



**Annexation, Zone Change, Subdivision and Minor Variance Application  
TYPE IV STAFF REPORT AND RECOMMENDATION**

*Date of Staff Report: October 21<sup>st</sup>, 2019*

**HEARING DATE:** Monday, October 28<sup>th</sup>, 2019  
Continued from September 23<sup>rd</sup>, 2019  
7:00 pm  
City Hall, Commission Chambers  
625 Center Street, Oregon City, OR 97045

Application Submitted: 06/25/2019  
Application Complete: 07/25/2019  
120-Day Decision Deadline: 11/22/2019

**FILE NUMBER:** GLUA-19-00021  
Annexation: AN-19-0002  
Zone Change: ZC-19-00002  
Subdivision: SUB-19-00001  
Minor Variance: VR-19-00005

**APPLICANT:** Nathan and Desiree Rowland  
13310 SE Valemont Ln, Happy Valley, OR 97086

**OWNER:** Same as Applicant

**REQUEST:** The applicant is seeking approval for the annexation of a 0.96-acre property into the city limits of Oregon City. The annexation will include the full right-of-way of Maplelane Road abutting the property. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Medium Density Residential. The applicant is seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-3.5" Dwelling District, and a Subdivision of seven (7) lots. The application includes a request for approval of a Minor Variance for Lot Depth on Lot 2.

**LOCATION:** 14576 S Maplelane Rd, Oregon City, OR 97045  
Clackamas County APN: 3-2E-04DB-00200

**REVIEWER:** Pete Walter, AICP, Planner  
Sang Pau, Development Services

**RECOMMENDATION:** Approval with Conditions.

**PROCESS:** The procedure for review of annexations is governed by State Law and the Oregon City Municipal Code. The public hearing process is governed by OCMC 14.04 and 17.50. The planning commission shall conduct a public hearing in the manner provided by OCMC Section 17.50 to evaluate the proposal and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors and criteria. The planning commission shall provide findings in support of its recommendation. Upon

receipt of the planning commission's recommendation, the city commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C).

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

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 698 Warner Parrott Road, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

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

**RECOMMENDED CONDITIONS OF APPROVAL  
PLANNING FILES  
PR-135-2019**

**GLUA-19-00021 / AN-19-00002 / SUB-19-00001 / ZC-19-00002**

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

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

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

*(F) = Verify that condition of approval has been met with Clackamas Fire Department.*

**Prior to issuance of Public Works Permits**

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
2. The development's engineer(s) shall schedule a pre-design meeting with Oregon City staff prior to official review of the development construction plans. (DS)
3. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. (DS)
4. The engineering plans shall provide a local benchmark onsite using the NAVD88 datum. (DS)
5. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)
6. Right-of-way dedication and frontage improvements along Maplelane Road shall be determined by Clackamas County. The applicant shall provide evidence of Clackamas County approval for the design of frontage improvements along Maplelane Road. The applicant shall obtain all permits required for work within the right-of-way of Maplelane Road from Clackamas County.
7. The applicant shall provide the following along the frontage of Clearwater Place on the subject property side of the centerline: 27' of ROW consisting of 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip. (DS)
8. Oregon Iris Way shall be a Local Residential street with a right-of-way (ROW) width of 54 feet. The following improvements shall be constructed on both sides of the centerline of Oregon Iris Way: 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip.
9. The applicant shall provide markers at the termination of the proposed local street to indicate the end of the roadway and provide signage that it is planned for future extension.
10. The curb return radius at the intersection of Maplelane Road and Clearwater Place shall be sized per requirements of Clackamas County and Oregon City. (DS)
11. The applicant shall provide streetlights along Maplelane Road as directed by Clackamas County. The applicant shall provide streetlights along the extension of Oregon Iris Way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE) and submit a photometric plan for review and approval.
12. All lots shall have an individual water service connecting to an Oregon City water main and each water meter shall front the property that it serves. (DS)
13. The applicant shall extend a new water main within Maplelane Road to and through the frontage of Maplelane Road. (DS)
14. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards. (DS)
15. The applicant shall provide stormwater calculations to ensure existing and proposed stormwater mains can support additional stormwater flows from the proposed development. The calculations

- shall address conveyance and downstream analysis requirements of the Public Works Stormwater and Grading Design Standards. Undersized stormwater mains shall be upsized as necessary.
16. In lieu of constructing new stormwater facilities, applicants for future home permits for each lot of the subdivision shall be required to pay a pro-rata cost for using the stormwater detention/water quality pond at Maplelane/Thayer Roads per Ordinance 09-1003 in the amount of \$2,645.55 per each home permit if the Ordinance is still in effect at time of issuance of building permits unless exempted by the provisions of the ordinance. (DS)
  17. The applicant shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. (DS)
  18. Driveway access for Lot 1 from Maplelane Road shall be approved by Clackamas County; however, the location must be relocated a minimum of 25 feet away from the eastern right of way of Clearwater Place. If Clackamas County does not allow access, a driveway on Clearwater Place shall be located a minimum of 25 feet away from the south right of way of Maplelane Road. (DS)
  19. All driveways, new and existing, shall meet the minimum driveway width standards identified in 12.04.025.B of the Oregon City Municipal Code. (DS)
  20. The applicant shall obtain an Erosion control permit prior to commencement of any earth disturbing activities. (DS)
  21. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)
  22. The applicant shall provide video inspection of the existing sewer lateral proposed to serve the existing house and provide to the City to determine if it is deemed functional. The applicant shall provide the existing house with a new sewer lateral if the existing lateral is unapproved for use by the City. (DS)
  23. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
  24. The applicant shall establish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer. (DS)

**Prior to the Recording of the Plat**

25. The lot containing the existing dwelling (Lot 1) shall have a concrete driveway approach with a minimum hard surface for at least ten feet back into the lot as measured from the edge of street pavement if access is required from Clearwater Place. The hard surface shall be concrete, asphalt, or other surface approved by the city engineer. Clackamas County driveway material standards shall apply if access is obtained from Maplelane Road. (DS)
26. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (DS)
27. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. Any part of a building structure shall not encroach into this easement. (DS)

28. The existing residence shall abandon the existing septic system in accordance with Oregon Department of Environmental Quality (DEQ) requirements prior to connecting to the City's sanitary sewer system. (DS)
29. The development shall abandon the existing water service from Clackamas River Water (CRW) serving the existing house in a manner approved by CRW and Oregon City. (DS)
30. The subdivision plat of the development shall include an access control strip across the east end of 'Oregon Iris Way' per section 12.04.185 of the Oregon City Municipal Code. (DS)
31. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
32. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)
33. All new utilities shall be placed underground. All existing overhead utilities adjacent to the property frontage shall be moved to underground unless deemed infeasible by the city and franchise utilities. (DS)
34. The new front yard setback for the existing house shall be on Clearwater Place. Additionally, all fences currently on the property shall be modified, if necessary, to comply with the City's fence regulations in OCMC 17.54.100 prior to recordation of the final plat of the subdivision. (P)
35. Final review of street tree placement will occur during civil plan review and shall comply with the standards in OCMC 12.08. The applicant shall modify the street tree plan to ensure adequate numbers and spacing. The applicant shall demonstrate that the spacing and species are appropriate according to the City's street tree list or by a certified arborist. The species will be street trees from the Oregon City Street Tree List (or approved by a certified arborist). If there are remaining trees that cannot be planted for spacing reasons, the applicant shall pay fee in lieu for prior to platting. (P)
36. The applicant is responsible for separate application to annex into the Tri City Service District (P).
37. The property shall be withdrawn from Clackamas River Water District. (P)
38. The property shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation. (P)
39. The applicant shall participate in intersection improvements for the intersection of Highway 213/Beavercreek Road. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add two PM peak hour trips. The proportional share for this subdivision is \$438. (P)
40. The applicant shall submit draft CC&Rs for review prior to recordation of a final plat of the subdivision, in order that staff may identify any contradictions or conflicts between the proposed CC&Rs and the Oregon City Municipal Code. (P)

**Prior to issuance of a certificate of occupancy**

41. As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements. (DS)

## I. BACKGROUND:

### 1. Existing Conditions

The site and neighboring lots are somewhat rural in character but are transitioning 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 directly across the street from a recently annexed parcel at 14530 Maplelane Rd in the R-6 zone district. The parcel east of the property 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.

The entire 1-acre site is primarily flat, with a slight slope toward the west. The site is developed with a single-family house and attached garage built in 1965 as well as a shed.

Maplelane Rd 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's frontage road. The site is not or near any natural hazards identified by either Clackamas County or Oregon City. 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. The property is currently served by Clackamas River Water via a 16-inch water main located in Maplelane Rd. Oregon City water mains are located within Maplelane Rd (12-inch main) and in Clearwater Place (12-inch main.) The development will be required to extend an 8" water main through the end of the new road proposed (Oregon Iris Way.) The property is not currently served by sanitary or stormwater management facilities, but the site would be annexed into the Tri-City Service District upon approval of annexation into the city. An 8-inch sanitary sewer line is located in Clearwater Place and available to serve the property. There is also a 12-inch stormwater main located in Clearwater Place and two catch basins that can provide stormwater management for the property.

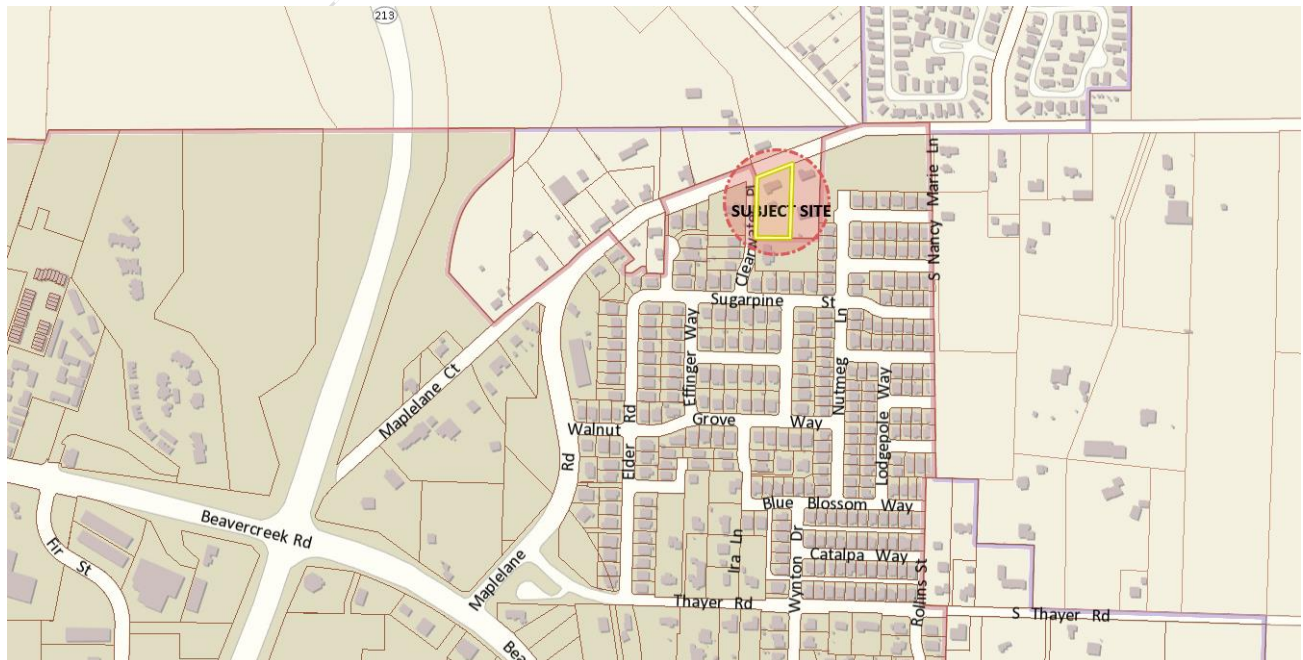


Figure 1. Vicinity Map





Figure 2. Aerial Photo

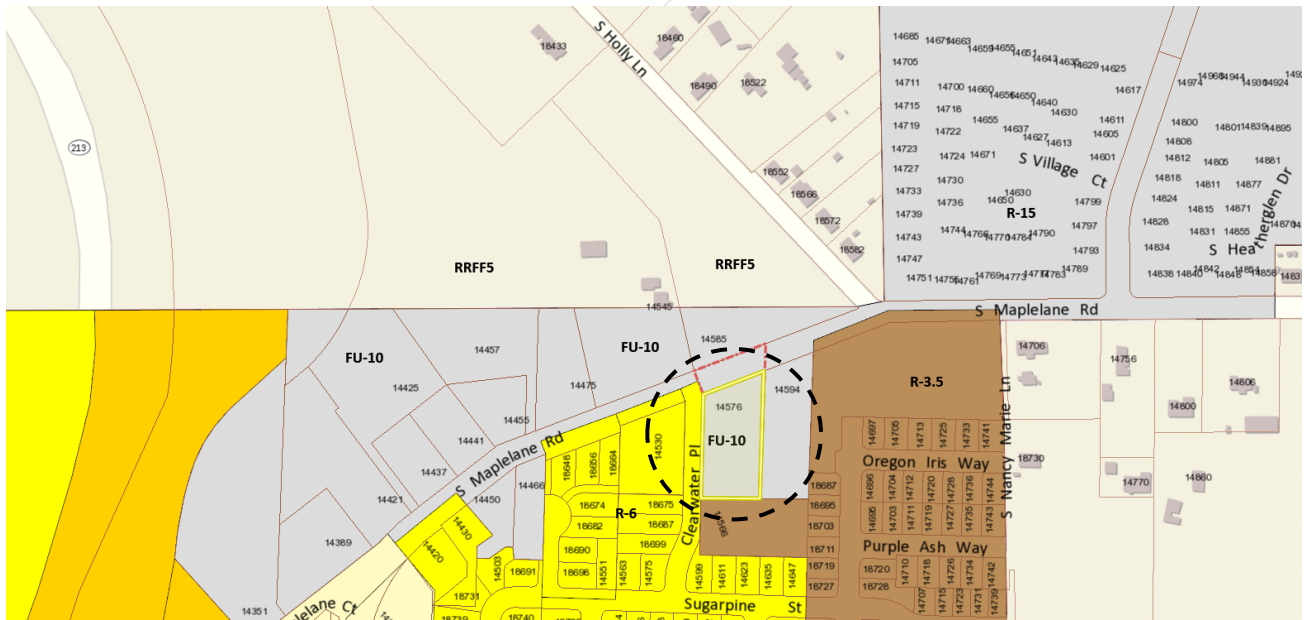


Figure 3. Existing Zoning

## 2. Project Description

### Annexation and Rezoning

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-3.5 Dwelling District. The property is located within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of MR (Medium Density Residential).

### Subdivision and Minor Variance

The applicant also requests preliminary approval of a subdivision for the property to divide it into seven lots for the future development of six new single-family homes. The subdivision proposes extension of local road

Oregon Iris off Clearwater Place that will provide additional connectivity and public street frontage for proposed lots 2, 3, 4, 5, 6, and 7. Subdivision approval requires improvement of all street frontages to current city standards including extension of sewer and water service to each new lot, driveways, road widening, sidewalks, curbs, gutters and planter strips with street trees.

The following dimensions of lots are proposed:

<b>Lot</b>	<b>Size (sq. ft.)</b>	<b>Width (ft.)</b>	<b>Depth (ft.)</b>
1 (Existing Home)	9404	55-66 (varies)	142
2	3329	50	64 (Minor Variance Requested)
3	3000	40	75
4	4000	40	100
5	3523	51	70
6	3080	44	70
7	3080	44	70

Water service to all lots will be provided from a new water main extending into Oregon Iris Way or existing Oregon City water mains located in Maplelane Road and Clearwater Place.

Sanitary service to all lots will be provided from a new water main extending into Oregon Iris Way or the existing Oregon City sewer main located in Clearwater Place.

Stormwater disposal to all lots will be provided from a new stormwater main extending into Oregon Iris Way or existing Oregon City stormwater mains located in Maplelane Road and Clearwater Place.



The site plan illustrates a residential development with the following details:

- Streets:**
  - S Maplelane Rd:** 60' R.O.W. CL, 6' HALF-CENTER LANE, 12' TRAVEL LANE, 8' STREET PARKING, 6' BIKE LANE, 5' LANDSCAPE, 6" CURB, 7' SIDEWALK, 6" BUFFER, 10' PUE.
  - Oregon Iris Way:** 10' PUE, 5' SIDEWALK, 6" BUFFER, 5' LANDSCAPE, 6" CURB, N STREET LIGHT (VER), 3' NEW HYDRANT (VER), 5' LANDSCAPE, 6" CURB, 5' SIDEWALK, 6" BUFFER, 10' PUE.
- Lots and Dimensions:**
  - LOT 1, 9404SF:** 15.62', 15', 15.16'
  - LOT 2, 3329SF:** 10', 51.2', 40.33', 63.89'
  - LOT 3, 3000SF:** 75', 40', 40'
  - LOT 4, 4000SF:** 100', 40', 40'
  - LOT 5, 3523SF:** 20', 50.48', 8.5', 15'
  - LOT 6, 3080SF:** 44', 15'
  - LOT 7, 3080SF:** 44', 10'
- Utilities:**
  - Water Main:** N 8" SAN MAIN, N 12" STORM MAIN, N 8" WATER MAIN.
  - Storm Main:** E 12" DUCTILE IRON WATER, E 8" PVC SAN.
  - Sewer Main:** E 8" PVC SAN.
  - Other:** POWER LINE TO BE UNDER GROUNDED, E STR LT, E SAN MH, N SAN MH, N STO MH.

- 3. Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval. Findings are provided on the following pages. Note that application is subject to the code that is adopted at the time of application.

<b>Chapter .....</b>	<b>Page</b>
CHAPTER 14.04 – CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES .....	11
Chapter 17.68 - ZONE CHANGES AND AMENDMENTS .....	25
CHAPTER 17.16 - “R-3.5” DWELLING DISTRICT .....	31
CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS .....	32
CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS.....	36
CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES.....	43
Chapter 12.08 - PUBLIC AND STREET TREES .....	53
Chapter 13.12 - STORMWATER MANAGEMENT .....	55
CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING.....	56
CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL.....	57
CHAPTER 17.41 - TREE PROTECTION STANDARDS.....	58
CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES .....	58
CHAPTER 17.60 – VARIANCES .....	61

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

- 4. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

**5. Notice and Public Comment**

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. A public notice was also published in the Clackamas Review / Oregon City News on August 16, 2019. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

The application was revised to include a minor variance and a modified subdivision layout, and a second public notice was published on October 3<sup>rd</sup>, 2019, per the procedures above.

The following comments were received prior to issuance of this staff report and are attached hereto.

*Clackamas County Planning*

Since Maplelane Road is under Clackamas County jurisdiction, the County commented on the application with respect to standards and improvements along the frontage of the property.

*Clackamas River Water (CRW)*

CRW indicated the following:

1. Clackamas River Water (CRW) has the following infrastructure within the S Maplelane Road public right-of-way:
  - a. 16-inch ductile iron waterline located within S Maplelane Road.
2. CRW currently is serving the parcels with the following services:
  - a. 3/4-inch domestic meter located at near the northwest property corner.
3. Territory that is annexed to the City must be withdrawn from CRW and served by Oregon City services to the extent practicable.
4. CRW will coordinate with the City of Oregon City on the S Maplelane Rd construction plan review regarding the abandonment of the existing water service.
5. Critical CRW infrastructure exists at the northeast property corner that must be incorporated into the developments frontage improvements. During construction this infrastructure must be protected and maintained at all times.

The parcel should be withdrawn from CRW's Service District Boundary. CRW will coordinate with the City of Oregon City on the Maplelane Rd construction plan review regarding the transferring or abandonment of the water service.

*Oregon City School District (OCSD)*

Wes Rogers, OCSD Operations Director, indicated that the school district has no issues for such a small annexation.

*Tri-City Service District (TCSD)*

Erik Carr, Development Review Specialist with TCSD provided comments to inform the applicant that, in order to receive sanitary sewer service, they must annex into the Tri-City Service District before they can receive public sanitary sewer service for this development. TCSD attached the TCSD annexation packet.

No comments from the public were received.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval. None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

## **II. ANALYSIS AND FINDINGS:**

### **ANNEXATION ANALYSIS**

#### **CHAPTER 14.04 – CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES**

*OCMC 14.04.050 – Annexation Procedures*

*A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.*

**Finding: Complies as proposed.** In accordance with Senate Bill 1573, which went into effect March 16, 2016 and, "applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city," the following criteria found in Section 2 and 3 of Senate Bill 1573 have been addressed to determine the territory's support for annexation.

*SB 1573 - Section 2. (2)*

*Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*  
*(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015*

**Finding: Complies as proposed.** 100% of the landowners have signed the annexation petition. This petition is included in the application materials, which has been certified by the Clackamas County Assessor's Office. The territory is included within the Portland Metropolitan UGB.

*(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.*

**Finding: Complies as proposed.** The subject property currently has an Oregon City Comprehensive Plan designation of Medium Density Residential (MR).

*(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water.*

**Finding: Complies as proposed.** As shown on the preliminary plans, and the certified legal description and map included in the application materials, the subject property line is contiguous to City limits.

*(d) The proposal conforms to all other requirements of the city's ordinances.*

**Finding: Complies as proposed.** All required information, forms, and documents found in Oregon City's "Annexation Application Submittal Checklist" have been included in the application materials. A further analysis of compliance with applicable requirements is provided.

#### *SB 1573 - Section 2. (3)*

*The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.*

**Finding: Complies as proposed.** The territory to be annexed includes right-of-way that must be annexed in order to locate future infrastructure and right-of-way access for services necessary for the territory to meet development requirements. Access is available from S Maplelane Road and the abutting local street Clearwater Place, and all city services are available.

#### *SB 1573 - Section 2. (4)*

*When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.*

**Finding: Complies as proposed.** A legal description and map for the subject property planned for annexation certified by the Clackamas County Assessor's Office is included in the application materials.

*This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.*

**Finding: Complies as proposed.** Senate Bill 1573 was signed by the Governor and became effective on March 15, 2016.

*B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the city manager.*

**Finding: Complies as proposed.** A pre-application conference (PA-19-00018) was held on April 30, 2019. Copies of the City's Pre-Application Conference Meeting Notes have been included in the application materials.

*C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.*

**Finding: Complies as proposed.** A neighborhood meeting with the Caufield Neighborhood Association was held on May 29, 2019. The required neighborhood meeting materials have been included in the application materials. This standard is met.

*D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.*

**Finding: Complies as proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners, a copy of which has been included in the application materials.

*E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:*

*1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*

**Finding: Complies as proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners. Copies of the signed consent form and application have been included in the application materials.

*2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*

**Finding: Complies as proposed.** A copy of the certified legal description and map for the subject property to be annexed has been included in the application materials. This standard is met.

*3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;*

**Finding: Complies as proposed.** A list of property owners within a 300-foot radius of the subject property, including appropriate mailing labels have been included in the application materials. This standard is met.

*4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;*

**Finding: Complies as proposed.** Two full quarter-section County Tax Assessor's Maps with the subject property outlined on each map were included in the application materials. This standard is met.

*5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:*

*a. The location of existing structures (if any);*

*b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;*

c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred-year flood shall be shown;

d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation;

e. General land use plan indicating the types and intensities of the proposed, or potential development;

**Finding: Complies as proposed.** Plans containing the information required by these criteria have been included in the application materials.

6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.

**Finding: Not applicable.** This application is using the Petition of Owners of 100% of Land Area method of annexation, not the double majority method. Valid forms contained in Oregon City's Annexation Application Packet certifying the petition, legal description, and map have been included in the application materials. A boundary data sheet has also been included in the application materials.

**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 12-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water; an Oregon City water main is located in Clearwater Place along the property frontage. The existing 12-inch water main in Clearwater Place has adequate capacity to serve the existing house and the proposed development.

**Sanitary Sewer:** The subject property is currently connected to the city sanitary sewer main within Clearwater Place. 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, all new parcels must also connect to a city sewer main.

**Storm Drainage:** The development is within an area served by a regional stormwater pond known as Thayer Pond. Thayer Pond was designed and constructed to support development of the subject property as an R-3.5 zoned property. A 12-inch Oregon City storm sewer is located in Clearwater Place may serve all of the proposed parcels.

**Transportation Facilities:** The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). 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 Parks and Recreation was provided notice of this



application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently \$5,667.00 per Single Family Home.

**School Facilities:** The existing home and parcel is served by the Oregon City School District and the annexation and addition of six 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 school construction excise tax at the time of construction of any 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. Comments were received from OCSD stating that the district has no issues with such a small annexation. Those comments are attached to this report.

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 line into newly proposed road (Oregon Iris Way) so that future development along a future extension of Oregon Iris Way may be served; the applicant has proposed such an extension.

**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 proposed development. 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. The sewer main will be required to be extended within Maplelane Road up to half of the length of the property frontage on Maplelane Road for continuation by future development.

**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 and rezoned the property will be zoned R-3.5 zoning, which would allow the property to be developed with six additional dwelling units. As demonstrated in the Transportation Analysis Letter (Exhibit C) submitted with this application, the R-3.5 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 proposal will have little to no impact on the existing nearby parks, except to pay applicable SDCs for new development.

**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. Comments were received from OCSD stating no issues. Those comments are attached to this report.

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: Complies with conditions.** 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 limited their comments to fire apparatus access and water supply. The district has adequate capacity to serve the increase of additional development 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. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

Street improvements, sewer, water and stormwater facilities are required and available to service the property and will be extended to the property in accordance with adopted engineering requirements. The proposal involves rezoning to R-3.5.

No additional public services will be required to serve this proposal, and no phasing of these facilities or services is proposed.

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

**Finding: Complies as proposed.** 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 proposal will dedicate land or widening of the right-of-way of Maplelane Road and the extension of Oregon Iris Way as a condition of the land division. Additionally, the developer is required to provide sewer, water and stormwater improvements. The development of the subject property will trigger the payment of System Development Charges (SDCs) and other fees to support services already in place to serve the site. All public infrastructure required to support the future development will be constructed by the developer to meet City standards. 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: Complies as proposed.** The annexation of the subject property to the City of Oregon City will create only a modest physical change to the property when six new houses are constructed. The surrounding area is developed with single family homes on varying lot sizes, and the development of six additional homes will be in keeping with the surrounding residential development pattern. Public sidewalk, sewer, water and storm water improvements will be constructed that will enhance property values. The frontage improvements along Maplelane Road and Clearwater Place and the new street extension of Oregon Iris Way

will provide new sidewalks 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: Complies as proposed.** The annexation and development of the subject property to the City of Oregon City will not result in any physical, aesthetic, or discernable social change in surrounding the community. The proposed plan features a continuation of the adjacent low density residential development pattern in the surrounding area. The city's standard review process for the accompanying subdivision application ensures that this development will provide the necessary types of features that accompany new residential communities such as frontage improvements, public sanitary sewer and stormwater management infrastructure, sidewalks and street trees, areas to build new homes, landscaping, etc. Therefore, negative effects are not anticipated and, no mitigation is required beyond the recommended Conditions of Approval 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: Not applicable.** No changes to the City's Comprehensive Plan map are proposed nor required. The subject property already has an Oregon City Comprehensive Plan designation of Medium Density Residential (MR). This request would change the zoning of the property to the City's R-3.5 zoning, to match the designation of the adjacent properties, which is consistent with the Medium Density Residential (MR) Comprehensive Plan designation. Criterion g is met.

#### *OCMC 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: Complies as proposed.** As described in the applicant's proposal, 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: Complies as proposed.** 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: Complies as proposed.** The subject property is located within the Urban Growth Boundary, and has an existing Medium Density Residential Comprehensive Plan designation. The use of the property once subdivided will be single-family residential at R-3.5, 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. 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: Complies as proposed.** 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. The proposal will not change the current Comprehensive Plan designation. 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: Not applicable.** 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: Not applicable.** The subject property is within the original 1979 Urban Growth Boundary (UGB) and is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. Metro Title 11 (Title 11 (Sections 3.07.1105 – 3.07.1140) – Planning for New Urban Areas) was adopted initially in 1999, well after this property was brought into the UGB in 1979, and does not apply in this case. However, the annexation/zone change of the subject property to the City's R-3.5 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan and this policy is met to the extent that it applies.

**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: Not applicable.** This policy applies to more recent areas of Urban Growth Boundary expansion subject to Metro Title 11. The subject site is part of the original Urban Growth Boundary of 1979 and does not apply in this case.

**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: Complies as proposed.** 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-3.5 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 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: Complies as proposed.** Annexation and rezoning of the subject property within the UGB will encourage new development at maximum densities allowed by the Comprehensive Plan and is supportable by existing public facilities and services in the area. The zone change of the property to the City's R-3.5 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property. The City has adopted minimum net density requirements for each zone that apply to land division, for which separate findings are provided in this report. 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: Complies as proposed.** 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: Complies as proposed.** 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: Complies as proposed.** 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, sewer and stormwater facilities will be paid for entirely by the applicant. The developers of the individual lots will pay the utility connection fees and SDCs 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: Complies as proposed.** 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-3.5 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: Complies as proposed.** Annexation and re-development of the subject property under the proposed R-3.5 zoning 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: Complies as proposed.** The annexation of the subject property will have no fiscal impact on the city because the costs of providing utilities and services to the proposed lots will be borne by the applicant. Once annexed into the city, the taxes collected from the seven lots will help pay for the future services required by the eventual residents. The city will benefit from the improvements, including sidewalks, made by the applicant as the property is developed.

**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: Not applicable.** Annexation of the subject property will not create unincorporated islands within the City, and no additional lands need to be annexed in order to provide for the timely or efficient extension of public services to the area in the future. No concept plans or sub-area master plans have been adopted that apply to the subject property. 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: Complies with conditions.** There is not a current emergency. The subject property is currently on a private septic system. The existing residence shall abandon the existing septic system in accordance with Oregon Department of Environmental Quality (DEQ) requirements prior to connecting to the City's sanitary sewer system. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies as proposed.** As described in the preceding sections of this narrative and the applicant's statements of availability, 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: Complies as proposed.** 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: Complies as proposed.** 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 owner is required to apply to annex separately into the Tri-City Service District and the City acknowledges that it is the owner's responsibility to complete that process.

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

**Finding: Not applicable.** 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: Complies as proposed.** Annexation of the subject property is consistent with the applicable Urban Growth Management Agreement 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: Complies as proposed.** 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: Complies as proposed.** Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Medium Density Residential. An analysis of compliance with the Comprehensive Plan is found within this report.

f. *Any applicable concept plan;*

**Finding: Not applicable.** No applicable concept plan for the area currently exists nor is required.

*...the City shall:*

2. *Consider whether the boundary change would:*

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

**Finding: Complies as proposed.** 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: Complies as proposed.** 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: Complies as proposed.** 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: Not applicable.** The subject property is not on or near any natural hazards identified by the City overlay districts (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: Complies as proposed.** 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: Complies as proposed.** 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.

**As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060 and complies with ORS 222.125.**

## **REGIONAL PLANNING**

The following discussion addresses regional planning requirements.

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). No comments were received from Metro regarding this proposal.

## **Metro Boundary Change Criteria – Chapter 3.09**

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

#### ***REGIONAL FRAMEWORK PLAN (Metro)***

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]."

**Finding: Complies as proposed.** The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and the proposal complies with it since the property is within the Urban Growth Boundary and has been designated as appropriate for urbanization.

#### ***CLACKAMAS COUNTY PLANNING***

The Metro Code states that the Commission's decision on this boundary change should be " . . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

**Finding: Complies as proposed.** The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone means a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan. The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

*“Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.*

#### Urban Growth Management Agreement

**Finding: Complies as proposed.** The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City’s Comprehensive Plan designations for this area that is Medium Density Residential. The applicant concurrently submitted an application to receive R-3.5 zoning following annexation.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11.

The Agreement goes on to say:

4. City and County Notice and Coordination

\* \* \*

D. *The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .*

\* \* \*

5. City Annexations

A. *CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*

B. *Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*

C. *Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .*

\* \* \*

**Finding: Complies as proposed.** The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Maplelane Road abuts the site and the entire width of the right-of-way abutting the property will be included with the annexation. Currently the roadway is within the jurisdiction of Clackamas County and will remain so after this annexation occurs. Comments from Clackamas County were received with respect to compliance with their standards and those comments are attached to this report.

### **CLACKAMAS RIVER WATER**

**Finding: Complies with conditions.** This territory is currently within the Clackamas River Water District (CRW). Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. This annexation area shall be withdrawn from the CRW district upon ordinance approval of the annexation. CRW will coordinate with the City of Oregon City during construction plan review regarding the transferring or abandonment of the water service. It is anticipated as the Maplelane Road area develops, water service will be through the Oregon City system. Comments from CRW were received and are attached to this report. **Staff recommends that the City Commission concur with Clackamas River Water de-annexation of the subject property in the enacting ordinance.**

### **TRI-CITY SEWER DISTRICT**

**Finding: Complies with conditions.** The property is not within the Tri City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence the process to annex into TCSD.

**Staff recommends that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.**

### **ANNEXATION - PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS**

Based on the Findings above, the Commission determines the following:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is consistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as Immediate Urban lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water, storm and sewer service, the City has both of these services available to serve the area.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public

- facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and the Commission finds that this proposal is consistent with a positive balance of those factors.
  8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
  9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
  10. The Commission determines that the property should not be withdrawn from the Clackamas County Fire District #1.
  11. The Commission determines that the property should be withdrawn from Clackamas River Water District.

## **ZONE CHANGE ANALYSIS**

### **Chapter 17.68: ZONE CHANGES AND AMENDMENTS**

#### *17.68.010 - Initiation of the amendment.*

*A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:*

- A. A resolution request by the city commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*
- D. A Legislative request by the Planning Division.*

*All requests for amendment or change in this title shall be referred to the planning commission.*

**Finding:** This zoning map amendment was initiated by an application to the planning division.

#### *17.68.020 - Criteria.*

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

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

**Finding:** The following goals and policies apply to this rezoning 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: Complies as proposed.** 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 the May 29, 2019 meeting and all were in favor. (Attached is a copy of the sign-in sheet, a confirmation email from the chairman, along with the items discussed.) Citizens also have the opportunity to attend and participate in public hearings before the Oregon City Planning Commission and the Oregon City Commission prior to approval. 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: Complies as proposed.** This application involves a zone change to the R-3.5 zoning designation. This represents an increase in density consistent with the Medium Density comprehensive plan designation. Densities corresponding to the R-3.5 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: Complies as proposed.** The proposed 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. The proposal will not change the current Comprehensive Plan designation. This application has no impact on this policy and therefore this goal is met.

**Goal 5.3 Historic Resources.** *Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*

**Goal 5.4 Natural Resources:** *Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*

*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. No inventoried natural or historic features have been identified on the site. 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: Complies as proposed.** The planned R-3.5 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-3.5 zoning strategically increases opportunities for increased populations to walk and bike to places of education, shopping, and employment. The concurrent subdivision application triggers a requirement to extend a new public street through the site, and to complete the construction of sidewalk and bicycle lane improvements abutting the property, which will increase opportunities for walking and bicycling. The R-3.5 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: Complies as proposed.** 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: Complies as proposed.** 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, as well as other dwelling types including duplexes and single-family homes. These dwelling unit types provide 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: Complies as proposed.** In addition to single family detached homes, 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 to R-3.5 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: Complies as proposed.** Adequate public facilities and services are available to support the development of the subject property. 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: Complies with conditions.** The applicant submitted a Transportation Analysis Letter (TAL) in support of the proposed annexation, zone change, and subdivision. The TAL, dated June 4, 2019, was prepared under the direction of Michael Ard, PE of Ard Engineering. The report was reviewed by the City's Transportation Engineering consultant, John Replinger or Replinger and Associates. Both the applicant's TAL and Mr. Replinger's comments are attached to this report. The report details trip generation, access locations, driveway width, intersection spacing, sight distance, safety issues, consistency with the Transportation System Plan (TSP), Transportation Planning Rule (TPR) analysis per OAR 660-12-0060, and a calculation of the applicant's proportional share for intersection improvements necessary off-site associated with the zone change.

Consistent with city policy and with other developments in the area, the applicant is obligated to participate in the funding of improvements to key intersections. The intersection affected by this land use action is the intersection of Highway 213 and Beaver Creek Road. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add two new PM peak hour trips (rounded to the nearest trip) to the Highway 213/Beaver Creek Road intersection.

The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add two PM peak hour trips. The proportional share for this subdivision is \$438.

Mr. Replinger found that the TAL meets city requirements and provides an adequate basis upon which impacts of the development and the proposed rezoning can be assessed. He recommends that the conditions of approval include participating in the funding of the planned improvements of Highway 213/Beavercreek Road as specified above, and implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation.

As conditioned, Goal 12.6 will be met.

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

#### **ZONE CHANGE CRITERIA – CONTINUED:**

*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: Complies as proposed.** As discussed in detail in the separate findings for the concurrent annexation proposal of the subject site, all public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) available to serve the lot are adequate and can be made available to support the proposed development.

**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; an Oregon City water Main is located in Clearwater Place along the property frontage. The existing 12-inch water main in Clearwater Place has adequate capacity to serve the existing house and the proposed development.

**Sanitary Sewer:** The subject property is currently connected to the city sanitary sewer main within Clearwater Place. 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, all new parcels must also connect to a city sewer main.

**Storm Drainage:** The development is within an area served by a regional stormwater pond known as Thayer Pond. Thayer Pond was designed and constructed to support development of the subject property as an R-3.5 zoned property. A 12-inch Oregon City storm sewer is located in Clearwater Place may serve all of the proposed parcels.

**Transportation Facilities:** The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). A new street connection to Oregon Iris Way will

be provided with the subdivision. All streets will be improved to current standards 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 six additional homes on the subject property would contribute SDCs for park capacity.

**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 Parks and Recreation was provided notice of this application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently \$5,667.00 per Single Family Home.

**School Facilities:** The existing home and parcel is served by the Oregon City School District and the annexation and addition of six 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 school construction excise tax at the time of construction of any 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. Comments were received from OCSD stating that the district has no issues with such a small annexation. Those comments are attached to this report.

**Police, Fire and Emergency Services:** The subject property is currently within and served by the Clackamas County Sheriff's Office. It is understood that the ultimate provider of police services is the City of Oregon City Police Department. Six additional houses on the subject property would not create a negligible demand on the City's Police Department resources. The subject property is within and served by Clackamas Fire District #1. The zone change to R-3.5 would not cause increased demand on the fire district's resources. The fire district has sufficient resources to serve the property at the applicable residential density. Potential future property taxes, potential district bonds, etc. 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. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

The zone change to R-3.5 is consistent with the Medium 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 herein and with the concurrent annexation findings.

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.

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

**Finding: Complies with conditions.** 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 have negligible impact.

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. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr. Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add two PM peak hour trip. The proportional share for this subdivision is \$438.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

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

**Finding: Not applicable.** The Oregon City Comprehensive Plan contains specific goals and policies which correspond directly to the applicable statewide planning goals and those goals and policies have been addressed above and also in the separate findings for the concurrent annexation proposal.

#### **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: Complies with conditions.** Please see findings for compliance with OCMC section 12.04.295.D.2. of this report. This is also addressed in Comprehensive Plan Goal 12 and in the Transportation Analysis Letter 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: Complies with conditions.** 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: Complies with conditions.** 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:** Not applicable. The proposal does not reduce the minimum zoned capacity of any lot or parcel.

## LAND DIVISION ANALYSIS

### CHAPTER 17.16 - "R-3.5" DWELLING DISTRICT

#### 17.16.020 Permitted uses.

*Permitted uses in the R-3.5 district are:*

- A. Two-family dwellings (duplex);*
- B. Single-family detached residential units;*
- C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);*

**Finding: Complies as proposed.** This application includes seven lots in the R-3.5 zone district for the future construction of single-family detached homes. This standard is met.

#### 17.16.040 Dimensional standards.

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

- A.1. Residential uses, three thousand five hundred square feet per unit.*
- B. Minimum lot width, twenty-five feet;*
- C. Minimum lot depth: 70 feet.*

**Finding:** The table below shows how the proposed lots comply with the minimum dimensional standards. All lots exceed the minimum dimensional standards with the sole exception of the lot depth of Lot 2, which is 64 feet deep. The applicant submitted a minor variance application for Lot 2 and findings are provided under the variance section of this report.

Lot	Size (sq. ft.)	Width (ft.)	Depth (ft.)
1 (Existing Home)	9404	55-66 (varies)	142

2	3329	50	<b>64 (Minor Variance Requested)</b>
3	3000	40	75
4	4000	40	100
5	3523	51	70
6	3080	44	70
7	3080	44	70

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

**Finding: Complies as proposed.** The existing house is one story tall. Compliance with this standard is reviewed at the time of building permit application for new houses.

*E. Minimum Required Setbacks: Setbacks if an existing structure is being retained.*

*1. Front yard, five feet minimum setback,*

*2. Front porch, zero feet minimum setback,*

*3. Interior side yard,*

*Detached unit, five feet minimum setback*

*Attached unit, seven feet minimum setback on the side that does not abut a common property line.*

*4. Corner side yard, ten-foot minimum setback,*

*5. Rear yard, fifteen-foot minimum setback,*

*6. Rear porch, ten-foot minimum setback.*

*7. 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.*

**Finding: Complies as proposed.** The existing house meets the following requirements, at least 5 feet from the front, 15 feet from rear, 5 feet from sides and 20 feet from garage. The existing house sits at an angle and one interior side has a setback of 5.8 feet which meets the minimum requirements, however, most of the backyard has more than a 15-foot setback. Future houses will be reviewed for compliance with the maximum height, setback, and lot coverage requirements of the R-3.5 zone at the time of building permit issuance. Because of the location of the existing house, Lot 1 is oversized at 9,404 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 16.08 – SUBDIVISIONS PROCESS AND STANDARDS**

### **16.08.025 - Preliminary subdivision plat—Required plans.**

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

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

**Finding: Complies as Proposed.** The development application included a shadow plat showing future street connections to and around the proposed development. This standard is met.



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

**Finding: Complies with conditions.** The applicant submitted a Transportation Analysis Letter (TAL) in support of the proposed annexation, zone change, and subdivision. The TAL, dated June 4, 2019, was prepared under the direction of Michael Ard, PE of Ard Engineering. The report was reviewed by the City's Transportation Engineering consultant, John Replinger or Replinger and Associates. Both the applicant's TAL and Mr. Replinger's comments are attached to this report. The report details trip generation, access locations, driveway width, intersection spacing, sight distance, safety issues, consistency with the Transportation System Plan (TSP), Transportation Planning Rule (TPR) analysis per OAR 660-12-0060, and a calculation of the applicant's proportional share for intersection improvements necessary off-site associated with the zone change.

Consistent with city policy and with other developments in the area, the applicant is obligated to participate in the funding of improvements to key intersections. The intersection affected by this land use action is the intersection of Highway 213 and Beaver Creek Road. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add two new PM peak hour trips (rounded to the nearest trip) to the Highway 213/Beaver Creek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beaver Creek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add two PM peak hour trips. The proportional share for this subdivision is \$438.

Mr. Replinger found that the TAL meets city requirements and provides an adequate basis upon which impacts of the development and the proposed rezoning can be assessed. He recommends that the conditions of approval include participating in the funding of the planned improvements of Highway 213/Beaver Creek Road as specified above, and implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

- 1. Proposed and existing street rights-of-way and all other transportation facilities;*
- 2. All proposed lots and tracts;*
- 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);*
- 4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division*

of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;

5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42

6. The location of any known state or federal threatened or endangered species;

7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;

8. All wildlife habitat or other natural features listed on any of the city's official inventories.

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

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

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

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

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

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

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

*16.08.030.B.1. Water*

**Finding: See findings from section 16.12.095.D. of this report**

*16.08.030.B.2. Sanitary Sewer*

**Finding: See findings from section 16.12.095.C. of this report.**

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

**Finding: See findings from section 13.12. of this report.**

*16.08.030.B.4. Parks and Recreation*

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

*16.08.030.B.5. Traffic and Transportation*

**Finding: See findings under section 16.08.025.B of this report.**

*16.08.030.B.6. Schools*

**Finding: Complies as Proposed.** The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed at the time building permits are issued for each lot in the subdivision. OCSD

comments that they have no issues with the proposal.

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

**Finding: Complies as proposed.** Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services.

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

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

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

**Finding: Applicable.** This application includes a Minor Variance request for lot depth for Lot 2. The findings can be found in OCMC 17.60 Variance section of the staff report.

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

**Finding: Complies with conditions.** The applicant stated that Draft CC&Rs will be developed later. The applicant shall submit draft CC&Rs for review prior to recordation of a final plat of the subdivision, in order that staff may identify any contradictions or conflicts between the proposed CC&Rs and the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not applicable.** The applicant proposed to construct the subdivision in a single phase.

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

**Finding: Complies as Proposed.** The site is approximately 0.96 acres in size. However, following the required right-of-way dedications, the total net developable area is approximately 30,000 sf. The overall density proposed is approximately 7.3 units per acre. The net density is approximately 10.4 units per acre.

**16.08.045 - Building site—Frontage width requirement.**

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

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

**16.08.050 - Flag lots in subdivisions.**

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

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

**Finding: Not applicable.** The applicant has not proposed any flag lots for this subdivision.

#### **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.*

**Finding: Complies as proposed.** The applicant has proposed a layout that will facilitate adequate building site size and the other necessary conditions listed in this standard. A new street is proposed that will allow connectivity for pedestrians, bicycles and vehicles, and the creation of lots with generally adequate frontage, size, depth and width. There are no significant limitations imposed by topography and other natural features.

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

**Finding: Complies as proposed.** The proposed block layout will allow for two tiers of lots. Due to the placement of the existing home, Lot 2 is slightly shorter in depth than required for the R-3.5 zone. The applicant has applied for a minor variance to lot depth for this lot. Please see findings under Chapter 17.60.

*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: Complies as proposed.** The size, width, shape and orientation of building site is appropriate for residential use, and consistent with the lot size provisions of the R-3.5 zone (See 17.16.040) 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.*

**Finding: Complies as proposed.** Seven total lots are proposed (including the existing house and six new lots) on .96 acres. After subtracting out roads and dedications, there is a total of 29,417 SF of developable land. Given the density of 3,500 SF per unit, there is an allowance for 8.4 (8) lots in total. Due to the placement of the existing house, the lot the current house resides on will be 9,404 SF. With 29,417 SF of developable land, 80% of this would be 23,534 square feet, which when divided by 3,500 equals 6.72 lots and the proposal is for seven (7) lots.

*16.12.050 - Calculations of lot area. A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.*

**Finding: Complies as proposed.** Assuming R-3.5 zoning with 3,500 square-foot lots, the minimum lot size for any lot would be 80% of that figure or 2,800 SF. The minimum lot size proposed is 3,080 SF, therefore the requirement is met. The lot size average for the subdivision is 4,202 square feet.

*16.12.055 - Building site— Through lots. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns.*

**Finding: 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: Complies as proposed.** The proposed lot lines and parcels run at right angles to the street upon which they face as far as is practicable given that Maplelane Road runs at an angle to the property. 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:** See findings under Chapter 15.48 and 13.12 of this report. Compliance with the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 will be met at the time of building permit approval.

*16.12.070 - Building site—Setbacks and building location.*

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

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

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

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

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

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

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

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

**Finding: Complies with conditions.** Maplelane Road is classified as a minor arterial and Clearwater Place is a local street. The existing house on Parcel 1 is already oriented toward Maplelane Road. Typically, Maplelane Road would be the front setback and the rear setback would be 20 feet as measured on the opposite (south) side of the house. However, the requirement to orient the front setback on Maplelane Road requires an alternative design. In this case, staff recommends that the front setback for the existing house be oriented toward Clearwater Place for the following reasons:

- Achieve a better configuration of the subdivision;
- Support efficient redevelopment of the site;
- Avoid the use of flag lots and through lots to achieve minimum net density;

- Maintain adequate side yard setbacks for the existing house on Lot 1;

Allowing the home to orient the front yard setback on Clearwater Place would allow the existing house to have a 5' interior lot line (as opposed to requiring a 20' rear setback), which also allows adequate lot depth of the new lots that will front on the new proposed street, Oregon Iris Way, as well as avoiding the use of flag lots and through lots.

Furthermore, the existing home will continue to have the most architecturally significant elevation face Maplelane Road.

Additionally, all fences currently on the property shall be modified, if necessary, to comply with the City's fence regulations in OCMC 17.54.100 prior to recordation of the final plat of the subdivision.

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

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

**Finding: Complies as proposed.** Proposed Parcel 1 is 9,404 square feet, and therefore capable of redivision under the R-3.5 zoning standards. This parcel currently contains the existing house, which is located in such a way as to make the redivision of Lot 1 impractical at this time. However, if this house was removed in the future, it would be possible to create two lots with frontage on Maplelane Road and Clearwater Place. A separate minor partition application would be required if this were to occur. This standard is met.

*16.12.85 - 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: Complies with conditions.** The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. Any part of a building structure shall not encroach into this easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*B. Unusual Facilities.*

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

*C. Watercourses.*

**Finding: 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: Complies as proposed.** 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.*

**Finding: Not Applicable.** No inventoried 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. The improvements shall be installed in accordance with the following procedure:*

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

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

*C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of [Chapter 17.49](#) and the Public Works Erosion and Sediment Control Standards.*

*Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.*

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

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

**Finding: Complies with conditions.** The applicant proposes to submit all required improvement plans for review and approval. The applicant did not directly address requirements identified in this section. These criteria specify standard public improvement requirements that are implemented following the issuance of a preliminary land use decision through the Conditions of Approval attached to this staff report. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies.

- The development's engineer(s) shall schedule a pre-design meeting with Oregon City staff prior to official review of the development construction plans.
- The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City.
- The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project.
- As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements.
- The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the

Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City.

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

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

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

*A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.*

**Finding: Complies with conditions.** The applicant has shown street frontage improvements on Maplelane Road and Oregon Iris Way on the submitted site plans. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. The applicant shall establish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies as proposed.** The development proposed to extend the storm drainage system within the development property for the connection of upgradient developable properties. The proposed development is not required to extend the storm drainage system within Maplelane Road because all properties within the development may be served by the extension of storm drainage system in Clearwater Place and Oregon Iris Way. Other developable property on the opposite side of Maplelane Road have not annexed into Oregon City and do not need to be served by the City at this time. Those properties which have not annexed but will be required to extend the storm drainage system when they annex into Oregon City.

*C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect*



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

**Finding: Complies as proposed.** The applicant has proposed necessary extension of the sanitary sewer system to serve the proposed development and has proposed each lot to have a sewer service. The applicant has proposed to utilize an existing sewer lateral for the existing house. The applicant shall provide video inspection of the existing sewer lateral proposed to serve the existing house and provide to the City to determine if it is deemed functional. The applicant shall provide the existing house with a new sewer lateral if the existing lateral is unapproved for use by the City.

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

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

**Finding: Complies as proposed.** The subject property is currently within the Clackamas River Water District and served by the 12-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water. The development shall abandon the existing water service from Clackamas River Water (CRW) serving the existing house in a manner approved by CRW and Oregon City. All lots shall have an individual water service connecting to an Oregon City water main and each water meter shall front the property that it serves. The applicant shall extend a new water main within Maplelane Road to and through the frontage of Maplelane Road. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

**Finding: Complies with conditions.** It is anticipated that the required street improvements along Maplelane Road will also include a bicycle lane. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not applicable.** No new traffic control devices are required with this proposal.

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

**Finding: Complies with conditions.** The applicant shall provide streetlights along Maplelane Road as directed by Clackamas County. The applicant shall provide streetlights along the extension of Oregon Iris Way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE) and submit a photometric plan for review and approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*I. Street Trees.*

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

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

**Finding: Complies with conditions.** The engineering plans shall provide a local benchmark onsite using the NAVD88 datum. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies with conditions.** All new utilities shall be placed underground. All existing overhead utilities adjacent to the property frontage shall be moved to underground.

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

*L. Oversizing of Facilities*

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

*16.12.100 Same—Road standards and requirements*

**Finding: See findings under 12.04.**

*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: Complies with conditions.** It is anticipated that construction of street improvements, sewer, stormwater and water system improvements will be guaranteed prior to final plat. **Staff has determined**

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

*16.12.110 Minimum improvements—Financial guarantee. When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement.*

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

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

*12.04.003 Applicability. A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.*

**Finding: Applicable.** The applicant has applied for a land division.

*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: Complies as proposed.** 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.

*12.04.007 Modifications.*

**Finding: Not Applicable.** Modifications to these standards are not proposed 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: Complies as proposed.** The sidewalk and curb planned for Maplelane Road and Oregon Iris Way comply with applicable portions of the City's construction standards and Transportation System Plan.

*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: Complies with conditions.** The lot containing the existing dwelling (Lot 1) currently does not have a paved driveway approach and there are no driveway curb cut as there is currently no existing curb along the development property's frontage. All driveways, new and existing, shall meet the minimum driveway width standards identified in 12.04.025.B of the Oregon City Municipal Code. The lot containing the existing dwelling (Lot 1) shall have a concrete driveway approach with a minimum hard surface for at least ten feet back into the lot as measured from the edge of street pavement if access is required from Clearwater Place. The hard surface shall be concrete, asphalt, or other surface approved by the city engineer. Clackamas County driveway material standards shall apply if access is obtained from Maplelane Road. (DS)

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

*12.4.30 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: Not applicable.** This is not a development standard. The future homeowner will be responsible for maintaining sidewalk and abutting curb.

*12.4.31 Liability for sidewalk injuries.*

**Finding: Not Applicable.** This is not a development standard. Any injuries incurred on public sidewalk will be administered when necessary, and is not related to this proposal

*12.4.32 Required sidewalk repair.*

**Finding: Not Applicable.** This is not a development standard. Any repairs to the public sidewalk will be administered when necessary, and is not related to this proposal.

*12.4.33 City may do work.*

**Finding: Not Applicable.** This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

*12.4.34 Assessment of costs.*

**Finding: Not Applicable.** This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

*12.04.040 Streets--Enforcement.*

**Finding: Not Applicable.** This is not a development standard. 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.*

**Finding: Not Applicable.** This is not a development standard. The proposal does not include any constrained local streets or rights-of-way.

*12.04.050 Retaining walls--Required.*

**Finding: 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.*

**Finding: 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.*

**Finding: 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.*

**Finding: 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: Complies as proposed.** The applicant has shown minimal number of curb cuts and driveway approaches.

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

**Finding: Complies with conditions.** The proposal includes work in paved public right-of-way that will require pavement restoration, specifically for the construction of new water, sewer and storm connections. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.04.120 Obstructions – Permit Required.*

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

*12.04.140 Obstructions--Nuisance--Penalty.*

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

12.04.150 - Street and alley vacations—Cost.

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

12.04.160 Street vacations--Restrictions.

**Finding: 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: Complies with conditions.** The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. 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. Right-of-way dedication and frontage improvements along Maplelane Road shall be determined by Clackamas County. The applicant shall provide evidence of Clackamas County approval for the design of frontage improvements along Maplelane Road. The applicant shall obtain all permits required for work within the right-of-way of Maplelane Road from Clackamas County. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 Street Design--Generally.

**Finding: Applicable.** A new public street is proposed with this land division.

12.04.180 Street Design.

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

Table 12.04.180 Street Design

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

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

	<i>Industrial</i>	<i>120 ft.</i>	<i>88 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>N/A</i>	<i>(5) 14 ft. Lanes</i>	<i>6 ft.</i>
	<i>Residential</i>	<i>126 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>

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

<b>Road Classification</b>	<b>Comprehensive Plan Designation</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Public Access</b>	<b>Sidewalk</b>	<b>Landscape Strip</b>	<b>Bike Lane</b>	<b>Street Parking</b>	<b>Travel Lanes</b>	<b>Median</b>
<b>Collector</b>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft.x5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

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

1. Pavement width includes, bike lane, street parking, travel lanes and median.

2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.

3. A 0.5' foot curb is included in landscape strip or sidewalk width.

4. Travel lanes may be through lanes or turn lanes.

5. The 0.5' foot public access provides access to adjacent public improvements.

6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

**Finding: Complies as proposed.** New sidewalks are proposed along the Clearwater Place and the extension of Oregon Iris Way as required by the City. Clearwater Place is classified as a Local Street in the Oregon City Transportation System Plan (TSP), and should have a right-of-way (ROW) width of 54 feet. The applicant shall provide the following along the frontage of Clearwater Place on the subject property side of the centerline: 27' of ROW consisting of 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip.

The applicant has proposed an extension of Oregon Iris Way which has been classified as a Local Street in the Oregon City Transportation System Plan (TSP). Oregon Iris Way shall be a Local Residential street with a right-of-way (ROW) width of 54 feet. The following improvements shall be constructed on both sides of the centerline of Oregon Iris Way: 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip.

Right-of-way dedication and frontage improvements along Maplelane Road shall be determined by Clackamas County. The applicant shall provide evidence of Clackamas County approval for the design of frontage improvements along Maplelane Road. The applicant shall obtain all permits required for work within the right-of-way of Maplelane Road from Clackamas County.

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

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

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

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

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

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

**Finding: Complies with conditions.** The subdivision plat of the development shall include an access control strip across the east end of 'Oregon Iris Way' per section 12.04.185 of the Oregon City Municipal Code. The applicant shall provide markers at the termination of the proposed local street to indicate the end of the roadway and provide signage that it is planned for future extension.

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

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



The centerline of streets shall be:

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

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

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

#### 12.04.194 Traffic Sight Obstructions

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

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

#### 12.04.195 Spacing Standards.

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

**Finding: Complies as proposed.** The proposed distances between intersections are more than 150 feet and do not exceed 530 feet.

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

Table 12.04.195.B Minimum Driveway Spacing Standards

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

**Finding: Complies as proposed.** The size of the lot which contains the existing house and the orientation of the existing garage make it impossible for a functional driveway to meet the spacing of 175 feet to meet standards of this section. Driveway access for Lot 1 from Maplelane Road shall be approved by Clackamas County; however, the location must be relocated a minimum of 25 feet away from the eastern right of way of Clearwater Place. If Clackamas County does not allow access, a driveway on Clearwater Place shall be located a minimum of 25 feet away from the south right of way of Maplelane Road.

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

*12.04.199 Pedestrian and Bicycle Accessways.*

**Finding: Not Applicable.** The new street proposed with this land division does not exceed the maximum block spacing of five hundred thirty feet. Therefore, pedestrian or bicycle accessways are not required.

*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 Thoroughway 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 / Beaver Creek Road State*
- Intersections located within or on the Regional Center Boundaries*

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

*a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*

*b. Only those trips approved by a detailed development plan review are vested.*

*2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

**Finding: Complies with conditions.** The applicant submitted a Transportation Analysis Letter (TAL) in support of the proposed annexation, zone change, and subdivision. The TAL, dated June 4, 2019, was prepared under the direction of Michael Ard, PE of Ard Engineering. The report was reviewed by the City's Transportation Engineering consultant, John Replinger or Replinger and Associates. Both the applicant's TAL and Mr. Replinger's comments are attached to this report. The report details trip generation, access locations, driveway width, intersection spacing, sight distance, safety issues, consistency with the Transportation

System Plan (TSP), Transportation Planning Rule (TPR) analysis per OAR 660-12-0060, and a calculation of the applicant's proportional share for intersection improvements necessary off-site associated with the zone change.

Consistent with city policy and with other developments in the area, the applicant is obligated to participate in the funding of improvements to key intersections. The intersection affected by this land use action is the intersection of Highway 213 and Beaver Creek Road. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add two new PM peak hour trips (rounded to the nearest trip) to the Highway 213/Beaver Creek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beaver Creek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add two PM peak hour trips. The proportional share for this subdivision is \$438.

Mr. Replinger found that the TAL meets city requirements and provides an adequate basis upon which impacts of the development and the proposed rezoning can be assessed. He recommends that the conditions of approval include participating in the funding of the planned improvements of Highway 213/Beaver Creek Road as specified above, and implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation.

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

*12.04.210 Street design--Intersection Angles.*

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

**Finding: Complies with conditions.** Street improvement along Clearwater Place has been proposed to intersect Maple Lane Road at an angle as near as possible to right angle. The curb return radius at the intersection of Maple Lane Road and Clearwater Place shall be sized per requirements of Clackamas County and Oregon City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

**Finding: Complies with conditions.** As discussed in 12.04.205 above, the impact of the proposal will provide a proportional share contribution to provide off-site improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets.*

*When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.*

**Finding: Not Applicable.** No half streets are proposed with this land division.

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

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

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

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

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

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

**Finding: Complies as proposed.** The applicant has proposed a street name which aligns with a continuation of an existing street (Oregon Iris Way).

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

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

**Finding: Complies as proposed.** The plans show that the proposed grade for the new road will meet city street design standards and specifications.

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

**Finding: Complies as proposed.** The project site has frontage on Maplelane Road which is a Clackamas County Road and is identified as "minor arterial". Clackamas County standards limit access to minor arterial roadway, requiring that access is taken from lower functional classification roadways when available. The project site has frontage on Clearwater Place, which is a lower classification roadway. Driveway access for Lot 1 from Maplelane Road shall be approved by Clackamas County or an alternative driveway access shall be provided. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.04.245 Street Design--Pedestrian and Bicycle Safety. Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.*

**Finding: Not applicable.** Curb extensions are not proposed or required at this time.

*12.04.255 Street design-Alleys.*

**Finding: 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: Complies with conditions.** The preliminary plans show planter strips for Clearwater Place and Oregon Iris Way and conform to City standards. The new sidewalk improvements along Maplelane Road shall be in conformance with Clackamas County requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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: Complies with conditions.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **Chapter 12.08 - PUBLIC AND STREET TREES**

*12.8.15 - 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: Complies with conditions.** Street trees will be planted along street frontages once the public improvements and the sidewalk improvements are installed. The measures approximately 398 feet so a minimum of eleven trees are required. Clackamas County standards apply along Mapelane Rd. The applicant shall provide a revised street tree plant in accordance with OCMC 12.08 prior to recordation of the final plat for the subdivision. All street trees shall be spaced to meet applicable public works requirements and shall be a minimum 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.020 - Street tree species selection.*

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

**Finding: Complies with conditions.** The species of street trees shall be selected from the Oregon City Street Tree List (or approved by a certified arborist) and planted in conformance with this Section. Clackamas County standards apply along Mapelane Rd. This standard can be met. **Applicant can meet this standard through the conditions of approval.**

**12.08.025 - General tree maintenance.**

*Abutting property owners shall be responsible for the maintenance of street trees and planting strips.*

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

**Finding: Complies as proposed.** General tree and planter strip maintenance is planned to be the responsibility of future homeowners. 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: Not applicable.** No public tree removal is proposed with the land division proposal.

*12.08.040 - Heritage Trees and Groves.*

**Finding: 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: Applicable.** 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.

*13.12.80 - 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: Complies as proposed.** The development is within an area served by a regional stormwater pond known as Thayer Pond. The applicant has proposed to extend a stormwater main to and thought the extension of Oregon Iris Way which connects to the existing stormwater main within Clearwater Place (a storm main which drains to Thayer Pond. Thayer Pond was designed and constructed to support development of the subject property as an R-3.5 zoned property. A 12-inch Oregon City storm sewer is located in Clearwater Place which may serve all of the proposed parcels. The applicant shall provide stormwater calculations to ensure existing and proposed stormwater mains can support additional stormwater flows from the proposed development. The calculations shall address conveyance and downstream analysis requirements of the Public Works Stormwater and Grading Design Standards. Undersized stormwater mains shall be upsized as necessary.

In lieu of constructing new stormwater facilities, applicants for future home permits for each lot of the subdivision shall be required to pay a pro-rata cost for using the stormwater detention/water quality pond at Maplelane/Thayer Roads per Ordinance 09-1003 in the amount of \$2,645.55 per each home permit if the Ordinance is still in effect at time of issuance of building permits unless exempted by the provisions of the ordinance.

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

*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: Complies with conditions.** Applicant provided stormwater conveyance calculations shall be reviewed for compliance with the requirements of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: 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: Complies with conditions.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **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: Applicable.** The development proposes grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet.

*15.48.090 Submittal requirements.*

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



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

*1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and*

*2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

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

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

*1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*

*2. When an embankment for a stormwater pond is created by the placement of fill;*

*3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

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

**Finding: Complies with conditions.** The applicant shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

##### *17.47.030 - Applicability.*

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

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

**Finding: Applicable.** The applicant has proposed to construct a new subdivision with associated street improvements and six new houses which may cause visible or measurable erosion on the development property.

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

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

**Finding: Complies with conditions.** The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.47.070 - Erosion and sediment control plans.*

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

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

*1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*

*2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

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

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

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

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

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

**Finding: Complies with conditions.** The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**CHAPTER 17.41 - TREE PROTECTION STANDARDS**

*17.41.020 - Tree protection—Applicability. 1. Applications for development subject to 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: Not applicable.** This application includes a subdivision, however, as the applicant has indicated, there are no trees larger than 6" on the site at the time of application. All trees were removed prior to application.

**CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

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

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

*17.50.050 Preapplication Conference*

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

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

**Finding: Complies as Proposed.** The applicant applied for and attended the required pre-application conference (File PA 19-18) on April 30, 2019. The pre-application conference summary, provided by Oregon City Planning and Development Services, is included in the application materials. The application was filed with the City within six months of the pre-application conference. These criteria are met.

*17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** A neighborhood meeting with the Caufield Neighborhood Association was held on May 29, 2019. The required neighborhood meeting materials have been included in the application materials. This standard is met.

*17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative. The applicant has provided all required materials with the application.

*17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** This land use application was submitted on June 25, 2019. The application was deemed complete on July 25, 2019. The applicant granted a 30-day extension of the 120-day planning deadline on September 16, 2019. The City has until December 22, 2019 to make a final determination.

*17.50.080 Complete Application--Required Information.*

**Finding: Complies as Proposed.** See above.

*17.50.090 Public Notices.*

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

Resource Committee, Citizen Involvement Committee, and to all Neighborhood Associations requesting comment. The initial evidentiary hearing before the Planning Commission was continued from August 16 to the date certain of October 28 to allow the applicant time to amend the application and include a request for a minor variance to lot depth. Subsequently, a second public notice using the same methods was issued on October 3, 2019 to advise the public of the revised application.

*17.50.100 Notice Posting Requirements.*

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

*17.50.140 - Performance guarantees.*

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

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

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

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

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

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

**Finding: Complies with conditions.** The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## CHAPTER 17.60 – VARIANCES

### Background

During review of the initial application submittal, planning staff determined that one of the proposed lots did not meet the 70-foot minimum lot depth requirement. Subsequently, the applicant amended the application to include a minor variance to lot depth for the lot in question (Lot 2). The plan graphic on the next page indicates the location of the proposed dimension in question.

The applicant stated in their narrative:

*in order to accommodate the existing house and meet setback requirements, along with trying to achieve the best possible layout of the subdivision, it forced Lot 3 to not meet the minimum lot depth requirement of 70 feet (for the R-3.5 zone designation.) A variance is being requested for Lot 3 from 70 feet deep to 63 feet deep. However, this lot will be over 40 feet wide and the requirement is only 25 feet wide. So the lot will be much wider and lends itself to more curb appeal and a better elevation for the future house to be built.*

*If you average out the width and depth of the proposed lots, they will exceed the minimum requirements for the R-3.5 zone. Taking into account the width of all proposed lots, the average lot is more than 50 feet wide, which is double the requirement. Taking into account the depth of all proposed lots, the average lot is more than 75 feet deep.*

#### 17.60.010 - Authority.

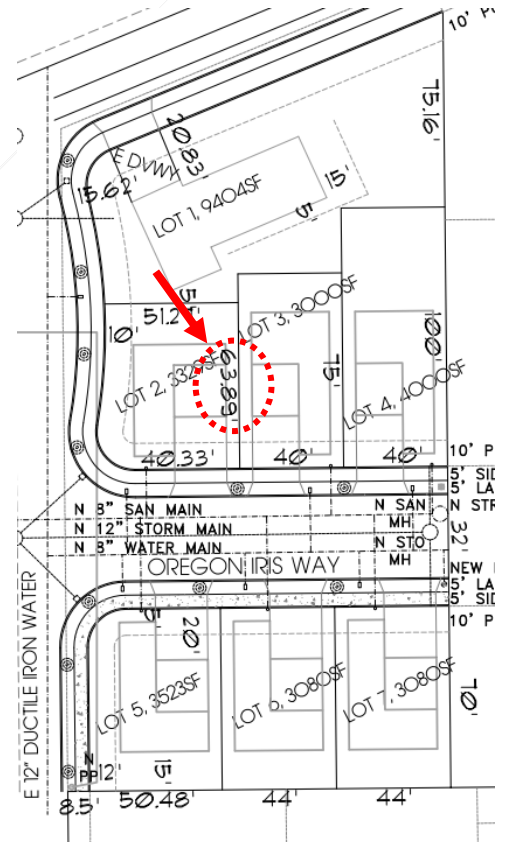
According to procedures set forth in Section 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

**Finding: Complies as proposed.** The applicant filed an application with the city to annex the property from Clackamas County to Oregon City, a zone change from the current zoning of FU-10 to R-3.5 and a subdivision application to divide the property into seven lots. The application was deemed complete on 7/25/2019. This application is being submitted in addition for the minor variance to the lot depth for Lot 2 within the proposed subdivision. If approved, this variance request would not permit the use of property for a purpose not authorized in the R-3.5 Dwelling District. Appropriate Conditions of Approval have been recommended where necessary to assure that the application complies with the applicable criteria as discussed in this staff report.

#### 17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

**Finding:** This request was initiated by the property owner pursuant to OCMC 17.50.



*B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.*

**Finding:** The applicant has paid the applicable fee for review of the minor variance request.

*C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.*

**Finding:** This is a Type IV application consisting of annexation, rezoning, subdivision and a minor variance request, so a public hearing is required by the Planning Commission and City Commission, which have been duly noticed. The variance criteria are addressed below.

*D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.*

**Finding:** The variance request qualifies as a Minor Variance and would normally be reviewed as a Type II decision, however, the complete application consists of annexation, rezoning, and a subdivision in addition to the minor variance request, so a public hearing is required by the Planning Commission and City Commission, which have been duly noticed. The variance criteria are addressed below.

*E. For the purposes of this section, minor variances shall be defined as follows:*

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

**Finding: Complies as proposed.** The applicant has proposed a 7-lot subdivision in a R-3.5 designation and to accommodate the existing home and meet the setback requirements, a variance to the depth for Lot 2 is being requested, from 70 feet deep to 63 feet deep. This is only a 9% variance and up to 20% is allowed per code.

#### *17.60.030 - Variance—Grounds.*

*A variance may be granted only in the event that all of the following conditions exist:*

*A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

**Finding: Complies as proposed.** The applicant is requesting a variance to the lot depth for Lot 2, from 70 feet to 63 feet. The lot will exceed minimum lot width requirements and meet all set back requirements. In addition, lot 2 is on a corner lot which provides additional room, light and air. There should be no damage to adjacent properties by reducing light, air or safe access.

*B. That the request is the minimum variance that would alleviate the hardship;*

**Finding: Complies as proposed.** The applicant has requested a variance to the lot depth for Lot 2, from 70 feet to 63 feet or 9%. This is the minimum required to meet the setbacks for the existing house on Lot 1 and still provide a suitable and adequate building footprint for a future home on Lot 2. The minor variance request is requested for Lot 2 only.

*C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Finding: Complies as proposed.** Minimum lot widths and depths create a consistent standard to provide the public with an expectation of how development will occur in a particular zone. The minor variance of 9% to

the lot depth will not affect the overall look and standard of the lot and in fact, in this case, the lot width of Lot 2 is wider than Lots 3-7 so the lot will actually provide a better appearance and overall layout for the development as a whole.

*D. Any impacts resulting from the adjustment are mitigated;*

**Finding: Complies as proposed.** The applicant requested a minor variance for the depth of Lot 3 from 70 feet to 63 feet. The minimum setbacks for the R-3.5 single family dwelling district mitigate any impacts resulting from the minor variance by allowing space between the additional lots in the development.

*E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Finding: Complies as proposed.** The applicant states that in order for the existing house on the property to remain and create 6 new lots (in accordance with the R-3.5 zone designation), and allow for the new street Oregon Iris Way and sidewalks, this was the best possible subdivision layout, with no other good alternative. Staff concurs with the applicant.

The applicant provided more detail and calculations regarding the density requirement as follows: Seven total lots proposed (including the existing house and six new lots) on .96 acres. After subtracting out roads and dedications, there is a total of 29,417 SF of developable land. Given the density of 3,500 SF per lot, there is an allowance for 8.4 lots. However, due to the placement of the existing house and setback requirements, the lot the current house resides on will be over 9,000 SF. So, the applicant proposed seven lots in total (six new lots plus the lot for the existing house.) The requested variance will allow for the sixth new lot, seven lots in total, in order to meet the density requirements.

*F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Finding: Complies as proposed.** The proposed minor variance allows development of the subject site in accordance with the following Comprehensive Plan Goals and Policies. Approval would result in the additional lot within the Mapelane subdivision resulting in greater housing options as well as efficient use of land and public facilities. The subdivision layout proposed considered the existing home, the shadow plat and future connectivity to come up with the best possible layout and elevation for the future houses to be built within this subdivision. The proposed Minor Variance allows development of the subject site in accordance with the subdivision requirements as discussed earlier in this report. Approval would result in greater housing options as well as efficient use of land and public facilities.

In addition, the minimum required density for this zone is 10 units/acre, and the minor variance would allow this layout to achieve the minimum density requirements consistent with the *Comprehensive Plan Use Goal 2.1 - Efficient Use of Land*.

Staff finds that approval of this minor variance request is consistent with the following Comprehensive Plan Goals and Policies.

*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.*

*Policy 2.4.3 - Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.*

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

*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 10.1.7 - Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.*

*Goal 11.1 Provision of 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.*

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

*Policy 11.1.6 - Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

## **CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the Annexation AN-18-00002 is consistent with OCMC Title 14, Annexations, and recommends the following:

- Find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur Clackamas River Water de-annexation of the subject property in the enacting ordinance.
- Recommend that the property be rezoned to R-3.5 subject to the approval of / SUB-19-00001 / ZC-19-00002 / VAR-19-00005 as part of the concurrent Subdivision, Zone Change and Minor Variance Applications.

Staff further finds that the proposed Zone Change, Subdivision and Minor Variance for a parcel located at 14576 S Maplelane Rd, Oregon City, Oregon 97045, Clackamas County Map 3-2E-04DB, Tax Lot 00200 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, based on the application, staff recommends that the Planning Commission recommend approval to the City Commission of Planning files GLUA-19-00021, AN-19-00002, SUB-19-00001, ZC-19-00002 and VAR-19-00005 and adopt as its own this Staff Report and Exhibits.



**EXHIBITS (ON FILE):**

1. Vicinity Map
2. Application Submittal 6.25.2019
3. Revised Preliminary Plan 10.1.2019
4. Application Revised - Minor Variance Addendum Submittal 10.1.2019
5. Agency Comments
  - a. Clackamas River Water (CRW) comments, 10/21/2019
  - b. Clackamas County Dept. of Transportation and Development Comments, 4/30/2019
  - c. Clackamas Fire District Comments, 10/18/2019
  - d. Oregon City School District comments, 9/9/2019
  - e. Tri City Service District (TCSD) Comments and Annexation Packet, 4/9/2019
  - f. Replinger and Associates Comments, 9/4/2019
6. Applicant's 120-Day Extension Email
7. Public Notices
8. DLCD PAPA Confirmation

The complete application is available for review at the Planning Division.