  
**End:** Wednesday, February 07, 2018 12:00:00 PM  
**Location:** 221 Molalla Avenue, Suite 200, Oregon City, Oregon 97045  
**Attachments:** [TCSD Packet Oct 2009.pdf](#)

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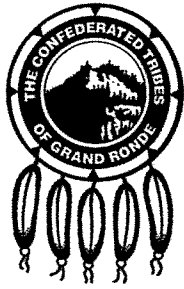
Carlos –

I'm unable to attend this pre-app. Please inform the applicant that, in order to receive sanitary sewer service, they must annex into both the City of Oregon City and the Tri-City Service District. I've attached the TCSD annexation packet. Any questions can be directed to either Rob Hungerford ([robhun@co.clackamas.or.us](mailto:robhun@co.clackamas.or.us) <<mailto:robhun@co.clackamas.or.us>> , 503-742-4576) or myself ([ecarr@clackamas.us](mailto:ecarr@clackamas.us) <<mailto:ecarr@clackamas.us>> , 503-742-4571).

Regards,

Erik Carr

Development Review Specialist  
Water Environment Services



## The Confederated Tribes of the Grand Ronde Community of Oregon

Historic Preservation Department

Phone (503) 879-2185

1-800 422-0232

Fax (503) 879-2126

8720 Grand Ronde Rd  
Grand Ronde, OR 97347

---

February 12, 2018

Carlos Callava  
Assistant Planner, Planning Division  
City of Oregon City  
PO Box 3040  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

### **RE: Development Review in Oregon City -- Multiple Projects**

Greetings Carlos,

The Confederated Tribes of Grand Ronde have received and reviewed the following Oregon City Projects: PA 18-01, PA 18-03, PA 18-04, PA 18-05, PA 18-06, PA 18-07, PA 18-08, PA 18-09, and PA 18-010.

We request that an Inadvertent Discovery Plan (IDP) be in place for all projects with ground disturbing activities. Due to concerns with ground disturbing activities in areas that are within areas of high probability for cultural resources, we recommend a cultural resource inventory be undertaken prior to action on the following projects: PA 18-04, PA 18-05, PA 18-06, PA 18-08 and PA 18-09.

Should you have any questions, feel free to contact me at (503) 879-1675.

Respectfully,

Christopher Bailey  
Cultural Protection Specialist  
Cultural Protection  
Historic Preservation  
Confederated Tribes of the Grand Ronde Community of Oregon

chris.bailey@grandronde.org  
503-879-1665





Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
[www.oregonheritage.org](http://www.oregonheritage.org)



February 9, 2018

Mr. Carlos Callava  
City of Oregon City  
221 Molalla Ave, Ste 200  
Oregon City, OR 97045

RE: SHPO Case No. 18-0170  
City of Oregon City, Single family residence  
single family residence  
3S 2E 4, Oregon City, Clackamas County

Dear Mr. Callava:

Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Jamie French, M.A.  
SHPO Archaeologist  
(503) 986-0729  
[Jamie.French@oregon.gov](mailto:Jamie.French@oregon.gov)





### LAND USE APPLICATION FORM

#### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NRDD) Verification
- ☐ Site Plan and Design Review

#### Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☒ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NRDD) Review

#### Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☒ Zone Change

File Number(s): \_\_\_\_\_

Proposed Land Use or Activity: Annexation into Oregon City, Zone Change to R-6 and 3 lot partition

Project Name: Cunningham Annexation Number of Lots Proposed (if Applicable): 3

Physical Address of Site: 14530 S. Maplelone Road

Clackamas County Map and Tax Lot Number(s): 32E 04DB 32E 04DB 00500

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Dean Cunningham Date: \_\_\_\_\_

Mailing Address: 14530 S. Maplelone Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: \_\_\_\_\_ Email: kandcdean@gmail.com

Property Owner(s):

Property Owner(s) Signature: \_\_\_\_\_

Property Owner(s) Name Printed: Dean Cunningham Date: \_\_\_\_\_

Mailing Address: 14530 S. Maplelone Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: \_\_\_\_\_ Email: kandcdean@gmail.com

Representative(s):

Representative(s) Signature: [Signature]

Representative(s) Name Printed: Debbie Cleek - The Booking Group Date: 8/2/18

Mailing Address: 1140 SW 11th Ave, Suite 500 Portland, OR 97205

Phone: 503-787-3211 Fax: \_\_\_\_\_ Email: cleek@bookinggroup.com

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



# OREGON CITY

Community Development - Planning AUG 6 2:11PM

223 Molalla Ave., Suite 200 | Oregon City, OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

### Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☒ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

### Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☒ Zone Change

File Number(s): AN-18-02 / ZC-18-01 / MP-18-04

Proposed Land Use or Activity: Annexation into Oregon City, Zone Change to R-6 and 3 lot partition

Project Name: Cunningham Annexation Number of Lots Proposed (If Applicable): 3

Physical Address of Site: 14530 S. Maplelane Road

Clackamas County Map and Tax Lot Number(s): 3ZE04DB 3ZE04DB00500

### Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Dean Cunningham Date: \_\_\_\_\_

Mailing Address: 14530 S. Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: \_\_\_\_\_ Email: kandcdean@gmail.com

### Property Owner(s):

Property Owner(s) Signature: \_\_\_\_\_

Property Owner(s) Name Printed: Dean Cunningham Date: \_\_\_\_\_

Mailing Address: 14530 S. Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: \_\_\_\_\_ Email: kandcdean@gmail.com

### Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Debbie Cleek - The Booking Group Date: 8/2/18

Mailing Address: 1140 SW 11th Ave, Suite 500 Portland, OR 97205

Phone: 503-789-3211 Fax: \_\_\_\_\_ Email: cleek@bookinggroup.com

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

[www.oregoncity.org/planning](http://www.oregoncity.org/planning)

# Attachment B - Annexation Petition

## ***PETITION OF OWNERS OF 100 % OF LAND AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

*PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON*

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

*(Insert Legal Description here OR attach it as Exhibit "A")*



# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.  
3880 SE 8<sup>th</sup> Ave., Suite 280  
Portland, OR 97202  
503-235-8795

Ronald b. Sellards, P.E.

FAX: 503-233-7889

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Dean Cunningham  
Annexation Tract

## Exhibit "A"

A Tract of land being all of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records and being a portion of Maplelane Road and a portion of Clearwater Place, all located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped "Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of "Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the Easterly line of said "Maplelane", a distance of 170.63 feet to a point on the Southeasterly right-of-way line of Maplelane Road; thence North 22°49'00" West, a distance of 60.00 feet to a point on the Northwesterly right-of-way line of said "Maplelane Road; thence North 67°11'00" East, along said Northwesterly right-of-way line, a distance of 223.96 feet to a point; thence South 22°49'00" East, a distance of 60.00 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 254.88 feet to a point; thence South 89°17'24" West, a distance of 45.00 feet to 5/8 inch iron rod with yellow plastic cap stamped "G&L LAND SURVEYING, INC" found on the West right-of-way line of said Clearwater Place, said point also being the Southeast corner of said Document No. 2016-013090 and on the North line of the plat of "Walnut Grove Estates"; thence South 89°16'47" West, along said North line of said Walnut Grove Estates, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 1.3230 acres more or less.

The basis of bearings for this description is the Plat of "Westover Acres".



TD  
8/6/18

**CERTIFICATION OF PROPERTY OWNERSHIP OF**

**100% OF LAND AREA**

**(City 100% Ownership Method)**

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners\* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME TERRY DUNN  
TITLE GIS CARTOGRAPHER 2  
DEPARTMENT A&T  
COUNTY OF CLACKAMAS  
DATE 8/6/18

- \* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



**CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 3ZE04DB) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TERRY DONOVAN  
TITLE GIS CARTOGRAPHER 2  
DEPARTMENT AST  
COUNTY OF CLACKAMAS  
DATE 8/6/18





**CERTIFICATION OF REGISTERED VOTERS**

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME John Wessels  
TITLE Deputy clerk  
DEPARTMENT Elections  
COUNTY OF Clackamas  
DATE 8/6/18

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK

BY: John Wessels



# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.

Ronald b. Sellards, P.E.

3880 SE 8<sup>th</sup> Ave., Suite 280

Portland, OR 97202

503-235-8795

FAX: 503-233-7889

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Dean Cunningham

Annexation Tract

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Said Tract of land contains an area of 1.3230 acres more or less.

The basis of bearings for this description is the Plat of "Westover Acres".

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Chris Fischborn*

OREGON  
JULY 17, 1981  
CHRIS FISCHBORN  
1944

32E04B 02800  
Honeycutt Phyllis E (Trustee)  
17731 S Holly Ln  
Oregon City, OR 97045

32E04B 02802  
Honeycutt Phyllis E (Trustee)  
17731 S Holly Ln  
Oregon City, OR 97045

32E04B 02890  
Honeycutt Phyllis E (Trustee)  
17731 S Holly Ln  
Oregon City, OR 97045

32E04B 02892  
Phyllis Honeycutt  
17731 S Holly Ln  
Oregon City, OR 97045

32E04C 00100  
Rocky Younger  
Po Box 1337  
Oregon City, OR 97045

32E04C 00203  
Joseph & Kelaine Armato  
14455 Maple Lane Rd  
Oregon City, OR 97045

32E04C 00204  
Theodore & Linda Ragsdale  
14457 Maple Lane Rd  
Oregon City, OR 97045

32E04C 01900  
Northwest Investment Holdings Llc  
Po Box 1152  
Gig Harbor, WA 98335

32E04C 02001  
Stone Cliff Properties Llc  
1826 NE Broadway St  
Portland, OR 97232

32E04CD04100  
Joseph & Becky Sharpe  
14503 Sugarpine St  
Oregon City, OR 97045

32E04CD04200  
Sherrie Fish  
18691 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00100  
Gary Boom  
14594 Maple Lane Rd  
Oregon City, OR 97045

32E04DB00200  
Karen James  
14576 Maple Lane Rd  
Oregon City, OR 97045

32E04DB00300  
Joni Sayre  
14566 Maple Lane Rd  
Oregon City, OR 97045

32E04DB00500  
Gregory Cunningham  
14530 Maple Lane Rd  
Oregon City, OR 97045

32E04DB00601  
Dan Cruz  
18648 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00602  
Michelle Detour  
18656 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00603  
Brian Anderson  
18664 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00604  
John & Martha Rush  
18674 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00605  
Rebecca & Ricky Krueger  
18682 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00606  
Daniel & Linda Hill  
18690 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00607  
Eric & Suzanne Larson  
18698 White Ln  
Oregon City, OR 97045

32E04DB00608  
Michael Day & Marie Angela  
14551 Sugarpine St  
Oregon City, OR 97045

32E04DB00609  
Brian Anderson  
18664 Whitehorse Ct  
Oregon City, OR 97045

32E04DB00610  
City Of Oregon City  
Po Box 3040  
Oregon City, OR 97045

32E04DB00700  
Michael & Andra Koller  
18675 Clearwater Pl  
Oregon City, OR 97045

32E04DB00800  
Michael Obrien & Lori Hewitt-Obrien  
18687 Clearwater Pl  
Oregon City, OR 97045

32E04DB00900  
Karen Griggs  
18699 Clearwater Pl  
Oregon City, OR 97045

32E04DB01000  
Colby & Marissa Hyde  
14563 Sugarpine St  
Oregon City, OR 97045

32E04DB01100  
Thomas Garrett  
14575 Sugarpine St  
Oregon City, OR 97045

32E04DB01200  
Steve & Amy Curtiss  
14599 Sugarpine St  
Oregon City, OR 97045

32E04DB01300  
Kevin Alexander & Lynn Kelly  
14611 Sugarpine St  
Oregon City, OR 97045

32E04DB01400  
Brandon Smith  
14623 Sugarpine St  
Oregon City, OR 97045

32E04DB01500  
Jane Pearson  
14635 Sugarpine St  
Oregon City, OR 97045

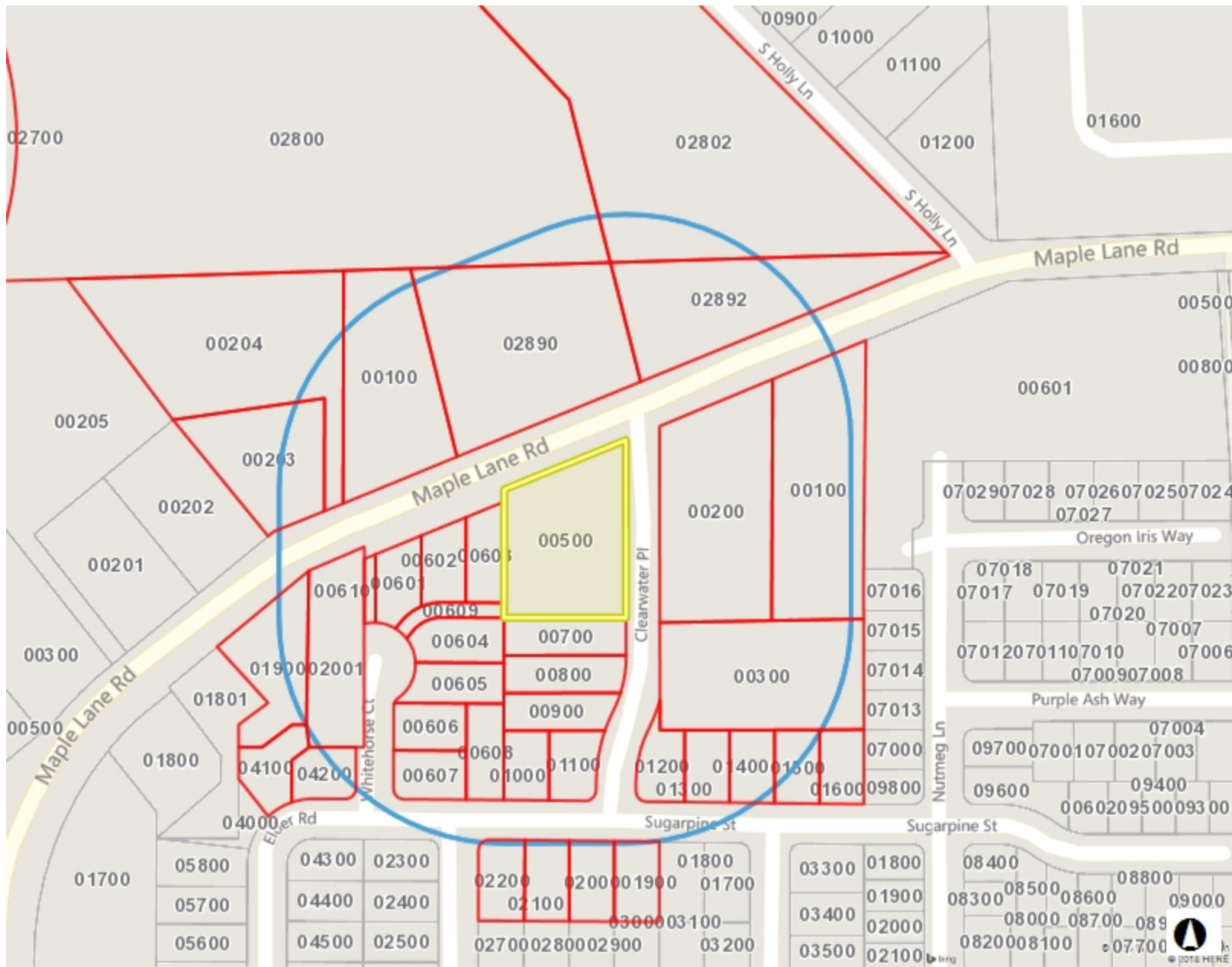
32E04DB01600  
Victoria & Wayne Munroe  
14647 Sugarpine St  
Oregon City, OR 97045

32E04DB01900  
Herrmann Judith K (Trustee)  
Po Box 2064  
Oregon City, OR 97045

32E04DB02000  
Justin & Christa Wolfe  
14578 Sugarpine St  
Oregon City, OR 97045

32E04DB02100  
Soon Choi & Sook Yang  
14566 Sugarpine St  
Oregon City, OR 97045

32E04DB02200  
Anthony & Jessica Tautfest  
14554 Sugarpine St  
Oregon City, OR 97045



☐ Taxlot

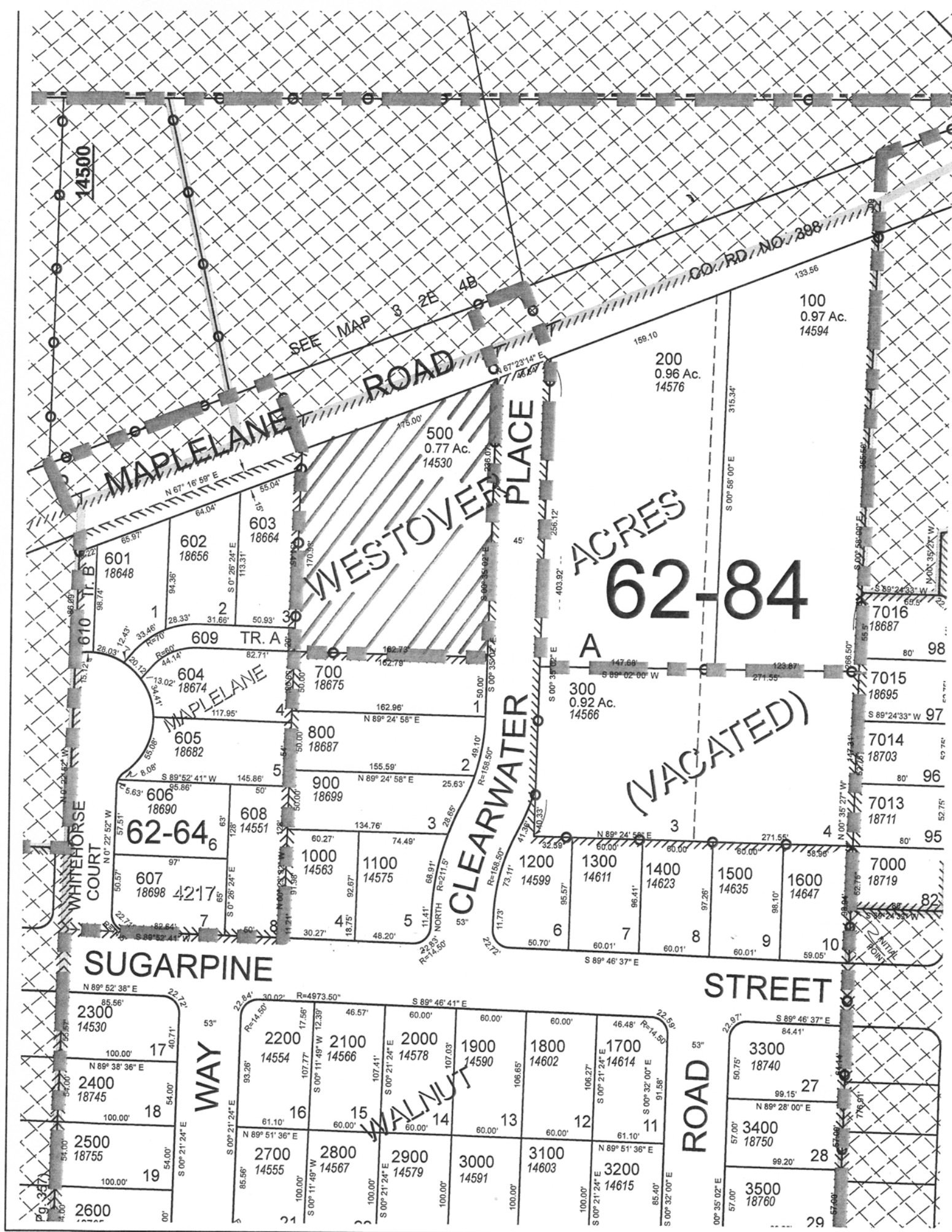
7/18/2018

Notes

0.1 0 0.05 0.1 Miles

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Maps are intended for informational purposes only. Some information has been procured from third-party sources and has not been independently verified. Independent parts are owned by their respective copyright owners and not by First American. First American Title Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions.



14500

SEE MAP 8 2E 4B

MAPLE LANE ROAD

WESTOVER PLACE

62-84 ACRES

(VACATED)

CLEARWATER

SUGARPINE

STREET

WAY

WALNUT

ROAD

100  
0.97 Ac.  
14594

200  
0.96 Ac.  
14576

500  
0.77 Ac.  
14530

601  
18648

602  
18656

603  
18664

604  
18674

605  
18682

62-64

606  
18690

607  
18698

608  
14551

700  
18675

800  
18687

900  
18699

1000  
14563

1100  
14575

1200  
14599

1300  
14611

1400  
14623

1500  
14635

1600  
14647

7016  
18687

7015  
18695

7014  
18703

7013  
18711

7000  
18719

2200  
14554

2100  
14566

2000  
14578

1900  
14590

1800  
14602

1700  
14614

3300  
18740

3400  
18750

3500  
18760

2300  
14530

2400  
18745

2500  
18755

2600



***First American***

# Owner's Policy

## Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5011400-2583982

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

### COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
  - (a) A defect in the Title caused by
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

### ***First American Title Insurance Company***

Dennis J. Gilmore  
President

Jeffrey S. Robinson  
Secretary

(This Policy is valid only when Schedules A and B are attached)

This Jacket was created electronically and constitutes an original document

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## COVERED RISKS (Continued)

5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (a) the occupancy, use, or enjoyment of the Land;
  - (b) the character, dimensions, or location of any improvement erected on the Land;
  - (c) the subdivision of land; or
  - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
  - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
    - (i) to be timely, or
    - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public

Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.



## CONDITIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
  - (i) The term "Insured" also includes
    - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
    - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
    - (C) successors to an Insured by its conversion to another kind of Entity;
    - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
      - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
      - (2) if the grantee wholly owns the named Insured,
      - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
      - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
  - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive

notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

### 2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

### 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

### 4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

### 5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
  - (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.
6. DUTY OF INSURED CLAIMANT TO COOPERATE
- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
  - (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY
- In case of a claim under this policy, the Company shall have the following additional options:
- (a) To Pay or Tender Payment of the Amount of Insurance.  
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay. Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
  - (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
    - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
    - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.  
Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
8. DETERMINATION AND EXTENT OF LIABILITY
- This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.
- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
    - (i) the Amount of Insurance; or
    - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
  - (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
    - (i) the Amount of Insurance shall be increased by 10%, and
    - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
  - (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title

Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way; Santa Ana, CA 92707. Phone: 888-632-1642.



***First American***

# Schedule A

## Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

**2583982**

Name and Address of Title Insurance Company:

First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707.

File No.: 7072-2583982

Address Reference: 14530 Maple Lane Road, Oregon    Amount of Insurance: \$320,000.00  
City, OR 97045

Premium: \$990.00

Date of Policy: February 25, 2016 at 10:15 a.m.

1.      Name of Insured:

Gregory Dean Cunningham

2.      The estate or interest in the Land that is insured by this policy is:

Fee Simple

3.      Title is vested in:

Gregory Dean Cunningham

4.      The Land referred to in this policy is described as follows:

See Exhibit "A" attached hereto and made a part hereof.



*First American*

## Schedule B

### Owner's Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

2583982

### EXCEPTIONS FROM COVERAGE

File No.: 7072-2583982

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

This exception (#5) is hereby waived without additional cost in accordance with the provisions of the Oregon Title Insurance Rating Manual provision 5.001 A 5 PROVIDED a Lender has been issued a simultaneous title insurance policy on the subject property and to the extent this exception has been eliminated or modified on said Lender's policy.

6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. These premises are within the boundaries of the Clackamas River Water District and are subject to the levies and assessments thereof.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

9. Deed of Trust and the terms and conditions thereof.
- |                        |  |
|------------------------|--|
| Loan No.:              | 1216003044   |
| Grantor/Trustor:       | Gregory Dean Cunningham, a married man   |
| Grantee/Beneficiary:   | Mortgage Electronic Registration Systems, Inc., acting solely as nominee for United Wholesale Mortgage |
| Trustee:               | Krista L. White, Esq.  |
| Amount:                | \$210,000.00   |
| Dated:                 | February 23, 2016  |
| Recorded:              | February 25, 2016  |
| Recording Information: | 2016-013091  |



***First American***

**Exhibit A**

ISSUED BY

**First American Title Insurance Company**

POLICY NUMBER

**5011400-2583982**

File No.: 7072-2583982

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Clackamas, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

A part of Block A of vacated WESTOVER ACRES, in Section 4, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of Lot 2, Block A, vacated WESTOVER ACRES; thence North 67°11' East along the Southerly line of Maplelane Road, 175.00 feet, thence South 0°58' East 236.07 feet; thence South 89°02' West 162.43 feet to the West line of said Lot 2, thence North 0°58' West along said West line 170.93 feet to the point of beginning.

NOTE: This legal description was created prior to January 1, 2008.



# OREGON CITY

May 22, 2018  
Meeting Date

## Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
Paul & Jane Reathke	20023 Quinault Dr. Oregon City, OR		
Magge Grant	14950 Coquille CT.		
Robert & David Burnett	15084 Palmyra Way		
Les Rogers	Oregon City SD		
David Johnson	OC 14938 Quinault Dr.		
Ruby & Deby Butcher	19340 Rollins St		
Dean Canningham	14530 Maplelane Rd		
Roscoe Macdonald	20153 Greenwood Way		R.MACDONALD@CRAVEAST.NET
Mike Mitchell			
Gus Carter	19186 Beaver Creek Rd	503 656 1376	
Dexter Cleet	1140 SW 11th Ave # 500		
Dev & Art Straub	20245 COQUILLE DR	503-650-3323	
Shannon Schiller		503 875-4583	hairbysilver@yehood.com
Camille Larson	15025 Saint Andrews Dr	971 808 1425	



## **Caufield Neighborhood Association Meeting – May 22, 2018**

### **Cunningham Annexation, Zone Change and Land Division Summary of Issues Discussed**

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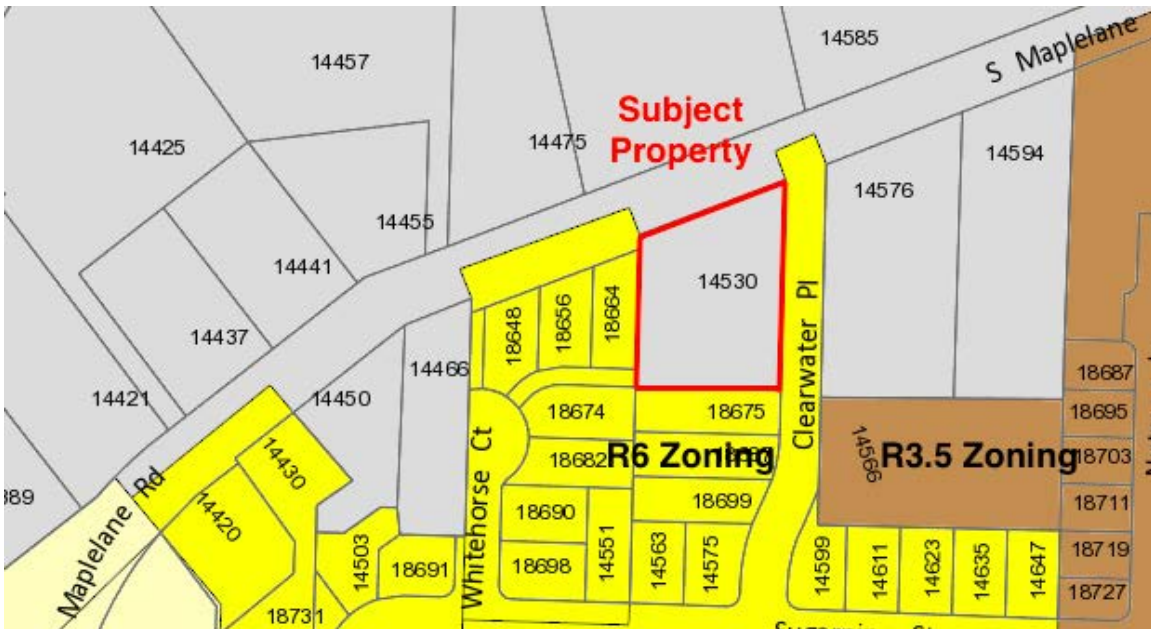
Two exhibits were presented to the meeting attendees: a copy of the aerial photo and zoning map for the subject property; and a preliminary proposal showing how the land would be divided. (attached)

**The following questions were raised by the meeting attendees:**

- **How big will each of the lots be?** Between 6,000 and 14,000 sf.
- **Will a new sidewalk be installed on Maplelane Road?** Yes.
- **How far back will the new houses have to be set from Maplelane Road?** A minimum of 10 feet, after right-of-way dedication.
- **Will a new water line need to be installed in Maplelane Road?** Yes – it will loop into the waterline in Clearwater Place, providing better fire protection for the area.
- **What will the design of the new houses look like?** This is not known at this time, but the City does have design standards that will have to be met.
- **Will the lots be sold individually?** Yes.
- **Why is the land division not being developed to the maximum density?** Because the location of the existing house on the lot, which will be preserved, prevents it.
- **Will all of the utilities be required to be underground?** Yes.

The attendees motioned to support the proposal, and the motion was seconded. The new sidewalk on Maplelane Road and improved fire protection from the water line extension and loop were seen as positive changes for the neighborhood.

**14530 S. Mapelane Road**  
**Request for Annexation, Zone Change to R6 and 3-lot Land Division**





# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

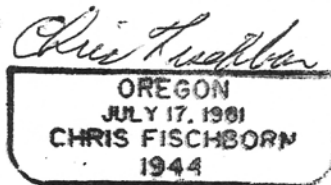
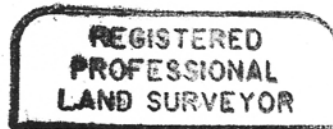
Chris C. Fischborn, P.L.S.  
3880 SE 8<sup>th</sup> Ave., Suite 280  
Portland, OR 97202  
503-235-8795  
FAX: 503-233-7889

Ronald b. Sellards, P.E.

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Dean Cunningham  
Parcel 1

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:  
Commencing at a 5/8 inch rod with a yellow plastic cap stamped "Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of "Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 63.50 feet to a point; thence continuing along said East line, North 00°31'29" West a distance of 90.92 feet to a point; thence North 67°11'00" East a distance of 63.12 feet to a point; thence South 00°31'29" East, parallel with said East line of said "Maplelane", a distance of 114.66 feet to a point; thence South 89°16'47" West a distance of 58.40 feet to the true point of beginning of the Tract of land herein described.  
Said Tract of land contains an area of 6002 square feet more or less.



# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.  
3880 SE 8<sup>th</sup> Ave., Suite 280  
Portland, OR 97202  
503-235-8795  
FAX: 503-233-7889

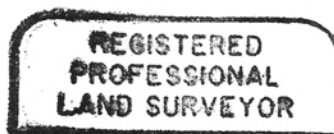
Ronald b. Sellards, P.E.

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

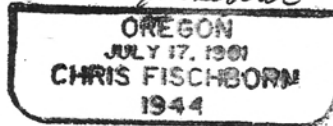
Dean Cunningham  
Parcel 2

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows: Commencing at a 5/8 inch rod with a yellow plastic cap stamped "Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of "Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the East line of said "Maplelane", a distance of 63.50 feet to a point; thence North 89°16'47" East a distance of 58.40 feet to the true point of beginning of the Tract of land herein described; thence North 00°31'29" West a distance of 114.66 feet to a point; thence North 67°11'00" East a distance of 112.33 to a point on the West right-of-way line of Clearwater Place; thence South 00°42'36" East, along said West right-of-way line, a distance of 156.91 feet to a point; thence South 89°16'47" West a distance of 104.44 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 14,152 square feet more or less.



*Chris Fischborn*



# ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.  
3880 SE 8<sup>th</sup> Ave., Suite 280  
Portland, OR 97202  
503-235-8795  
FAX: 503-233-7889

Ronald b. Sellards, P.E.

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Dean Cunningham  
Parcel 3

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows: Beginning at a 5/8 inch rod with a yellow plastic cap stamped "Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of "Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 63.50 feet to a point; thence North 89°16'47" East a distance of 162.84 feet to a point on the West right-of-way line of Clearwater Place; thence South 00°42'36" East, along said West right-of-way line, a distance of 63.50 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "G&L LAND SURVEYING INC." at the Northeast corner of lot 1 of the Plat of "Walnut Grove"; thence South 89°16'47" West, along the North line of said Lot 1, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described. Said Tract of land contains an area of 10,347 square feet more or less.





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Portland, OR 97202

503-235-8795

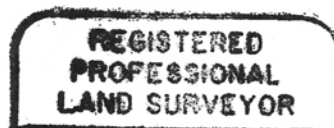
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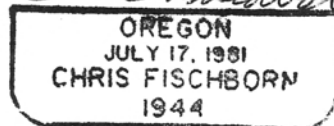
Ronald b. Sellards, P.E.

Dean Cunningham  
Right-of-way Dedication

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:  
Commencing at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants' found at the Southeast corner of Tract "A" of the plat of 'Maplelane', said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 154.41 feet to the true point of beginning of the Tract of land herein described; thence continuing along said East line of said "Maplelane" North 00°31'29" West a distance of 16.21 feet to a point on the Southerly right-of-way line of Maplelane Rd.; thence North 67°11'00" East, along said Southerly right-of-way line, a distance of 175.39 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 16.19 feet to a point; thence South 67°11'00" West, parallel with said Southerly right-of-way line of said Maplelane Rd., a distance of 175.45 feet to the true point of beginning of the Tract of land herein described.  
Said Tract of land contains an area of 2631 square feet more or less.



*Chris Fischborn*



# Attachment K - Tax Receipt

## 2017 CLACKAMAS COUNTY REAL PROPERTY TAX STATEMENT

Account: 00842789

Alternate Property Number: 32E04DB00500

TCA: 062-084

Legal Desc: Section 04 Township 3S Range 2E Quarter DB TAX  
LOT 00500

Location: 14530 S MAPLELANE RD

Bill To Party: CUNNINGHAM GREGORY DEAN  
14530 S MAPLELANE RD  
OREGON CITY OR 97045

Lender: HOMESELECT SETTLEMENT SOLUTIONS LLC

Delinquent Interest Computed Through: 8/6/2018

ACCOUNT VALUES		
Description	2016	2017
AVR Total	\$198,804	\$204,768
TVR Total	\$198,804	\$204,768
Real Mkt Total	\$314,643	\$342,517
AV Exception	\$0	\$0

TAXES AND SPECIAL ASSESSMENTS			
Year	Description	Amount Assessed	Balance Due
2017	Property Tax Principal	\$3,025.88	\$0.00
Total for Tax Year 2017			\$0.00
Total Taxes and Assessments			\$0.00

Comment:

Payment Terms

### PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
-----------------	--------

\$0.00	8/6/2018
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PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

### PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
-----------------	--------

\$0.00	8/6/2018
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DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

CUNNINGHAM GREGORY DEAN  
14530 S MAPLELANE RD  
OREGON CITY OR 97045

Total Taxes and Assessments:

\$0.00

Account: 00842789

Enter Payment Amount

\$

Make payment to:

Department of Assessment and Taxation 150 Beaver Creek Rd. Oregon City, OR 97045



## I. SUMMARY OF PROPOSAL

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**Applicant:** Dean Cunningham  
14530 S Maplelane Road  
Oregon City, OR 97045  
Telephone: 503-819-4211  
Email: kandcdean@gmail.com

**Planner:** Debbie Cleek, The Bookin Group  
1140 SW 11th Avenue, Suite 500  
Portland, Oregon 97205  
Telephone: 503.241.2423  
E-mail: cleek@bookingroup.com

**Request:** An Annexation of the property from Clackamas County to Oregon City, a Zone Change to change the zoning from FU-10 to R-6, and a Partition to divide the lot into three parcels, all of which will take access from Clearwater Place.

**Location:** 14530 S Maplelane Road

**Property ID:** 32E04DB00500

**Site Size:** 33,132 square feet (0.76 acres)

**Current Zoning:** FU-10 – Future Urban 10 acres (a Clackamas County Zoning Designation)

**Summary:** The applicant is seeking to annex one parcel into the City of Oregon City from Clackamas County and concurrently re-zone the property from the County designation of FU-10 (Future Urban) to R-6 (Single-Family Dwelling Zone). The properties directly adjacent to the subject property on the south and west are already zoned R-6, as is Clearwater Place to the east of the subject property, so the R-6 (vs. the automatic R-10) zoning will be compatible with the surrounding properties and not a “spot-zoning”. Additionally, the property is located within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of LR (Low Density Residential).

In addition to the Annexation and Zone Change, the applicant is requesting preliminary approval of a land division for the property to partition it into three parcels for the future development of two new single-family houses. Parcel 1 will be approximately 6,002 square feet and will take access off of Clearwater Place via a 10 foot wide access easement across proposed Parcels 2 and 3. Parcel 2 will be approximately 14,153 square feet and will contain the existing house and driveway. Parcel 3 will be approximately 10,347 square feet and will also take access from Clearwater Place. Additionally, an approximately 2,631 square foot dedication along Maplelane Road will be provided to allow the continuation of the curb and public sidewalk along the property frontage.

Water service to the future parcels will be obtained by connecting to the Oregon City water mains located in Maplelane Road and Clearwater Place. These water mains will be connected with a water main extension in Maplelane Road to provide a continuous, looped system. Sanitary service for the parcels will be obtained by connecting to the existing sewer main in Clearwater Place. Stormwater disposal will be obtained by connecting to the public storm sewers located in Maplelane Road and Clearwater Place.

A Pre-Application Meeting with Oregon City was held on February 7, 2018 under application PA 18-07. A copy of the Pre-Application Meeting Notes is attached as Exhibit F. In the Pre-App, the City Engineer indicated that the Highway 213 Corridor Alternative Mobility Targets Study would need to be completed before this application could be submitted, since the project would be generating a small number of trips that would impact the intersection of Highway 213 and Beavercreek Road. The City Council adopted the study on May 2, 2018 and it was recorded later that month, allowing this application to move forward.

A request to meet with the Caufield Neighborhood Association to discuss the proposal was sent via email on April 16, 2018. The information about the proposal was presented to the Caufield neighborhood at their regular meeting on May 22, 2018 and the neighborhood was supportive of the proposal. A copy of the meeting minutes from the meeting are attached as Exhibit E.

## **II. CURRENT CONDITIONS**

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### **1. Vicinity.**

The site and neighboring lots are somewhat rural in character but are transiting to more urban densities. The subject parcel is located at the corner of S Maplelane Road, a Clackamas County Minor Arterial and Clearwater Place an Oregon City Local Street. The subject parcel is surrounded on the west by the Maplelane subdivision and on the south by the Walnut Grove Estates subdivision, both of which are within Oregon City and developed at R-6 zoning density with single-family houses. The parcel east of the property (across Clearwater Place) is still in unincorporated Clackamas County and developed with a single-family house and several accessory buildings. All of the properties north of the site (across Maplelane Road) are also located in unincorporated Clackamas County and are developed at a rural density. Both the properties to the east and north are within the Urban Growth Boundary and have the FU-10 (Future Urban) zoning designation, so they would have the opportunity to annex into Oregon City and be developed at a higher density in the future.

### **2. Site Characteristics.**

The entire .77-acre site is primarily flat, with a slight slope down toward the west. The site is developed with a single-family house and attached garage built in 1966 as well as a large shed on the eastern edge of the property. The house was most recently assessed at \$204,768 in 2017. An asphalt pull-through driveway currently provides vehicle access to both Maplelane Road and Clearwater Place. There are several large trees (both evergreen and deciduous) on site, as well as a row of smaller fruit trees on the western edge of the site and several large shrubs.

Maplelane Road is a 60-foot wide right-of-way developed with a paved surface providing two vehicle travel lanes and a wide shoulder, but no formal bike lane or sidewalk along the site frontage. The developed properties west of the subject site do have a sidewalk, and it is anticipated that this sidewalk would be continued across the subject property with this development. Clearwater Place is a 40-foot wide right-of-way developed with a paved surface and a sidewalk and planting strip on the west side along the site frontage.

The site is not on or near any natural hazards identified by either Clackamas County or the City (such as wetlands, floodplain or steep slopes). Additionally, the site is not near any open space, scenic, or natural resource areas that would be affected by the proposal. There is no historic designation on or near the property as well. Several large trees exist on the site and their health and species are inventoried in the Arborist Report submitted with this application (Exhibit D). None of these trees are designated as heritage trees or groves.

The parcel is currently served by Clackamas River Water via a 16-inch water main located in Maplelane Road. There is also a 12-inch abandoned Clackamas River Water main along the site frontage. Oregon City water mains are located just to the west of the property in Maplelane (a 12-inch main) and in Clearwater Place along the property frontage (also a 12-inch main). It is anticipated that these mains would be looped together as part of this application, to provide water service to the subject property. If necessary, the existing house will connect to the City water main in Maplelane Road after annexation.

The parcel is not currently served by sanitary or storm water management facilities, though the site would be annexed into the Tri-City Service District upon approval of the annexation into the City. An 8-inch sanitary sewer line is located in Clearwater Place and is available to serve the site. Likewise a 12-inch storm sewer main is also located in Clearwater and can provide stormwater management for the subject property.

### III. ANNEXATION APPROVAL CRITERIA

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#### **OCMC 14.04.050**

In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.050(E)(7).

***7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:***

***a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;***

**Findings:** All of the necessary services are available to serve the property within the City of Oregon City as described below:

**Water:** The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

**Sanitary Sewer:** The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

**Storm Drainage:** There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon

City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

**Transportation Facilities:** The site had direct access onto S. Mapelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

**Park Facilities:** The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The proposed annexation and addition of two additional homes on the subject property is not a large enough development project to affect park capacity in any way.

**School Facilities:** The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion a is met.

***b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;***

**Findings:** The increased demand generated by the proposed development is described below.

**Water Facilities:** As noted above, the subject property is currently served by Clackamas River Water, but the applicant will be required to extend the existing Oregon City water lines in order to serve the proposed development. There is sufficient capacity available in the on the Oregon City water system to serve the increased demand of the existing house plus two additional new homes.

**Sewer Facilities:** As noted above, the subject property will be required to connect to the existing sanitary sewer line in Clearwater Place. There is sufficient capacity available in this sewer system to serve the proposal. Additionally, this new demand on the system would be off-set by the payment of SDC fees at the time the new houses on the proposed parcels are constructed.

**Storm Drainage Facilities:** As noted above, the subject property is not connected to any stormwater management system. The subject property and new homes will be able to connect to the storm sewer line in Clearwater Place, which has adequate capacity to handle the modest increased demand required with this proposal.

**Transportation Facilities:** Once annexed the property would automatically be designated with the R-10 zoning, which would allow the 33,541 square foot property to be developed with a total of three houses. As demonstrated in the Transportation Analysis Letter (Exhibit C) submitted with this application, the R-10 zone would result in only a nominal increase in daily and peak vehicle trips. The impacts of these new trips are not expected to significantly alter the operation or safety of the existing transportation facilities or nearby intersections.

**Park Facilities:** As noted above, the subject property will have little to no impact on the existing nearby parks.

**School Facilities:** As noted above, the proposal, which includes two new residences may result a minor increase on student populations for adjacent schools, however there are no capacity issues within the school district, so these increases will not be an issue.

As described above, the increased demand on the existing facilities will be quite minor and all of the available systems have adequate capacity to meet these demands, so criterion b is met.

***c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;***

**Finding:** The subject property is served by Clackamas County Fire District #1. The closest fire station is Hilltop Station #16 at 19340 Molalla Ave, Clackamas RFPD #1 approximately 1.5 miles southwest of the property. The Fire District has adequate capacity to server the increase of two additional residences on this property. Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase.

Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

No additional police or fire facilities will be required to serve this proposal, and no phasing of these facilities is proposed, and therefore criterion c is met.

***d. Statement outlining method and source of financing required to provide additional facilities, if any;***

**Finding:** Annexation of the subject property to the City of Oregon City would not cause increased demand on City or service provider resources. Therefore, additional facilities requiring financing are not required or relevant to the proposal. The development of the subject property with two new houses will trigger the payment of SDC's and other fees to support services already in place to serve the site. With these financing mechanisms in place, criterion d is met.

***e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;***

**Finding:** The annexation of the subject property to the City of Oregon City will create only a modest physical change to the property when two new houses are added. Included with this proposal are enhancements to the surrounding area, which include looping of the Oregon City water lines (a benefit for fire fighting purposes) and the frontage improvements along Mapelane Road that will provide a new sidewalk and street trees. These improvements will provide a benefit to the physical and social environment of the surrounding area and community, and criterion e is met.

***f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;***

**Finding:** The annexation and development of the subject property to the City of Oregon City will not result in a physical, aesthetic, or discernable social change in surrounding the community. There are no

negative effects anticipated, and as described above the proposal will actually result in some benefits to the neighborhood. Therefore, no mitigation is required to address the negative impacts and criteria f is met.

***g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;***

**Finding:** The subject property is under the Clackamas County/Oregon City UGMA, and already had an Oregon City Comprehensive Plan designation of Low Density Residential (LR). This request to change the zoning of the property to the City's R-6 zoning, to match the designation of the adjacent properties, is consistent with the LR Comprehensive Plan designation, so a comprehensive plan map amendment is not required. Criterion g is met.

**OCMC 14.04.060 - Annexation Factors**

In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.060 – Annexation Factors

***When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:***

***1. Adequacy of access to the site;***

**Finding:** The subject property has direct access onto S. Maplelane Road, a minor arterial controlled by Clackamas County, as well as Clearwater Place, a local street controlled by Oregon City. Therefore, the subject property has excellent site access and this criterion is met.

***2. Conformity of the proposal with the city's comprehensive plan;***

**Finding:** The following Goals and Policies of the Oregon City Comprehensive Plan apply to this proposal:

- ***Goal 2.1: Efficient Use of Land. 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:** The subject property is located within the UGB, and has an existing Low Density Residential Comprehensive Plan designation. The use of the property, once divided will be single-family residential at R-6 density, consistent with the adjacent properties and the City's Comprehensive Plan designation. This will ensure that there will be an efficient use of residential property in an area where urban services are readily available, and this goal is met.

- ***Goal 2.7: Oregon City Comprehensive Plan Land-Use Map. 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:** The annexation/zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. This application has no impact on this policy and therefore this goal is met.

- ***Goal 14.1: Urban Growth Boundary. Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.***

**Finding:** The subject property is located within the UGB, therefore this proposal does not include any amendment to the UGB boundary and this goal does not apply.

- ***Policy 14.1.1: The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.***  
**Finding:** The subject property is within the UGB and is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. The annexation/zone change of the subject property to the City's R-6 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan and this policy is met.
- ***Policy 14.1.2: Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.***  
**Finding:** A detailed conceptual development plan showing how the property will be divided into three lots was included with the application. This policy is met.
- ***Goal 14.3: Orderly Provision of Services to Growth Areas. Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.***  
**Finding:** The subject property is located within the UGB but no concept plan has been adopted for the area. However, the development of the property at the R-6 density is consistent with other projects in the area. The City's Capital Improvement Program includes utility master plans that have been updated to serve newly annexed properties and the availability, capacity, and status of services and facilities (water, sanitary sewer, storm drainage, access/transportation) in the area were been discussed previously in this narrative. This goal is met.
- ***Policy 14.3.1: Minimize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.***  
**Finding:** Annexation of the subject property will not affect current public facilities or services in the area. The zone change of the property to the City's R-6 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property. This policy is met.
- ***Policy 14.3.2: Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.***  
**Finding:** Annexation of the subject property will not affect existing utility services. The City's utility master plans have been updated to account for the extension of services to annexed properties while still providing the current level of services to existing residents within the City limits. This policy is met.
- ***Policy 14.3.3: Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.***  
**Finding:** Annexation of the subject property will not create a new service district or affect the future delivery of City utilities to the subject property or the area. This policy is met.
- ***Policy 14.3.4: Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.***

**Finding:** The costs for new service connections to the new proposed lots will be borne by the applicant. The extension and looping of the City water line along Maplelane Road will be paid for entirely by the applicant. The developers of the individual lots will pay the utility connection fees and SDC's at the time of construction. This policy is met.

- ***Goal 14.4: Annexation of Lands to the City. Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.***

**Finding:** This application will be reviewed by the City through the Type IV land use process, which ensures consideration of the effects of annexed properties on public services and the City as a whole. The anticipated use of the property at the R-6 density is consistent with other projects in the area, and Comprehensive Plan designation of the property. This goal is met.

- ***Policy 14.4.1: Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.***

**Finding:** Annexation of the subject property would support compact urban form and support efficient delivery of public services. The property is within the UGB and contiguous to properties that are already within the City limits. This policy is met.

- ***Policy 14.4.2: Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.***

**Finding:** The annexation of the subject property will have no fiscal impacts on the City because the costs of providing utilities and services to the 3 proposed lots will be borne entirely by the applicant. Once annexed into the City, the taxes collected from these three lots will help pay for the future services required by the eventual residents. The City will benefit from the extension of the public sidewalk along Maplelane and the looping of the City water line, both of which will be completed by the applicant as part of the proposal. Therefore the potential benefits outweigh the cost and this policy is met.

- ***Policy 14.4.3: Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:***

- ***avoid creating unincorporated islands within the city;***
- ***enable public services to be efficiently and cost-effectively extended to the entire area;***
- or
- ***implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.***

**Finding:** Annexation of the subject property will not create unincorporated islands within the City, or interfere with the timely or efficient extension of public services to the area in the future, therefore this policy is met.

- ***Policy 14.4.4: Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.***

**Finding:** The subject property is currently on a private septic system, but is not subject to a public health hazard associated with a failing septic system. This policy does not apply.



As shown, the proposal conforms to the applicable goals and policies of the Oregon City Comprehensive Plan and this criterion is met.

**3. Adequacy and availability of public facilities and services to service potential development;**

**Finding:** As described in the preceding sections of this narrative, adequate public facilities and services are available to support potential future development of the subject property. This criterion is met.

**4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;**

**Finding:** ORS Chapter 222 provides several options for annexing land into a City, and requires that property to be annexed be contiguous to City limits. The planned annexation of the subject property meets ORS Ch. 222, as it is within the adopted UGB, is within an area subject to the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous to existing City limits. In addition, this application is consistent with the applicable boundary change criteria of Metro's Code Section 3.09, more specifically Section 3.09.045 D, which has been addressed below.

**Metro Code 3.09.045.D:**

***To approve a boundary change through an expedited process, the city shall:***

***1. Find that the change is consistent with expressly applicable provisions in:***

***a. Any applicable urban service agreement adopted pursuant to ORS 195.065***

**Finding:** The subject property is currently within the Clackamas River Water service district. Upon annexation the property will be included in the City's service districts. The property will annex into the Tri-City Service District.

***b. Any applicable annexation plan adopted pursuant to ORS 195.205;***

**Finding:** No applicable annexation plan for the area currently exists.

***c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;***

**Finding:** Annexation of the subject property is consistent with the applicable UGMA in place between Clackamas County and Oregon City.

***d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;***

**Finding:** Annexation of the subject property is consistent with the City's Capital Improvement Program, which includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area.

***e. Any applicable comprehensive plan;***

**Finding:** Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Low Density Residential.

***f. Any applicable concept plan;***

**Finding:** No applicable concept plan for the area currently exists.

***2. Consider whether the boundary change would:***

***a. Promote the timely, orderly and economic provisions of public facilities and services;***

**Finding:** The subject property is within the UGB, contiguous to City limits, and adjacent to properties currently receiving City services. Therefore, the application promotes the timely, orderly, and economic provision of public facilities.

***b. Affect the quality and quantity of urban services; and***

**Finding:** Annexation of the subject property will not affect the quality and quantity of urban services in the area.

***c. Eliminate or avoid unnecessary duplication of facilities or services.***

**Finding:** As part of the annexation process, the City will notify applicable service providers about the annexation and addition or withdrawal of the property from their district to avoid duplication of facilities and/or services.

As shown, ORS Ch. 222, and Metro Code Section 3.09 can both be met, and therefore this criterion is met.

***5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;***

**Finding:** The subject property is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes). This criterion does not apply.

***6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;***

**Finding:** The annexation of the subject property will not have an effect on designated open space, scenic, historic, or natural resource areas and this criterion is met.

***7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.***

**Finding:** The annexation of the subject property will have no adverse effects on the economic, social, and/or physical environment of the community. Public services are available to support future land uses of the property. This criterion is met.

## **IV. ZONE CHANGE APPROVAL CRITERIA**

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### **Chapter 17.68: ZONE CHANGES AND AMENDMENTS (17.68.20)**

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

The following goals and policies apply to this application:

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

**Finding:** The Oregon City Comprehensive Plan and Municipal Code include provisions to ensure citizens, neighborhood groups, and affected property owners have an opportunity to participate in the land use process. Prior to submitting this application the proposal was presented to the Caufield Neighborhood Association at their May 22, 2018 meeting. In addition, citizens have the opportunity to attend and participate in public hearings before the Oregon City Planning Commission and the Oregon City Commission prior to approval, as part of the Type IV process. Therefore, the application is consistent with this Goal.

- ***Goal 2.1: Land Use. 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:** This application involves a zone change from the R-10 zoning designation to the R-6 zoning designation. This represents an increase in density while still remaining in a single-family zone. Densities corresponding to the R-6 zone represent a more sustainable development pattern

because it encourages the development of smaller and more compact houses. Additionally, increasing densities within the UGB limits urban sprawl, therefore, the application is consistent with this Goal.

- ***Goal 2.7: Land Use. 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:** This goal is addressed above as part of the approval criteria for the annexation request.

- ***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: Not applicable.** According to City maps, the Natural Resource Overlay District (NROD) does not apply to this property. Therefore, the application is consistent with this Goal.

- ***Goal 6.1.1: Quality of Air, Water and Land Resources. 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:** The planned R-6 zoning designation promotes a compact land use pattern that reduces the amount of land dedicated to public streets and other infrastructure per dwelling unit. Compact land use patterns reduce travel distance by single-occupancy vehicles, and increases opportunities for alternative modes of transportation, including walking, biking, and transit. Thus, the R-6 zoning strategically increases opportunities for increased populations to walk and bike to places of education, shopping, and employment. The R-6 zoning designation is consistent with this Goal.

- ***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:** The application is subject to City grading, drainage, and erosion control standards. Development of the individual lots will require approval of grading plans to ensure that erosion and sedimentation control standards are satisfied. To the extent this Goal is relevant to the application, it is satisfied.

- ***Goal 10.1: Housing. Provide for the planning, development and preservation of a variety of housing types and lot sizes.***

- ***Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.***

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

- ***Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.***

**Finding:** The proposal includes preserving the existing house on the site, built in the 1960's. When the additional lots develop they will have the opportunity to construct accessory dwelling units along with the new single-family home is allowed. Additionally, cottage housing may be permitted

with density bonuses. These two unit types provided an opportunity for more diverse, and often more affordable housing opportunities within existing neighborhoods. These housing related policies are met.

- **Goal 10.2: Housing. Provide and maintain an adequate supply of affordable housing.**
  - ***Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.***

**Finding:** The City provides the opportunity to construct ADUs and other small dwelling units on these lots, which would likely be lower in cost. Additionally, the zone change from R-10 to R-6 allows the creation of smaller lots, which may result in the construction of smaller, lower cost homes. This policy is met.
- **Goal 11.1: Public Facilities. Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.**

**Finding:** The requested change from Clackamas County's FU-10 to the City's R-6 zoning district meets the City's Low Density Residential Comprehensive Plan Map designation, and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and discussed earlier in this report. Based on the small size of the property and the nominal number of new units this proposal will create, the additional density will not have a negative impact on school district capacity. This goal is met.
- **Goal 12.6: Transportation. Develop and maintain a transportation system that has enough capacity of meet users' needs.**
  - ***Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.***
  - ***Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.***
  - ***Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.***
  - ***Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.***

**Finding:** A Transportation Analysis Letter (TAL) that includes a Transportation Planning Rule (TPR) analysis, prepared by a registered professional traffic engineer was included with this application as Exhibit C. The TAL includes trip generation estimates for the automatic R-10 zoning designation, and the planned R-6 zoning designation, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20- year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660- 012-060). As documented in the TAL, the additional vehicle trips generated by the addition of two house on the site is expected to have only a minimal impact on the safety and operation of the existing transportation facilities in the area.

Additionally, as requested at the Pre-Application Meeting, the TAL included analysis of the Site Trip Impacts on the intersection of Highway 213 and Beaver Creek Road. In this analysis it is assumed that 80% of the site trips generated would travel through the OR 213/Beaver Creek intersection,

which would only result in an increase of one AM peak-hour trip and two PM peak-hour trips. The TAL concluded that this impact on the intersection would be de minimis. It is anticipated that the applicant will be required to pay a proportional share of the improvements adopted by City Council in the Highway 213 Corridor Alternative Mobility Targets study, based on this nominal increase in trips. Further mitigation is not required or warranted with this application, and the Transportation Planning Rule is therefore satisfied.

As shown above, the proposed Zone Change compiles with the applicable goals and policies of the comprehensive plan.

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

**Finding:** The public facilities (sanitary sewer, storm drainage, water, and streets) available to serve the lot are all adequate and can support two additional houses. The change from R-10 to R-6 is a shift within the Low Density Residential Comprehensive Plan Map designation and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and have been addressed earlier in this report. This criterion is met.

- 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:** As described in the response to Policy 12.6 of the Comprehensive Plan above, the TAL (Exhibit C) prepared by a registered professional traffic engineer shows the function, capacity, and level of service of the surrounding traffic system will not be impacted by the addition of two house units. This criterion is met.

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

- ***Statewide Planning Goal 1: Citizen Involvement. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.***

**Finding:** Addressed in Comprehensive Plan Goal 1.

- ***Statewide Planning Goal 2: Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.***

**Finding:** Addressed in Comprehensive Plan Goal 2.

- ***Statewide Planning Goal 3: Agricultural Lands. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.***

**Finding:** Addressed in Comprehensive Plan Goal 3.

- **Statewide Planning Goal 4: Forest Lands.** *This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."*  
Finding: Addressed in Comprehensive Plan Goal 4.
- **Statewide Planning Goal 5: Open Spaces, Scenic and Historic Area, and Natural Resources.** *Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.*  
Finding: Addressed in Comprehensive Plan Goal 5.
- **Statewide Planning Goal 6: Air, Water and Land Resources Quality.** *This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.*  
Finding: Addressed in Comprehensive Plan Goal 6.
- **Statewide Planning Goal 7: Areas Subject to Natural Hazards.** *Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.*  
Finding: Addressed in Comprehensive Plan Goal 7.
- **Statewide Planning Goal 8: Recreational Needs.** *This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.*  
Finding: Addressed in Comprehensive Plan Goal 8.
- **Statewide Planning Goal 9: Economic Development.** *Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.*  
Finding: Addressed in Comprehensive Plan Goal 9.
- **Statewide Planning Goal 10: Housing.** *This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.*  
Finding: Addressed in Comprehensive Plan Goal 10.
- **Statewide Planning Goal 11: Public Facilities and Services.** *Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.*  
Finding: Addressed in Comprehensive Plan Goal 11.
- **Statewide Goal 12: Transportation.** *The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."*  
Finding: Addressed in Comprehensive Plan Goal 12.



- **Statewide Planning Goal 13: Energy Conservation.** *Goal 13 states that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*  
**Finding:** The proposal to rezone the property allows for additional dwelling units within the same square footage of land, resulting in a more efficient use of city streets and utilities.
- **Statewide Planning Goal 14: Urbanization.** *This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.*  
**Finding:** The proposal would allow more efficient urbanization of the site within the Urban Growth Boundary.
- **Statewide Planning Goal 15: Willamette River Greenway.** *Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.*  
**Finding:** This goal is not directly applicable to the proposal since the site is not within the designated Willamette River Greenway.
- **Statewide Planning Goal 16: Estuarine Resources**
- **Statewide Planning, Goal 17: Coastal Shorelands**
- **Statewide Planning, Goal 18: Beaches and Dunes**
- **Statewide Planning Goal 19: Ocean Resources**  
**Finding:** These goals are not applicable as the site is not located in any of the identified areas.

#### **OAR 660-012-0060(1)-(3) TRANSPORTATION PLANNING RULE (TPR)**

*The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.*

**Finding:** Addressed in Comprehensive Plan Goal 12 and in the Transportation Analysis Letter (Exhibit C) submitted with this application.

#### **OAR CHAPTER 660, DIVISION 7, "METROPOLITAN HOUSING RULE"**

*The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.*

**Finding:** Refer to the findings for Goal 10 of the Comprehensive Plan above.

#### **REGIONAL TRANSPORTATION PLAN**

*The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.*

**Finding:** Addressed in Comprehensive Plan Goal 12.

#### **URBAN GROWTH MANAGEMENT METRO FUNCTIONAL PLAN**

*3.07.810.C states that after one year following acknowledgement of a functional plan requirement, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.*

**Finding:** The City of Oregon City's comprehensive plan and land use regulations associated with comprehensive plan and zone change amendments are in compliance with the UGB Metro Functional Plan.

#### **METRO FUNCTIONAL PLAN**

*3.07.120(e), "Housing Capacity" A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.*

**Finding:** Refer to the findings for Goal of the Comprehensive Plan above.

## V. LAND DIVISION APPROVAL CRITERIA

### CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

**17.12.020 Permitted uses.** *Permitted uses in the R-6 district are: A. Single-family detached residential units.*

**Finding:** This application includes 2 lots in the R-6 zoning district for the future construction of single-family detached homes. This standard is met.

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

A. *Minimum lot area: 6,000 square feet.*

B. *Minimum lot width: 50 feet.*

C. *Minimum lot depth: 70 feet.*

**Finding:** The table below shows how the proposed lots comply with the minimum dimensional standards.

Parcel	Proposed Lot Area	Proposed Lot Width	Proposed Lot Depth
1	6,002 square feet	58 feet	103 feet
2	14,152 square feet	104 feet	136 feet
3	10,347 square feet	63 feet	163 feet

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

**Finding:** The existing house is two stories tall, and the new houses will comply with this standard.

E. *Minimum required setbacks:*

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

F. *Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.*

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

**Finding:** The future homes on Parcels 1 and 3 will be reviewed for compliance with the maximum height, setback, and lot coverage requirements of the R-6 zone at the time of building permit issuance. However, both these lots are large enough that these requirements should easily be met. The existing home on Parcel 2 complies with all of the setback requirements as shown on the preliminary plan. Because of the location of the existing house, this lot is oversized at 14,152 square feet, so the house is well below the maximum allowed lot coverage standard of 40 percent. The standards of Chapter 17.20 are addressed below in this report. These requirements are met.

## **CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARD**

**17.20.010 - Purpose.** *The residential design standards are intended to:*

- A. *Enhance Oregon City through the creation of attractively designed housing and streetscapes.*
- B. *Ensure that there is a physical and visual connection between the living area of the residence and the street.*
- C. *Improve public safety by providing "eyes on the street".*
- D. *Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.*
- E. *Prevent garages from obscuring or dominating the primary facade of the house.*
- F. *Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.*
- G. *The community development director may approve an alternative design that achieves the intent of this chapter.*

**Finding:** These standards will primarily apply to the new houses on Parcels 1 and 3, which will be designed to comply with these standards. The existing house on Parcel 2 will meet the standards where applicable. This criterion is met.

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

**Finding:** Street tree requirements are discussed below in part of Chapter 12.08 – Public and Street Trees.

**17.20.020 - Applicability.** *The standards in Sections 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in Section 17.20.030 or Chapter 12.21.*

**Finding:** These standards will apply to the new houses on Parcels 1 and 3. The proposed lots are shaped and sized in such a way that meeting these requirements should not be problematic. These standards can be met.

**17.20.030 - Residential design options.**

- A. *A dwelling with no garage or a detached garage shall comply with five of the residential design elements in Section 17.20.040A on the front facade of the structure.*
- B. *A dwelling without a garage on the primary street-facing facade may be permitted if...*
- C. *A dwelling with a front garage where the building is less than twenty-four feet wide may be permitted if...*
- D. *A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if...*
- E. *A dwelling with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if...*
- F. *A dwelling with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if...*

- G. *A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if...*
- H. *A dwelling with a garage that is side-orientated to the front lot line and may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if...*

**Finding:** The existing house on Parcel 2 does have an attached garage, but does not match any of these scenarios, since the garage is less than 50% of the street facing facade and the house itself is more than 24 feet wide, therefore these standards do not apply to the existing house on Parcel 2. Additionally this house and garage was built in 1966, before these standards existed, so any areas where it does not comply with these standards should be considered as legal non-conforming development. It is anticipated that the future houses on Parcels 1 and 3 will comply fully with these requirements at the time of building permit review and these standards can be met.

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

- A. *Homes on corner lots and through lots shall comply with one of the options in Section 17.20.030 for the front of the home.*
- B. *The other street-facing side of the home shall include the following:*
  - 1. *Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade; and*
  - 2. *Minimum four-inch window trim; and*
  - 3. *Three additional residential design elements selected from Section 17.20.040A.*

**Finding:** The existing house on Parcel 2 is on an existing corner lot and will remain on a corner lot after the proposed partition. As described above, because this house and garage already exist making any modifications to the design of the house would be problematic. No other corner lots are proposed with this land division. These standards will be met.

**17.20.040 - Residential design elements.** *The residential design elements shall be provided as required in Section 17.20.030.*

**Finding:** As described in 17.30.030 above the existing house is not required to meet these standards and the future homes on Parcels 1 and 3 will meet the applicable standards at the time of building permit approval. These standards will be met.

**17.20.050 - Main entrances.** *The main entrance for each structure shall:*

- A. *Face the street; or*
- B. *Be at an angle up to forty-five degrees from the street;*
- C. *Open onto a covered porch that is at least sixty square feet with a minimum depth of five feet on the front or, in the case of a corner lot, the side of the home.*

**Finding:** The main entrance for the existing house on Parcel 2 faces Maplelane Road. The future homes on Parcels 1 and 3 will meet these standards at the time of building permit approval. These standards will be met.

**17.20.060 - Residential yard landscaping.** *The intent of this section is to ensure that residential lots are landscaped and to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City. Though not required, the use of native species and low water use vegetation is recommended, but in no case may materials identified on the Oregon City Nuisance Plant list be used.*

**A. Tree Requirement.** *This requirement may be met using one or any combination of the three options below (Tree Preservation, Tree Planting, or Tree Fund). Table 17.20.060A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the Tree Fund.*

Table 17.20.060A

<i>Lot Size (square feet)</i>	<i>Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund</i>
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

**Finding:** Proposed Parcel 2 is 14,152 square feet in size and therefore required to have 10" inches of trees. This parcel has three trees on site that are in fair to good condition and proposed to remain, for a total of 36 inches. Parcel 1 is 6,002 square feet in size and will have an 11 inch tree protected on it, which will satisfy the standards of this table. Parcel 3 will be 10,347 square feet in size and has no existing trees on it, so it will be required to plant 10 inches of new trees at the time of development. Tree preservation for the land division is addressed in Chapter 17.41 of this report and is shown to be met for the land division proposal as a whole. This standard can be met.

**B. Residential front yard landscaping requirements.** *The following minimum landscaping standards shall apply to residential uses in residential zones:*

- 1. At a minimum, a three-gallon shrub or three-gallon accent plant shall be planted between the front property line and the front building line for every four linear feet of foundation.*
- 2. On lots zoned R-5, R-6, R-8 and R-10, fifty percent of the area between the front lot line and the front building line shall be landscaped.*
- 3. On lots zoned R-3.5, at least forty percent of the area between the front lot line and the front building line shall be landscaped.*
- 4. At a minimum, the required landscaped area shall be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians, such as walkways, play areas or patios.*
- 5. A landscaping plan is required.*

**Finding:** Parcel 2, with the existing house is fully landscaped with mature shrubs and ground cover. For Parcels 1 and 3 the landscaping requirements will be met at the time of building permit for the new homes. This standard will be met.

## **CHAPTER 16.16 –MINOR PARTITIONS PROCESS AND STANDARDS**

### **16.16.020 - Minor partition application submission requirements.**

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

**16.16.025 - Frontage width requirement.** *For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).*

**Finding:** All of the parcels will have more than 20 feet of frontage on a public road. Parcel 1 has 63 feet of frontage on Maplelane Road, but due to access restrictions it will take vehicle access from Clearwater Place via an easement. Parcel 2 had 111 feet of frontage on Maplelane and 156 feet of frontage on Clearwater. Parcel 3 has 64 feet of frontage on Clearwater. This standard is met.

**16.16.030 - Flag lots—R-10, R-8, R-6, and R-3.5.**

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

**16.16.035 - Pavement requirements.** *Accessways for lots created through the minor partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.*

**Finding:** The proposed access easement for Parcel 1 will be 103 feet long and only serve one residence. Therefore, this access does not need to be a 20-foot wide paved surface or provide a turnaround since it will not need to be used as a Fire District access. This standard is met.

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

**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.*

**Not Applicable.** There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

**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.*

**Not Applicable.** There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

**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*

**Finding:** The size, width, depth, shape, and orientation of the planned parcels comply with the minimum requirements for the R-6 zone (17.12.040) as demonstrated above. This standard is met.

**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.*

**Not Applicable.** This proposal is for a partition, not for a subdivision.



**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.*

**Not Applicable.** All of the lots will meet the minimum lot area of the R-6 zone.

**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.*

**Not Applicable.** No through lots are proposed.

**16.12.060 - Building site—Lot and parcel side lines.** *The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.*

**Finding:** 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 are met. Please refer to the preliminary plans for additional information.*

**Finding:** The subject lot is relatively flat and only minor grading will be required to divide the property when the street improvements are constructed. The grading required to develop the individual lots will comply with Chapter 15.48, Chapter 16.12, the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 at the time of building permit approval. This requirement is met.

**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.*

**Finding:** Maplelane Road is classified as a minor arterial and Clearwater Place is a local street. The existing house on Parcel 2 is already orientated toward Maplelane Road. On Parcel 1 the future house will be able to be orient, and have it's most architecturally significant elevation facing Maplelane Road, even though vehicle access will be from Clearwater Place. Parcel 3 is exempt from this standard, since it only frontage is on Clearwater Place. This standard is met.

**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:** Proposed Parcel 2 is 14,031 square feet, and therefore capable of redivision under the R-6 zoning standards. This parcel currently contains the existing house, which is located in such a way as to make the redivision of this parcel impractical at this time. However, if this house was

removed in the future, it would be possible to create two lots with frontage on Clearwater Place. This standard is met.

**16.12.085 - Easements.** *The following shall govern the location, improvement and layout of easements:*

**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:** A 10-foot wide utility easement is proposed to provide sanitary sewer access from Clearwater Place for proposed Parcel 1. The City Engineer has indicated that 10 feet is an adequate width for this easement, and this standard is met.

**B. Unusual Facilities.**

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

**C. Watercourses.**

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

**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:** Maplelane Road, a County road, has restricted vehicle access in order to maintain higher vehicle speeds. Therefore a 10-foot wide access easement is proposed to provide Parcel 1 vehicle access to Clearwater Place. Because this access will not need to provide fire truck access to the house (since it is under 150 feet in length) the City Engineer has indicated that 10 feet is an adequate width for this easement. This standard is met.

**E. Resource Protection.**

**Not Applicable.** No natural or historic features have been identified on the site.

**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.*

**Finding:** It is anticipated that a Public Works review will be required for the sidewalk improvements required along Maplelane Road, and for the extension of the Oregon City water main. This work will not commence until after construction plans have been reviewed and approved by the City Engineer. Inspections of the planned improvements, including erosion control measures are required. Upon completion of the improvements, as-built drawings will be filed with the City Engineer. This standard can be met.

**16.12.095 - Minimum improvements—Public facilities and services.**

*The following minimum improvements shall be required of all applicants for a land division:*

*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.*

**Finding:** The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. It is anticipated that the applicant will pay a proportional share of the improvements planned for this intersection to help maintain the target level of service required. This standard is met.

*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.*

**Finding:** The applicant is proposing to install water quality facilities on each of the individual parcels to treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the impervious surface created by the new curb and sidewalk. It is anticipated that all of these water quality facilities will be a “low impact” design, such as a vegetated filter or swale in compliance with the applicable city code. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. The approximate location of these facilities is shown on the partition plan. This standard is met.

*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.*

**Finding:** Each of the parcels will be connected to the Oregon City public sewer in Clearwater Place. Parcel 1 will connect via a 10-foot wide utility easement across Parcels 2 and 3. The existing house on Parcel 2 will connect to the City sewer line (if required) prior to final plat approval. This standard is met.

*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.*

**Finding:** Parcels 2 and 3 will connect directly to the City water main in Clearwater Place. The City Engineer has indicated that the city water line in Maplelane will need to be connected to the city line in Clearwater Place, to create a continuous looped line. This standard is met.

*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.*

**Finding:** A new sidewalk is proposed along the Maplelane Road frontage of the site, as required by the City and County. This standard is met.

*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:** It is anticipated that the required street improvements along Maplelane Road will also include a bicycle lane. This standard is met.

*G. Street Name Signs and Traffic Control Devices.*

**Not applicable.** No new streets or traffic control devices are required with this proposal.

*H. Street Lights.*

**Not applicable.** No new streets lights are required with this proposal.

*I. Street Trees.*

**Finding:** Please refer to the analysis in section 12.08 of this report. This standard is met.

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

**Finding:** The final plat will reference a benchmark utilizing the datum specified by the City Engineer. This standard is met.

*K. Other.*

**Not Applicable.** No other improvements are anticipated.

*L. Oversizing of Facilities*

**Not Applicable:** All facilities will be properly sized to serve the lots created with this application and are not required to be oversized.

*M. Erosion Control Plan—Mitigation.*

**Finding:** Refer to the analysis in section 17.47 of this report.

**16.12.100 Same—Road standards and requirements**

**Not Applicable.** No new public streets are proposed.

**16.12.105 Same—Timing requirements.** *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.*

**Finding:** It is anticipated that construction of street improvements and water line extension will be finally guaranteed prior to final plat. The actual construction of these improvements will occur at the same time as the construction of the house on Parcel 1. This standard can be met.

**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.*

**Finding:** The financial guarantee for the public improvements will comply with the City's standard procedures described in this section. The applicant will submit the required performance guarantees prior to plat recordation. This standard can be met.

## **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:** The applicant intends to comply with the provisions of this chapter related to public street improvements as described above. This standard is met.

**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.*

**Finding:** The applicant understands that the City has jurisdictional management over Clearwater Place and Clackamas County has jurisdictional management over Maplelane Road. Therefore, planned improvements to Maplelane will be coordinated with Clackamas County. This standard is met.

**12.04.007 Modifications.**

**Not Applicable.** Modifications to these standards are not planned with this land division.

**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:** The sidewalk and curb planned for Maplelane Road will comply with applicable portions of the City's construction standards and Transportation System Plan. This standard is met.

**12.04.020 Construction specifications—Unimproved streets.**

**Not Applicable.** No unimproved streets are associated with this project.

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

*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.*

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

*Single or Two-Family Dwelling with two Car Garage/Parking Space*

*Minimum Driveway Width at sidewalk or property line: 12 feet*

*Maximum Driveway Width at sidewalk or property line: 24 feet*

*The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements.*

*C. The decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.*

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

- 1. Each new or redeveloped curb cut shall have an approved concrete approach and a minimum hard surface for at least ten feet back into the lot.*
- 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.*
- 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.*
- 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.*

*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:** Parcel 2, a corner lot, currently has a driveway approach on both Maplelane Road and Clearwater Place. Maplelane Road has restricted access, so when the new curb and sidewalk improvements are constructed along the site's frontage the driveway approach on Maplelane will be eliminated. Only one driveway each will be provided for the other two parcels, with driveway and curb cut design, dimensions, and spacing in accordance with the above requirements. This standard is met.

**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:** The future homeowner will be responsible for maintaining sidewalk and abutting curb.

**12.04.031 Liability for sidewalk injuries.**

**Not Applicable.** Any injuries incurred on public sidewalk will be administered when necessary, and is not related to this proposal

**12.04.032 Required sidewalk repair.**

**Not Applicable.** Any repairs to the public sidewalk will be administered when necessary, and is not related to this proposal.

**12.04.033 City may do work.**

**Not Applicable.** This criterion is related to repair of the sidewalk and will be administered when necessary.

**12.04.034 Assessment of costs.**

**Not Applicable.** This criterion is related to repair of the sidewalk and will be administered when necessary.

**12.04.040 Streets--Enforcement.**

**Not Applicable.** This criterion is related to repair of the sidewalk and will be administered when necessary.

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

**Not Applicable.** The proposal does not include any constrained local streets or rights-of-way.

**12.04.050 Retaining walls--Required.**

**Not Applicable.** As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

**12.04.060 Retaining walls--Maintenance.**

**Not Applicable.** As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

**12.04.070 Removal of sliding dirt.**

**Not Applicable.** As shown on the preliminary plan, the site is relatively flat so dirt sliding into the public right-of-way from the lot is unlikely.

**12.04.090 Excavations--Permit restrictions.**

**Not Applicable.** This criterion is applicable to a single excavation. The required street improvements will be permitted as part of a public works review and will be designed and certified by professional engineer.

**12.04.095 - Street Design—Curb Cuts.** *To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.*

**Finding:** The applicant will comply with City standards regarding number and design of curb cuts and driveway approaches. These standards are addressed in detail in the TAL (Exhibit C). This standard can be met.

**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:** The proposal includes work in the public right-of-way that will require pavement restoration, specifically the new waterline in Maplelane Road, and the individual utility connections for Parcels 1 and 3. After the work is complete, the applicant will restore the pavement in accordance with the city's standards. This standard can be met.

**12.04.120 Obstructions – Permit Required.**

**Not Applicable.** This proposal does not include or anticipate any obstructions.

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

**Not Applicable.** This proposal does not include or anticipate any obstructions.

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

**Not Applicable.** The proposal does not include a street or alley vacation.

**12.04.160 Street vacations--Restrictions.**

**Not Applicable.** The proposal does not include a street or alley vacation.

**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:** The design of the street improvements along Maplelane Road will comply with all the requirements of this chapter and the City design standards. Additionally, because Maplelane Road is controlled by Clackamas County the street improvements will be reviewed and approved by County Staff as well. This standard can be met.

**12.04.175 Street Design--Generally.**

**Not Applicable.** No new public street is proposed with this land division.

**12.04.180 Street Design.**

**Not Applicable.** No new public street is proposed with this land division.

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

**Not Applicable.** No new public street is proposed with this land division, so there will be no opportunity to create access control.

**12.04.190 Street Design--Alignment.**

**Not Applicable.** No new public street is proposed with this land division, so there will be no change to the alignment of the existing adjacent streets.

**12.04.194 Traffic Sight Obstructions.**

**Not Applicable.** No new public street is proposed with this land division.

**12.04.195 Spacing Standards.**

*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.*

**Finding:** No new public street is proposed with this land division.

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

*Street Functional Classification: Local Streets (Clearwater Place)*

*Minimum distance from a street corner to a driveway for all uses: 25'*

**Finding:** The existing driveway on Clearwater Place for Parcel 2 is approximately 30 feet from the intersection with Maplelane Road. However, 16 feet of right-of-way dedication is required to accommodate the street improvements on Maplelane Road, which will leave this driveway about 15 feet from the intersection. If necessary, this driveway can be moved back from the intersection to meet this standard, since this parcel has over 150 feet of frontage on Clearwater Place, and standard can be met. It should be noted that spacing on Maplelane Road is not addressed since the existing driveway on this Minor Arterial will be eliminated. More information on driveway spacing is included in the TAL (Exhibit C). This standard can be met.

**12.04.199 Pedestrian and Bicycle Accessways.**

**Not Applicable.** No new public streets are proposed with this land division, therefore there is no need for them to be replaced with a pedestrian or bicycle accessway.

**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...*

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

*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...*
- 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.*
  - b. 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 / Beavercreek Road State*
    - Intersections located within or on the Regional Center Boundaries*
- 1. In the case of conceptual development approval for a master plan that impacts the above references intersections:*
  - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*
  - b. Only those trips approved by a detailed development plan review are vested.*
- 2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

**Finding:** The un-signalized intersection of Maplelane Road and Clearwater Place is not within the Regional Center, nor is it designated on the Arterial and Throughway Network. In the Transportation Analysis Letter (Exhibit C) submitted with this application, the applicant's traffic engineer concluded that the addition of two new houses on the site would only increase the AM peak-hour trips by one trip and the PM peak hour-trips by two trips. This small increase in trips will not affect the current level of service of the Maplelane/Clearwater intersection. In addition the City adopted new Alternative Mobility Targets for the intersection of OR 213 and Beavercreek Road this summer. The TAL provides specific analysis on the trip impacts the proposal will have on this intersection and has also concluded that the impacts on this intersection will be minimal. This standard is met.

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

**Not Applicable.** This land division proposal does not include any new streets, so there will be no change to the existing intersection angle of the adjacent streets.

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

**Not Applicable:** As discussed in 12.04.205 above, there impact of the proposal will not create the need for off-site improvements.

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

**Not Applicable.** No half streets exist or are proposed with this land division.

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

**Not Applicable.** No cul-de-sacs or permanent dead-end streets are proposed with this land division.

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

**Not Applicable.** No new streets are proposed with this land division.

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

**Not Applicable.** No new streets are proposed with this land division.

**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:** The project site fronts onto Maplelane Road, which is classified as a minor arterial. Access to this Road is restricted by Clackamas County and none of the parcels are proposed to take access from Maplelane. This standard is met.

**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:** The street system adjacent to the site is designed to City standards and Clearwater Place currently discourages non-local through traffic.

**12.04.255 Street design-Alleys.**

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

**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.*

**Finding:** As shown on the preliminary plans, the planter strip in Clearwater Place already exists and conforms to City standards. The new sidewalk improvements along Maplelane Road will

include a new planter strip that will be planted with street trees in conformance with the requirements of Chapter 12.08 (addressed below) and any County requirements. This standard is met.

**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.*

**Finding:** Construction plans for the sidewalk improvements are planned to be submitted to the appropriate review agency and will comply with the applicable requirements. Once construction permits are obtained, the improvements will be constructed by a licensed general contractor in accordance with the approved plans and inspected for consistency with the plans. This standard will be met.

**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:** The applicant understands that any act in violation of this Chapter is to be deemed a nuisance and be subject to code enforcement procedures.

## **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.*

- 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.*
- B. *The following clearance distances shall be maintained when planting trees: 1. Fifteen feet from streetlights; 2. Five feet from fire hydrants; 3. Twenty feet from intersections; 4. A minimum of five feet (at mature height) below power lines.*
- C. *All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*
- D. *All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

**Finding:** Street trees will be planted along the Maplelane Road frontage once the driveway is closed and the sidewalk improvements are installed. The frontage is 175 feet long, so it is anticipated that five trees will be required. The trees will be spaced to meet all appropriate standards and will be planted at 2-inch caliper. A street tree plan will be submitted with the Public Works review showing the final species and spacing of the new street trees. This standard can be met.

**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:** The species of street trees will be selected from the Oregon City Street Tree List (or approved by a certified arborist) and planted in conformance with this Section. This standard can be met.

**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:** General tree and planter strip maintenance is planned to be the responsibility of future home owners. This standard will be met.

**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:** No public tree removal is proposed with the land division proposal, however, existing street trees may need to be removed along Clearwater Place to accommodate the new driveways for Parcel 1 and 3. Removal will be done in accordance with OCMC 17.41 and where practical these street trees will be replaced. This standard will be met.

**12.08.040 - Heritage Trees and Groves.**

**Not applicable.** The proposal will not designate or remove any heritage trees or groves.

## **Chapter 13.12 - STORMWATER MANAGEMENT**

**13.12.050 - Applicability and exemptions.** *This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.*

**Finding:** The Stormwater Management requirements apply to this project since more than 5,000 square feet of impervious surface will be replaced by development. Additionally, the construction of sidewalk improvements in Maplelane Road will require public stormwater conveyance and water quality facilities.

**13.12.080 - Submittal requirements.**

- A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

- B. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

**Finding:** The preliminary land division plat shows that each individual parcel will manage stormwater with water quality facilities that will treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the additional impervious surface created by the new curb and sidewalk. It is anticipated that these water quality facilities will all be of a “low impact” design, such as a vegetated filter or swale. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. This standard is met.

**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 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. 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. D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

**Finding:** A final stormwater report will be submitted with the Public Works review for the street improvements and will fully address stormwater management for the site. This standard will be met.

**13.12.100 - Alternative materials, alternative design and methods of construction.**

**Not Applicable:** The proposal does not include any alternative design methods requiring special approval by the City Engineer.

**13.12.120 - Standard construction specifications.** *The workmanship and materials 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 Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.*

**Finding:** When constructed, the stormwater facilities will be in accordance with the Stormwater and Grading Design Standards that are in effect. This standard will be met.

## **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:** Grading activities for the street improvements and development of the lots will exceed ten cubic yards of earth; therefore, a grading permit will be required when this work commences. This standard can be met.

**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.*

**Finding:** The subject site is fairly flat, so it is anticipated that only nominal grading will be required to construct the sidewalk improvements along Maplelane Road, and a grading plan will be submitted along with the Public Works review. Residential Lot Grading Plans shall also be required as part of the house construction on Parcels 1 and 3. This standard can be met.

## **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:** The subject site is relatively flat, and the grading anticipated will be nominal, so it is unlikely there will be significant erosion concerns with this proposal.

**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:** It is anticipated that an Erosion Prevention and Sedimentation Control Plan will be provided to the City in conjunction with the future grading permits that will be required. This standard can be met.

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

**Finding:** The Erosion Prevention and Sedimentation Control Plans that will be submitted with future grading permits will comply with all of the City of Oregon City public works standards. This standard can be met.

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

**17.41.020 - Tree protection—Applicability.** *1. Applications for development subject to Chapters 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.*

**Finding:** This application includes a Minor Partition 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:** The trees within the boundaries of the property are regulated under this section of code.

**17.41.040 - Same—Exemptions.**

**Not Applicable.** The proposal does not include a request for an exemption.

**17.41.050 - Same—Compliance options.** *Applicants for review shall comply with these requirements through one or a combination of the following procedures:*

- A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or*
- D. *Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130. A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.*

**Finding:** There are 12 trees located on the project site that have been identified in the Arborist Report (Exhibit D) prepared and reviewed by a certified arborist. Three of the trees (#101, #108 and #112) are in poor health and will be removed. One of the trees identified by the arborist (#102) is only 5 inches DBH and is exempt from the tree preservation requirements. Of the eight remaining regulated trees, four will be removed and are identified in the detailed tree inventory plan included with the Arborist report. The remaining four will be preserved. The applicant is choosing to use a combination of Option 1 and Option 4, so the removed trees are subject to mitigation, which is described in more detail in Section 17.41.060 below. This standard is met.

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

- A. *Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in*

*the public right-of-way required under section 12.08—Community Forest and Street Trees.*

- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*
  - 1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2;*
  - 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*

*Table 17.41.060-1 Tree Replacement Requirements*

	<b>Column 1</b>	<b>Column 2</b>
<b>Size of tree removed (DBH)</b>	<b>Number of trees to be planted. (If removed Outside of construction area)</b>	<b>Number of trees to be planted. (If removed Within the construction area)</b>
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

*All replacement trees shall be either: Two-inch caliper deciduous, or Six-foot high conifer*

**Finding:** Three trees on the site (#101, #108 and #112) have been deemed diseased, hazardous, or invasive by the certified arborist. All of these trees will be removed in order to develop Parcels 1 and 3. Of the eight healthy trees left, four are proposed to be removed, and subject to replacement requirements.

- Trees #103, #104 and #105 are located within the construction area of Parcel 1. Each of these trees are between 6" and 12" in size and will be replaced with 3 new trees meeting the replacement tree standards of this section.
- Tree #107 is located on Parcel 1, outside of the construction area defined by 17.04. This 25-inch maple tree is in good health and is a quality tree. However, because this tree is so large protecting it would require a large root protection zone that would extend approximately halfway across Parcel 1. It is possible that this tree could be preserved depending on the specific development plan for the parcel, but if not, it will also need to be removed. If removed, 12 new replacement trees would be required, increasing the total number of replacement trees on the overall site from 3 to 15. In this situation the applicant would opt to use Option 4 – cash-in-lieu to mitigate for a portion of these trees, so that the new trees planted on the site will have adequate room to grow, ensuring their future health.

Tree #106, an 11-inch apple tree of fair quality, is located outside of the construction area for Parcel 1 defined by 17.04, and is in a location that allows it to be preserved on Parcel 1. This tree is shown to remain on the preliminary removal plan and will be protected during construction. The preliminary tree removal plan has been prepared and reviewed by a certified arborist, therefore this standard is met.

**17.41.070 - Planting area priority for mitigation (Option 1).** Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

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

**Finding:** Mitigation trees are planned to be planted on-site and/or cash-in-lieu of planting is to be paid in accordance with this chapter. This standard is met.

**17.41.075 - Alternative mitigation plan.**

**Not Applicable.** The proposal does not include an alternative mitigation plan.

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

**17.41.090 - Density transfers incentive for tree protection tracts (Option 2).**

**17.41.100 - Permitted modifications to dimensional standards (Option 2 only).**

**Not Applicable.** The proposal is not using Option 2.

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

**17.41.120 - Permitted adjustments (Option 3 Only).**

**Not Applicable.** The proposal is not using Option 3.

**17.41.125 - 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.

**Finding:** Mitigation trees are planned to be planted on site, but cash-in-lieu will be used as a mitigation option if re-planting requirements will result in the new trees being too crowded on the site.

**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 four 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 ten 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:** Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site will be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 is will also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. These standards will be met.

RECEIPT (REC-000560-2018)  
FOR CITY OF OREGON CITY

BILLING CONTACT

DEBBIE CLEEK  
THE BOOKING GROUP  
1140 Sw 11Th Ave, 500  
Portland, Or 97205



Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
MP-18-00004	Minor Partition - Preliminary Plat	Fee Payment	Cash	\$1.00
SUB TOTAL				\$1.00
TOTAL				\$1.00

RECEIPT (REC-000559-2018)  
FOR CITY OF OREGON CITY

**BILLING CONTACT**

DEBBIE CLEEK  
THE BOOKING GROUP  
1140 Sw 11Th Ave, 500  
Portland, Or 97205



Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
AN-18-00002	Annexation - Application	Fee Payment	Check #1082	\$4,526.00
	Annexation - Metro Mapping	Fee Payment	Check #1082	\$150.00
	Traffic Impact Analysis - TAL	Fee Payment	Check #1082	\$489.00
SUB TOTAL				\$5,165.00
MP-18-00004	Minor Partition - Preliminary Plat	Fee Payment	Check #1082	\$4,123.00
SUB TOTAL				\$4,123.00
ZC-18-00001	Mailing Labels	Fee Payment	Check #1082	\$16.00
	Zone Change	Fee Payment	Check #1082	\$2,916.00
SUB TOTAL				\$2,932.00
TOTAL				\$12,220.00