OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
☐ Compatibility Review	☐ Extension	☐ Annexation
☒ Lot Line Adjustment	☐ Detailed Development Review	☐ Code Interpretation / Similar Use
☐ Non-Conforming Use Review	☐ Geotechnical Hazards	☒ Concept Development Plan *Type II Master Plan Amedment*
☐ Natural Resource (NROD) Verification	☐ Minor Partition (<4 lots)	☐ Conditional Use
☐ Site Plan and Design Review	☐ Minor Site Plan & Design Review	☐ Comprehensive Plan Amendment (Text/Map)
	☐ Non-Conforming Use Review	☐ Detailed Development Plan
	☐ Site Plan and Design Review	☐ Historic Review
	☐ Subdivision (4+ lots)	☐ Municipal Code Amendment
	☐ Minor Variance	☐ Variance
	☐ Natural Resource (NROD) Review	☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Lot line adjustment

Project Name: n/a Number of Lots Proposed (If Applicable): One big lot

Physical Address of Site: No sites

Clackamas County Map and Tax Lot Number(s): Map number: 32E08DA Tax lot number: 32E08DA06000

Applicant(s):

Applicant(s) Signature: Mekheil Tadros

Applicant(s) Name Printed: Mekheil Tadrous Madlin Youssef Date: 8/21/17

Mailing Address: 13951 S. Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Fax: _____ Email: mekheil@hotmail.com

Property Owner(s):

Property Owner(s) Signature: Mekheil Tadros 8/21/17

Property Owner(s) Name Printed: Mekheil Tadrous Madlin Youssef Date: _____

Mailing Address: 13951 S. Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Fax: _____ Email: mekheil@hotmail.com

Representative(s):

Representative(s) Signature: Erica Fedon

Representative (s) Name Printed: Erica Fedon Date: 8-21-17

Mailing Address: 2350 Willamette Falls Drive West Linn, OR 97068

Phone: 503-656-1654 Fax: 503-650-0603 Email: Erica@bluncklaw.com

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

OREGON CITY

Community Development – Planning

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

PROPERTY LINE ADJUSTMENT OR ABANDONMENT APPLICATION

File Number:_____

Applicant(s):

Applicant(s) Signature: Mekheil Tadrous Date: 8/21/17

Applicant(s) Name Printed: Mekheil Tadrous Madlin Youssef

Mailing Address: 13951 S. Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Email: mekheil@hotmail.com

Property A Owner(s):

Property Address: 13951 Venice Court Oregon City, OR 97045

Clackamas County Map and Tax Lot Number: Map Number: 32E08DA Tax Lot Number: 32E08DA00100

Property Owner(s) Signature: Mekheil Tadrous Date: 8/21/17

Property Owner(s) Name Printed: Mekheil Tadrous

Mailing Address: 13951 Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Email: mekheil@hotmail.com

Property B Owner(s):

Property Address: No Situs

(Owned by City of Oregon City) (Owned by Mekheil Tadrous)

Clackamas County Map and Tax Lot Number: Map # 32E08DA Tax # 32E08DA06000 Map #32E08DA Tax # 32E08DA06100

Property Owner(s) Signature: Mekheil Tadrous Date: 8/21/17

Property Owner(s) Name Printed: Mekheil Tadrous

Mailing Address: P.O. Box 3040 Oregon City, OR 97045 13951 Venice Court Oregon City, OR 97045

Phone: 503-780-9656 503-780-9656 Email: mekheil@hotmail.com

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

Submittal Requirements:

The following information is required to be submitted:

- ☐ This Completed Application Form
- ☐ A Survey Prepared by Qualified Personnel which includes property lines, structures, water and sewer services, storm pipes, and location of a septic system.
- ☐ Title Reports or Trios for Each Property
- ☐ Deed Descriptions

1. Size

Identify the size of the properties subsequent to the Lot Line Adjustment.

☒ Lot Line Adjustment ☐ Lot Line Abandonment

Zoning Designation: R-8

Property A:

Area Prior to Adjustment 6930 S.F.

Area After Adjustment 15675 S.F.

Total Area Adjusted 15675 S.F.

Property B:

Area Prior to Adjustment 8745 S.F.

Area After Adjustment 0 S.F.

Total Area Adjusted -8,745 S.F.

Does the proposal include property within a previously platted subdivision? ☒ Yes ☐ No

If so, please attach the lot size calculations to demonstrate the average lot size within the subdivision and the proposal would not create lot size less than 80% of the minimum.

Subdivision Name: Lands End File Number: _____

Average Lot Size: Apx. 6,900 S.F.

Minimum Lot Size Allowed (80% of minimum): _____ Minimum Lot Size Proposed: 15675 S.F.

Planning Staff Only

Lot Size Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

2. Lot Dimensions

Identify the lot width and depth of proposed lots. Lot width is measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth. Lot depth is measured from the midpoint of the front lot line to the midpoint of the opposite, usually rear lot line and generally at approximately right angles to the lot width. The minimum lot dimensions may be found in Title 17 of the Oregon City Municipal Code.

Zoning Designation: R-8

Lot A

Lot Width: 75.0' Lot Depth: 92.9'

Lot B

Lot Width: 157.9' Lot Depth: 75.9 Average

Planning Staff Only

Lot Dimensions Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

3. Setbacks

Identify the building setbacks (distance between the proposed foundation/support and the property line) for all structures onsite. The minimum distances may be found in dimensional standards of your zoning designation in Title 17 of the Oregon City Municipal Code. Please write N/A if the setback referenced is not affected by the proposal.

Zoning Designation: R-8

Lot A

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling

Closest Left Setback: N/A

Closest Garage Setback: N/A

Closest Front Setback: N/A

Closest Front Porch Setback: _____

Closest Right Setback: 17.1'

Closest Rear Setback: N/A

Closest Rear Porch Setback: 26.5'

Closest Projection into Setback: N/A

Accessory Structure(s) No Accessory Structure

Closest Left Setback: N/A

Closest Garage Setback: N/A

Closest Front Setback: N/A

Closest Front Porch Setback: N/A

Closest Right Setback: N/A

Closest Rear Setback: N/A

Closest Rear Porch Setback: N/A

Closest Projection into Setback: N/A

Lot B

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling No Dwelling on Lot B

Closest Left Setback: N/A

Closest Garage Setback: N/A

Closest Front Setback: N/A

Closest Front Porch Setback: N/A

Closest Right Setback: N/A

Closest Rear Setback: N/A

Closest Rear Porch Setback: N/A

Closest Projection into Setback: N/A

Accessory Structure(s) No Accessory Structures on Lot B

Closest Left Setback: N/A

Closest Garage Setback: N/A

Closest Front Setback: N/A

Closest Front Porch Setback: N/A

Closest Right Setback: N/A

Closest Rear Setback: N/A

Closest Rear Porch Setback: N/A

Closest Projection into Setback: N/A

Planning Staff Only

Building Setback Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

4. Lot Coverage

Structures 200 square feet or greater (excluding decks, covered and uncovered porches and eave overhangs), are limited to the following lot coverage:

R-10, R-8 and R-6 Dwelling Districts: 40% Maximum Lot Coverage
R-5 Dwelling District: 50% Maximum Lot Coverage
R-3.5 Dwelling District: 55% Maximum Lot Coverage

Lot A

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): 2300 S.F.
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): 0
3. Total square footage of all building footprints over 200 square feet (line 1+2):..... 2300 S.F.
4. Total square footage of property subsequent to the lot line adjustment/abandonment:.....2300 S.F.
5. Line 3 divided by line 4 and multiply by 100:..... 0

Lot B

1. Square footage of all existing building footprints over 200 square feet (see exclusions above):. N/A
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): N/A
3. Total square footage of all building footprints over 200 square feet (line 1+2):..... N/A
4. Total square footage of property subsequent to the lot line adjustment/abandonment: ..... N/A
5. Line 3 divided by line 4 and multiply by 100:..... N/A

Planning Staff Only
Lot Coverage Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

5. Frontage

Each lot is required to have a minimum of 20 feet of frontage, unless a flag lot is proposed. Frontage means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

Proposed Frontage for Lot A: 266.54' Proposed Frontage for Lot B: 0.00'

☐Not Applicable, a flag lot configuration is proposed

Planning Staff Only
Frontage Approved? ☐ Yes ☐ No ☐ Not Required Initial_____

6. Flag Lot

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building

☒Not Applicable, a flag lot configuration is not proposed

The pole must connect to a public street.
Does the pole portion connect to a public street? ☐ Yes ☐ No

The pole must be at least 8 feet wide for its entire length.
Is the pole portion a minimum of 8 feet in width? ☐ Yes ☐ No Width: _____

The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.
Is the pole portion of the lot under the same ownership as the remaining portion of the lot? ☐ Yes ☐ No

A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.

Is a joint accessway proposed? ☐ Yes ☒ No
If so, please describe the dimensions and location of the easement and provide a draft with the application.
Explanation: _____

_____

_____

Accessways shall have a minimum pavement width of 16 feet to service one to two units or 20 feet to service three or more units. A fire access corridor of at least 20 feet shall be provided to all parcels with a minimum pavement width of 16 feet to service two units or 20 feet to service three or more units. At least 6 inches of shoulder on each side of the access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No obstruction, including trees, fences, landscaping or structures, shall be located within the access corridor.
Number of Units Utilizing the Accessway? _____
Width of Pavement Proposed?_____
Explanation: _____

_____

_____

Planning Staff Only
Flag Lot Approved? ☐ Yes ☐ No ☐ Not Applicable Initial_____

7. Plat Restrictions

Identify the size and location of all restrictions on your proposed plan. Plats may be obtained on OCMap or from the Development Services Division.

Easements (PUE, SSE, etc.): _____

Non-Vehicular Access Strip (NVA): _____

Other Restrictions: _____

☒ Not Applicable

DS Staff Only
Plat Restrictions Approved? ☐ Yes ☐ No ☐ Not Required Initial_____

8. Utilities

Please indicate the location of all water, sanitary sewer, and stormwater facilities on the survey.

Does the proposal include:

1. A drainfield? ☐ Yes ☒ No.

   If yes, is it affected by proposal? ☐ Yes ☐ No

   If yes, please explain _____

   _____

2. Septic tank? ☐ Yes ☒ No

   If yes, is it affected by proposal? ☐ Yes ☐ No

   If yes, please explain _____

   _____

3. Stormwater Facility or piping? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

_____

4. Water Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

_____

5. Sewer Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

_____

Note that an easement is required if the proposal would result in a utility being located on another property.

DS Staff Only

Utilities Approved? ☐ Yes ☐ No ☐ Not Applicable Initial_____

City Decision

Planning Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Development Services Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Building Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

_____

_____

_____

_____

Please note that approval of this Property line Adjustment does not affect any existing easements or encumbrances which may be located on the subject properties.

APPROVAL PROCESS:

1. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions. These deeds shall be recorded at the Clackamas County Clerk's Office.

2. The applicant shall submit a mylar copy of the record of survey for signature by the Community Development Director prior to recordation at the Clackamas County Surveyor's Office.

3. The applicant shall provide the City Technical Services Department a CAD file of the final survey. The preferred file type is an AutoCAD*.dwg. If AutoCAD is not the CAD system used, a *.dxf format will be sufficient.

4. Provide the City of Oregon City a file copy of the final Property line Adjustment as filed by Clackamas County, including the Clackamas County Survey Number.

5. The applicant shall record the final property descriptions with Clackamas County within **two years of the Community Development Director's approval**, after which the decision shall be null and void.

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PROPERTY LINE ADJUSTMENT OR ABANDONMENT APPLICATION

File Number:_____

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Applicant(s) Signature: Mekheil Tadrous Date: 8/21/17

Applicant(s) Name Printed: Mekheil Tadrous Madlin Youssef

Mailing Address: 13951 S. Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Email: mekheil@hotmail.com

Property A Owner(s):

Property Address: No Situs

Clackamas County Map and Tax Lot Number: Map Number: 32E08DA Tax Lot Number: 32E08DA06000

Property Owner(s) Signature: _____ Date: _____

Property Owner(s) Name Printed: City of Oregon City

Mailing Address: P.O. Box 3040 Oregon City, OR 97045

Phone: 503-657-0891 Email: _____

Property B Owner(s):

Property Address: No Stitus

Clackamas County Map and Tax Lot Number: Map Number: 32E08DA Tax Lot Number: 32E08DA06100

Property Owner(s) Signature: Mekheil Tadrous Date: 8/21/17

Property Owner(s) Name Printed: Mekheil Tadrous

Mailing Address: 13951 S. Venice Court Oregon City, OR 97045

Phone: 503-780-9656 Email: mekheil@hotmail.com

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Submittal Requirements:

The following information is required to be submitted:

- ❑ This Completed Application Form
- ❑ A Survey Prepared by Qualified Personnel which includes property lines, structures, water and sewer services, storm pipes, and location of a septic system.
- ❑ Title Reports or Trios for Each Property
- ❑ Deed Descriptions

1. Size

Identify the size of the properties subsequent to the Lot Line Adjustment.

☒ Lot Line Adjustment ❑ Lot Line Abandonment

Zoning Designation: R-8

Property A:

Area Prior to Adjustment 5124 S.F.

Area After Adjustment 8745 S.F

Total Area Adjusted 8745 S.F.

Property B:

Area Prior to Adjustment 3621 S.F.

Area After Adjustment 8745 S.F.

Total Area Adjusted 8745 S.F.

Does the proposal include property within a previously platted subdivision? ☒ Yes ❑ No

If so, please attach the lot size calculations to demonstrate the average lot size within the subdivision and the proposal would not create lot size less than 80% of the minimum.

Subdivision Name: Lands End File Number: _____

Average Lot Size: Apx. 6,900 S.F.

Minimum Lot Size Allowed (80% of minimum): _____ Minimum Lot Size Proposed: 8745 S.F.

Planning Staff Only

Lot Size Approved? ❑ Yes ❑ No ❑ Not Applicable Initial _____

2. Lot Dimensions

Identify the lot width and depth of proposed lots. Lot width is measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth. Lot depth is measured from the midpoint of the front lot line to the midpoint of the opposite, usually rear lot line and generally at approximately right angles to the lot width. The minimum lot dimensions may be found in Title 17 of the Oregon City Municipal Code.

Zoning Designation: R-8

Lot A

Lot Width: 51.4' Lot Depth: Apx. 80'

Lot B

Lot Width: 112.28' Lot Depth: Ranges from 1'-46.93'

Planning Staff Only

Lot Dimensions Approved? ❑ Yes ❑ No ❑ Not Applicable Initial _____

3. Setbacks

Identify the building setbacks (distance between the proposed foundation/support and the property line) for all structures onsite. The minimum distances may be found in dimensional standards of your zoning designation in Title 17 of the Oregon City Municipal Code. Please write N/A if the setback referenced is not affected by the proposal.

Zoning Designation: R-8

Lot A

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling

Closest Left Setback: No Dwelling on Tract C

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

Accessory Structure(s) No Accessory Structure on Tract C

Closest Left Setback: N/A

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

Lot B

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling

Closest Left Setback: No Dwelling on Tract D

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

Accessory Structure(s)

Closest Left Setback: No Dwelling on Tract D

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

Planning Staff Only

Building Setback Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

4. Lot Coverage

Structures 200 square feet or greater (excluding decks, covered and uncovered porches and eave overhangs), are limited to the following lot coverage:

R-10, R-8 and R-6 Dwelling Districts: 40% Maximum Lot Coverage
R-5 Dwelling District: 50% Maximum Lot Coverage
R-3.5 Dwelling District: 55% Maximum Lot Coverage

Lot A There are no structures on Tract C

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): N/A
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): N/A
3. Total square footage of all building footprints over 200 square feet (line 1+2):..... N/A
4. Total square footage of property subsequent to the lot line adjustment/abandonment:..... N/A
5. Line 3 divided by line 4 and multiply by 100:..... N/A

Lot B There are no structures on Tract D

1. Square footage of all existing building footprints over 200 square feet (see exclusions above):. N/A
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): N/A
3. Total square footage of all building footprints over 200 square feet (line 1+2):..... N/A
4. Total square footage of property subsequent to the lot line adjustment/abandonment: ..... N/A
5. Line 3 divided by line 4 and multiply by 100:..... N/A

Planning Staff Only
Lot Coverage Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

5. Frontage

Each lot is required to have a minimum of 20 feet of frontage, unless a flag lot is proposed. Frontage means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

Proposed Frontage for Lot A: 227.48' Proposed Frontage for Lot B: Apx. 75'

☐Not Applicable, a flag lot configuration is proposed

Planning Staff Only
Frontage Approved? ☐ Yes ☐ No ☐ Not Required Initial_____

6. Flag Lot

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building

☒Not Applicable, a flag lot configuration is not proposed

The pole must connect to a public street.
Does the pole portion connect to a public street? ☐ Yes ☐ No

The pole must be at least 8 feet wide for its entire length.
Is the pole portion a minimum of 8 feet in width? ☐ Yes ☐ No Width: _____

The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.
Is the pole portion of the lot under the same ownership as the remaining portion of the lot? ☐ Yes ☐ No

A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.

Is a joint accessway proposed? ☐ Yes ☒ No
If so, please describe the dimensions and location of the easement and provide a draft with the application.
Explanation: _____

_____

_____

Accessways shall have a minimum pavement width of 16 feet to service one to two units or 20 feet to service three or more units. A fire access corridor of at least 20 feet shall be provided to all parcels with a minimum pavement width of 16 feet to service two units or 20 feet to service three or more units. At least 6 inches of shoulder on each side of the access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No obstruction, including trees, fences, landscaping or structures, shall be located within the access corridor.
Number of Units Utilizing the Accessway? _____
Width of Pavement Proposed?_____
Explanation: _____

_____

_____

Planning Staff Only
Flag Lot Approved? ☐ Yes ☐ No ☐ Not Applicable Initial_____

7. Plat Restrictions

Identify the size and location of all restrictions on your proposed plan. Plats may be obtained on OCMap or from the Development Services Division.

Easements (PUE, SSE, etc.): _____

Non-Vehicular Access Strip (NVA): _____

Other Restrictions: _____

☒ Not Applicable

DS Staff Only
Plat Restrictions Approved? ☐ Yes ☐ No ☐ Not Required Initial_____

8. Utilities

Please indicate the location of all water, sanitary sewer, and stormwater facilities on the survey.

Does the proposal include:

1. A drainfield? ☐ Yes ☒ No.

   If yes, is it affected by proposal? ☐ Yes ☐ No

   If yes, please explain _____

   _____

2. Septic tank? ☐ Yes ☒ No

   If yes, is it affected by proposal? ☐ Yes ☐ No

   If yes, please explain _____

   _____

3. Stormwater Facility or piping? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

_____

4. Water Service? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain _____

_____

5. Sewer Service? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain _____

_____

Note that an easement is required if the proposal would result in a utility being located on another property.

DS Staff Only

Utilities Approved? ☐ Yes ☐ No ☐ Not Applicable Initial_____

City Decision

Planning Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Development Services Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Building Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

_____

_____

_____

_____

Please note that approval of this Property line Adjustment does not affect any existing easements or encumbrances which may be located on the subject properties.

APPROVAL PROCESS:

1. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions. These deeds shall be recorded at the Clackamas County Clerk's Office.

2. The applicant shall submit a mylar copy of the record of survey for signature by the Community Development Director prior to recordation at the Clackamas County Surveyor's Office.

3. The applicant shall provide the City Technical Services Department a CAD file of the final survey. The preferred file type is an AutoCAD*.dwg. If AutoCAD is not the CAD system used, a *.dxf format will be sufficient.

4. Provide the City of Oregon City a file copy of the final Property line Adjustment as filed by Clackamas County, including the Clackamas County Survey Number.

5. The applicant shall record the final property descriptions with Clackamas County within **two years of the Community Development Director's approval**, after which the decision shall be null and void.

First American Title

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: **4/25/2017**

OWNERSHIP INFORMATION

Owner: Mekheil Tadrous
Coowner:
Site: 13951 Venice Ct Oregon City 97045-8075
Mail: 13951 Venice Ct Oregon City OR 97045-8075

Parcel #: 01870808
Ref Parcel #: 32E08DA00100
TRS: T: 03S R: 02E S: 08 Q: SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 717-E5
Census Tract: 022605 Block: 2009
Neighborhood: GAFFNEY LANE
School Dist: 62 OREGON CITY
Subdiv/Plat: Lands End
Land Use: RSFR SINGLE FAMILY RESIDENCE
Zoning: Oregon City-R8 Single Family Dwelling District
Watershed: Abernethy Creek-Willamette River
Legal: 3508 LANDS END LT 1|Y|178169|46429241278.00

ASSESSMENT AND TAXATION

Market Land: $128,989
Market Impr: $193,170
Market Total: $322,159 (2016)
% Improved: 60
Assessed Total: $227,621 (2016)
Levy Code: 062-064
Tax: $4,119.01 (2016)
Millage Rate: 18.0959

PROPERTY CHARACTERISTICS

Bedrooms:	4	Building Area:	2,300 SqFt	Year Built:	1999
Baths, Total:	2.50	First Floor:		Eff Year Built:	
Baths, Full:	2	Second Floor:		Lot Size:	.16 Acres
Baths, Half:	1	Basement Fin:		Lot Size:	6,926 SqFt
Total Units:	1	Basement Unfin:		Lot Width:	
# Stories:	0.00	Basement Total:		Lot Depth:	
# Fireplaces:		Attic Fin:		Roof Material:	
Cooling:	No	Attic Unfin:		Roof Shape:	
Heating:		Attic Total:			
Ext Walls:		Garage:			
Building Style:	13 Single family res, class 3			Const Type:	5.0

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
TADROUS,MEKHEIL M	03/09/15	0000012250		Quit Claim		
	03/26/12	2015-012250		S		
YOUSSEF,MADLIN S	12/29/11	0000075197		Warranty		Conv/Unk
TADROUS,MEKHEIL M	06/09/09	0000040386		Trust	$125,000	Conv/Unk
TADROUS,MEKHEIL M	03/10/09	0000015257		Quit Claim		Conv/Unk
TADROUS,MEKHEIL M	01/26/07	0000007169		Quit Claim		Conv/Unk
TADROUS,MEIKHEIL M	11/03/06	0000102117		Trust	$100,000	Conv/Unk

This title information has been furnished without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

FORM No. 690 – WARRANTY DEED – Survivorship (Individual or Corporate).

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EE

2P/1

Madlin S-youssef
Irini Mekheil Sahuon
Grantor's Name and Address

Madlin S-youssef
Mekheil M- Tadrous
Grantee's Name and Address

After recording, return to (Name, Address, Zip):
Mekheil M-Tadrous
13951 S-venice ct
oregon city, oR 97045

Until requested otherwise, send all tax statements to (Name, Address, Zip):
Mekheil M Tadrous
13951 S-venice ct
oregon city, oR 97045

STATE OF OREGON, County of ..... } ss.

I certify that the within instrument was

Clackamas County Official Records
Sherry Hall, County Clerk

2015-012250

$58.00

01831355201500122500020025

03/09/2015 11:25:42 AM

D-D Cnt=1 Stn=54 COUNTER2
$10.00 $10.00 $16.00 $22.00

By ....., Deputy.

WARRANTY DEED – SURVIVORSHIP

KNOW ALL BY THESE PRESENTS that Madlin S-youssef and Irini Mekheil Sahuon, hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by Mekheil M- Tadrous and Madlin S-youssef, hereinafter called grantees, does hereby grant, bargain, sell and convey unto the grantees, not as tenants in common but with the right of survivorship, their assigns and the heirs of the survivor of the grantees, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in clackamas County, State of Oregon, described as follows, to-wit: lot 1, lands End, in The city of Foregon city, county of clackamas and state of oregon, subject to: levies and assessment of clackamas River water District, Declaration of condition and restriction As Fee 99049937 and modified as Fee 2001014316, Regulation and assessment of lands End Home owner Associations as Fee 99049937, 1 Foot non-vehicular access strie, Restriction and easement as shown on The Recorded plat / partition

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantees, their assigns and the heirs of such survivor, forever; provided that grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

And grantor hereby covenants to and with grantees, their assigns, and the heirs of such survivor, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): ....., and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 0. ① However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration.① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed applies equally to corporations and to individuals.

In witness whereof, grantor has executed this instrument on ....., if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Mekheil Tadrous
Madlin Youssef
Irini S

STATE OF OREGON, County of Clackamas } ss.

This instrument was acknowledged before me on 03-26-12,
by Mekheil Mourad Tadrous
This instrument was acknowledged before me on 03-26-12,
by Madlin Sadek Youssef
as .....
of .....

OFFICIAL SEAL
JENI R NICHOLS
NOTARY PUBLIC-OREGON
COMMISSION NO. 440854
MY COMMISSION EXPIRES OCTOBER 12, 2013

Jeni Nichols
Notary Public for Oregon
My commission expires October 12, 2013

State of Oregon
County of Clackamas

This instrument was acknowledged before me on 03-26-12
by Irini Mekheil Sahoon.

Jeni Nichols

OFFICIAL SEAL
JENI R NICHOLS
NOTARY PUBLIC-OREGON
COMMISSION NO. 440854
MY COMMISSION EXPIRES OCTOBER 12, 2013

First American Title

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: **4/25/2017**

OWNERSHIP INFORMATION

Owner: City Of Oregon City
Coowner:
Site: Oregon City 97045
Mail: PO Box 3040 Oregon City OR 97045

Parcel #: 01871488
Ref Parcel #: 32E08DA06000
TRS: T: 03S R: 02E S: 08 Q: SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 717-E5
Census Tract: 022605 Block: 2009
Neighborhood: GAFFNEY LANE
School Dist: 62 OREGON CITY
Subdiv/Plat: Lands End
Land Use: VRES VACANT RESIDENTIAL
Zoning: Oregon City-R8 Single Family Dwelling District
Watershed: Abernethy Creek-Willamette River
Legal: 3508 LANDS END TR C|Y|178169|46429241278.00

ASSESSMENT AND TAXATION

Market Land: $20,717
Market Impr: $0
Market Total: $20,717
% Improved:
Assessed Total: $4,890 (2016)
Levy Code: 062-064
Tax: $0.00 (2016)
Millage Rate: 18.0959

PROPERTY CHARACTERISTICS

Bedrooms:	Building Area:	Year Built:
Baths, Total: 0.00	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size: .12 Acres
Baths, Half:	Basement Fin:	Lot Size: 5,210 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories: 0.00	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling: No	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	
Ext Walls:	Garage:	
Building Style:		Const Type: 0.0

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	09/01/98	1998-083113				Conv/Unk

This title information has been furnished without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

10 20T 10

20

OREGON TITLE
Insurance Company

After Recording, Return to:
Renaissance Development Corp.
1672 Willamette Falls Drive
West Linn, Oregon 97068

Until a change is requested, tax statements shall be sent to the following address:
Renaissance Development Corp.
1672 Willamette Falls Drive
West Linn, Oregon 97068

STATUTORY WARRANTY DEED
(Individual)

(Above Space Reserved for Recorder's Use)

Earl Smithson and Carol Smithson, also known as Carol Jean Bailey Smithson

conveys and warrants to
Renaissance Development Corporation, an Oregon corporation

the following described real property in the State of Oregon and County of Clackamas free of encumbrances, except as specifically set forth herein:
(Continued)

OREGON TITLE INS. CO. 158203C

Tax Account Number(s): R32E08D 00101, 00100, 00201

This property is free of encumbrances, EXCEPT:

1. Taxes for the fiscal year 1998-99, a lien in an amount yet to be determined, but not yet payable.

2. The subject property lies within the boundaries of Clackamas County Service District No. 1 and is subject to the levies and assessments thereof.

(Continued)

The true consideration for this conveyance is $800,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this first day of September, 1998.

Earl Smithson

Carol Jean Bailey Smithson

STATE OF OREGON, COUNTY OF CLACKAMAS)ss.
The foregoing instrument was acknowledged before me this first day of September, 1998, by Earl Smithson and Carol Jean Bailey Smithson.

Notary Public for Oregon
My Commission Expires: 6-6-2000

OFFICIAL SEAL
JOAN M. ALDRICH
NOTARY PUBLIC-OREGON
COMMISSION NO. A054256
MY COMMISSION EXPIRES JUNE 6, 2000

Order No.: 158203c

98-083113

STATUTORY WARRANTY DEED
(CONTINUED)

LEGAL DESCRIPTION (Continued) Order No.: 158203c

PARCEL I

Part of the Robert Caufield and wife Donation Land Claim No. 53, in Section 8, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a stone set in the Westerly line of said Donation Land Claim South 17° 55' West 22.79 chains from the Northwest corner thereof; thence North 76° 00' East 19.06 chains to a point in the Westerly boundary of the County Road and the true point of beginning of the tract to be described herein; thence South 29° 30' East along said Westerly boundary 150 feet to a point; thence South 76° 00' West 200 feet to a point; thence North 29° 30' West 150 feet to a point; thence North 76° 00' East 200 feet to the true point of beginning.

PARCEL II

Part of the Robert Caufield and wife Donation Land Claim No. 53 in Section 8, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a stone set in the West line of said Donation Land Claim South 17° 55' West 22.79 chains distant from the Northwest corner thereof; thence North 76° 00' East 19.06 chains to a stone set in the center of the County Road; thence South 29° 30' East 5.35 chains to a stone; thence South 76° 00' West 23.70 chains to a stone set in the West line of said Donation Land Claim; thence North 17° 55' East 6.08 chains to the place of beginning.

EXCEPTING THEREFROM that portion of the above described tract within the boundaries of Parcel I described herein.

ALSO EXCEPTING THEREFROM that portion of the above within the boundaries of public roads.

PARCEL III

Part of the Robert Caufield and wife Donation Land Claim No. 53, in Section 8, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a stone set in the West boundary of said Donation Land Claim; South 17° 55' West 28.87 chains distant from the Northwest corner thereof; which point is also the Northwest corner of a tract conveyed to Alfred Hopman, et ux, recorded May 18, 1946, in Book 367, Page 501, Deed Records; thence North 76° East along the Northerly boundary of said Hopman Tract, 930.10 feet; thence South 14° East a distance of 134.4 feet, more or less, to a point in the Southerly boundary of said Hopman Tract; thence South 76° West a distance of 1013.84 feet to the Southwest corner thereof; thence North 17° 55' East along the Westerly line of said Hopman Tract, 158.4 feet to the point of beginning.

STATUTORY WARRANTY DEED
(Continued)

ENCUMBRANCES (Continued) Order No.: 158203c

3. The rights of the public, governmental bodies, and public utilities, in and to that portion of the herein described property lying within the limits of Molalla Avenue.

4. An easement created or disclosed by instrument, including the terms and provisions thereof,
   Dated : April 24, 1991
   Recorded : June 11, 1991 as Recorder's Fee No. 91-27345
   In favor of : City of Oregon City
   For : Public utility(s)

STATE OF OREGON 98-083113
CLACKAMAS COUNTY
Received and placed in the public records of Clackamas County
RECEIPT# AND FEE: 78984 $40.00
DATE AND TIME: 09/04/98 10:22 AM
JOHN KAUFFMAN, COUNTY CLERK

2

First American Title

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: **4/25/2017**

OWNERSHIP INFORMATION

Owner: Mekheil Tadrous
Coowner:
Site: Oregon City 97045
Mail: 13951 Venice Ct Oregon City OR 97045

Parcel #: 01871497
Ref Parcel #: 32E08DA06100
TRS: T: 03S R: 02E S: 08 Q: SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 717-E5
Census Tract: 022605 Block: 2009
Neighborhood: GAFFNEY LANE
School Dist: 62 OREGON CITY
Subdiv/Plat: Lands End
Land Use: VRES VACANT RESIDENTIAL
Zoning: Oregon City-R8 Single Family Dwelling District
Watershed: Abernethy Creek-Willamette River
Legal: 3508 LANDS END TR D|Y|178169|46429241278.00

ASSESSMENT AND TAXATION

Market Land: $20,717
Market Impr: $0
Market Total: $20,717 (2016)
% Improved:
Assessed Total: $12,469 (2016)
Levy Code: 062-064
Tax: $225.64 (2016)
Millage Rate: 18.0959

PROPERTY CHARACTERISTICS

Bedrooms:		Building Area:		Year Built:	
Baths, Total:	0.00	First Floor:		Eff Year Built:	
Baths, Full:		Second Floor:		Lot Size:	.08 Acres
Baths, Half:		Basement Fin:		Lot Size:	3,629 SqFt
Total Units:		Basement Unfin:		Lot Width:	
# Stories:	0.00	Basement Total:		Lot Depth:	
# Fireplaces:		Attic Fin:		Roof Material:	
Cooling:	No	Attic Unfin:		Roof Shape:	
Heating:		Attic Total:			
Ext Walls:		Garage:			
Building Style:				Const Type:	0.0

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
TADROUS,MEKHEL	06/16/15	0000037997	$5,100	Grant		Conv/Unk
TADROUS,MEKHEL	06/03/15	0000033530	$5,100	Grant		
CLACKAMAS CNTY	12/18/14	0000064905		Trustees		

This title information has been furnished without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

RECORDING COVER SHEET (Please Print or Type) this cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

2?

AFTER RECORDING RETURN TO:
Clackamas County
Property Resources
150 Beavercreek Rd
Oregon City, OR 97008

SEND TAX STATEMENTS TO:
Mekhel Tadrous and
Madlin Youssef
13951 Venice Court
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2015-037997

NO FEE

01859563201500379970020021

06/16/2015 03:56:58 PM

D-D Cnt=1 Stn=54 COUNTER2
This is a no fee document

TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)
Bargain and Sale Deed

DIRECT PARTY(S) -- (i.e., DEEDS: Seller/Grantor; MORTGAGES: Borrower/Grantor; LIENS; Creditor/Plaintiff) ORS 205.125(1) (b) and 205.160
Clackamas County, Oregon, a political subdivision of the State of Oregon

INDIRECT PARTY(S) -- (i.e., DEEDS: Buyer/Grantee; MORTGAGES: Beneficiary/Lender; LIENS: Debtor/Defendant) ORS 205.125(1) (a) and 205.160
Mekhel Tadrous and Madlin Youssef

TRUE AND ACTUAL CONSIDERATION– (Amount in dollars or other) ORS 93.030(5)
$ 5,100

JUDGMENT AMOUNT– (obligation imposed by the order or warrant) ORS 205.125(1) (c)
$ N/A

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:

"RERECORDED AT THE REQUEST OF Clackamas County, Property Resources
TO CORRECT The grantee vesting should be Mekhel Tadrous and Madlin Youssef
PREVIOUSLY RECORDED IN BOOK/PAGE/FEE NUMBER 2015-033530

After recording return to:
Clackamas County Property Resources
150 Beavercreek Rd.
Oregon City, OR 97045

Until a change is requested all taxes shall be sent to:
Mekhel Tadrous and Madlin Youssef
13951 Venice Court
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2015-033530

NO FEE

01854725201500335300010013

06/03/2015 03:36:12 PM

D-D Cnt=1 Stn=9 COUNTER1
This is a no fee document

BARGAIN AND SALE DEED

***CLACKAMAS COUNTY, OREGON**, a political subdivision of the State of Oregon, Grantor, conveys its ownership interest to* Mekhel Tadrous and Madlin Youssef*, Grantee, all its right, title and interest in that real property situated in Clackamas County, Oregon, and being described as follows:*

Tract 'D', LAND'S END, in the City of Oregon City, County of Clackamas, State of Oregon

The true and actual consideration being paid for this transfer stated in terms of: Five Thousand One Hundred Dollars and 00/100 ($5,100.00) This amount excludes any amount for liens, mortgages, contract, indebtedness, or other encumbrances existing against the above-described real property to which the property remains subject or which the purchaser agrees to pay or assume.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17 CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Clackamas County, Oregon approved by its Board of County Commissioners by Board Order Number 2015-26.

Date this the 26TH *day of* May *, 2015.*

OFFICIAL SEAL
LISA DIANNE MEURS
NOTARY PUBLIC-OREGON
COMMISSION NO. 468993
MY COMMISSION EXPIRES JUNE 05, 2016

CLACKAMAS COUNTY

Director, Business and Community Services or Designee

State of Oregon }
County of Clackamas }

This document was acknowledged before me on 26TH *day of* May*, 2015, by Laura Zentner, Deputy Director of Business and Community Services of Clackamas County.*

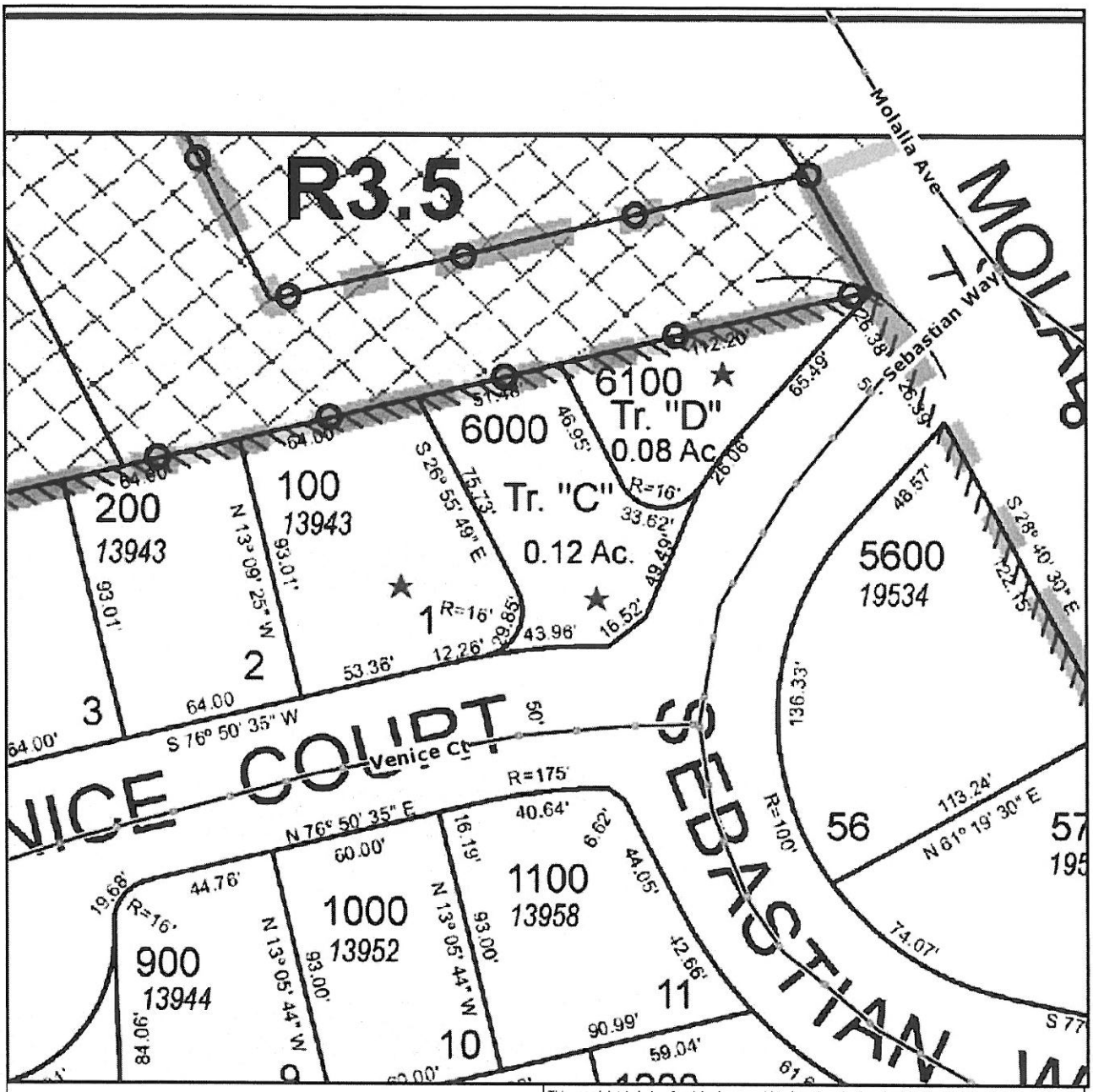
Notary Public for Oregon
My Commission Expires: June 5, 2016

FIRST AMERICAN

First American Title

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

geoAdvantage



First American Title

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

geoAdvantage

NARRATIVE

FOR LOT LINE ABANDONMENT No. 1

PROPERTY INFORMATION:

Owners:

Tract "C":
City of Oregon City
625 Center Street
Oregon City, OR 97045

Tract "D":
Mekheil Tadrous
13951 Venice Ct.
Oregon City, OR 97045

Legal Description:
Tract "C" & Tract "D", "Land's End"

Tax Lots:
Tract "C": 32E08DA06000
Tract "D": 32E08DA06100

Applicant:
Mekheil Tadrous
13951 Venice Ct.
Oregon City, OR 97045

Representative:
Shivon Marquand
Blunck & Walhood, LLC
2350 Willamette Drive
West Linn, OR 97068
503-656-1654

Land Surveyor:
Benjamin Stacy PLS
Caswell/Hertel Surveyors Inc.
6150 SW 124th Ave
Beaverton, OR 97008
503-644-3179
info@chsurveyinc.com

Overview:

The applicant is applying to abandon the common lot line between Tract "C" and Tract "D" "Land's End", a duly recorded plat in Clackamas County plat records, to create a single parcel of land.

Tract "C", which was reserved as a right-of-way in the plat of "Land's End", is owned by The City of Oregon City. Tract "D" is owned by Mr. Mekheil Tadrous.

Both Tract "C" and Tract "D" are vacant lots and do not have any buildings, but do contain some utilities that were installed at the time the platting of the subdivision of "Land's End".

Chapter 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.
(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Comment:

Tract "C" is 5,124 square feet and Tract "D" is 3,621 square feet which are both below the zoning requirement of 8,000 square feet. When the tracts are combined the total square footage will be 8,835 square feet which satisfies the zoning requirement.

17.10.020 - Permitted uses.

Permitted uses in the R-8 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing;
J. Transportation facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

Comment:

Both Tract "C" and Tract "D" are currently vacant and no change in their use is being proposed as part of this application.

17.10.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions.
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Comment:

Both Tract "C" and Tract "D" are currently vacant and no change in their use is being proposed as part of this application.

17.10.035 - Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in Section 17.10.020 or 17.10.030.
B. Marijuana businesses.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

Comment:

Both Tract "C" and Tract "D" are currently vacant and no change in use is being proposed as part of this application.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;

Comment:

Tract "C" is 5,124 square feet and Tract "D" is 3,621 square feet which are both below the zoning requirement of 8,000 square feet. When the tracts are combined the total square footage will be 8,835 square feet which satisfies the zoning requirement.

B. Minimum lot width, sixty feet;

Comment:

1) Tract "C" has an average width of 50' which is below the current zoning requirement.
2) Tract "D" has an average width of 108' which is above the current zoning requirement.
3) When the tracts are combined the average lot width will be 158' which is above the current zoning requirement.

C. Minimum lot depth, seventy-five feet;

Comment:

1) Tract "C" has an average depth of 100' which is above the current zoning requirement.
2) Tract "D" has an average width of 50' which is below the current zoning requirement.
3) When the tracts are combined the average lot width will be 75' which is satisfies the current zoning requirement.

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

Comment:

Both Tract "C" and Tract "D" are vacant lots and have no buildings. This section does not apply.

E. Minimum Required Setbacks:

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

F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.
G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

Comment:

Both Tract "C" and Tract "D" are vacant lots and have no buildings and no buildings are being proposed as part of this application.

NARRATIVE

FOR LOT LINE ABANDONMENT No. 2

PROPERTY INFORMATION:

Owners:

Tract "C" & Tract "D":
Mekheil Tadrous
13951 Venice Ct.
Oregon City, OR 97045

Lot 1:
Mekheil Tadrous
13951 Venice Ct.
Oregon City, OR 97045

Legal Description:
Lot 1, Tract "C" & Tract "D", "Land's End"

Tax Lots:
Lot 1: 32E08DA00100
Tract "C": 32E08DA06000
Tract "D": 32E08DA06100

Applicant:
Mekheil Tadrous
13951 Venice Ct.
Oregon City, OR 97045

Representative:
Shivon Marquand
Blunck & Walhood, LLC
2350 Willamette Drive
West Linn, OR 97068
503-656-1654

Land Surveyor:
Benjamin Stacy PLS
Caswell/Hertel Surveyors Inc.
6150 SW 124th Ave
Beaverton, OR 97008
503-644-3179
info@chsurveyinc.com

Overview:

The applicant is applying to abandon the common lot line between Lot 1 and the combined tax lot which contains Tract "C" and Tract "D" "Land's End", a duly recorded plat in Clackamas County plat records, to create a single parcel of land.

Lot 1, Tract "C" and Tract "D" are owned by Mr. Mekheil Tadrous.

Lot 1 contains a single residential building and the tax lot which contains both Tract "C" and Tract "D" is vacant and does not have any buildings, but do contain some utilities that were installed at the time the platting of the subdivision of "Land's End".

Chapter 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.
(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Comment:

The combined lot of Tract "C" and "D" is 8,835 square feet which is above the current zoning requirement of 8,000 square feet. Lot 1 is 6,930 square feet which is above the current zoning requirement of 8,000 square feet. When the properties are combined the total square footage will be 15,765 square feet which satisfies the current zoning requirement.

17.10.020 - Permitted uses.

Permitted uses in the R-8 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;
G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing;
J. Transportation facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

Comment:

When the lots are combined, the resulting lot will contain a single family residential unit. No additional construction or change is being proposed as part of this application.

17.10.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions.
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Comment:

When the lots are combined, the resulting lot will contain a single family residential unit. No additional construction or change is being proposed as part of this application.

17.10.035 - Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in Section 17.10.020 or 17.10.030.
B. Marijuana businesses.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

Comment:

When the lots are combined, the resulting lot will contain a single family residential unit. No additional construction or change is being proposed as part of this application.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;

Comment:

The combined lot of Tract "C" and "D" is 8,835 square feet which is above the current zoning requirement of 8,000 square feet. Lot 1 is 6,930 square feet which is above the current zoning requirement of 8,000 square feet. When the properties are combined the total square footage will be 15,765 square feet which satisfies the current zoning requirement.

B. Minimum lot width, sixty feet;

Comment:

1) The combined lot of Tract "C" and Tract "D" has an average width of 150' which is above the current zoning requirement.
2) Lot 1 has an average width, measured at the face of the existing residence, of 80' which is above the current zoning requirement.
3) When the properties are combined, the average lot width will be 235' which is above the current zoning requirement.

C. Minimum lot depth, seventy-five feet;

Comment:

1) The combined lot of Tract "C" and Tract "D" has an average depth of 75' which is above the current zoning requirement.
2) Lot 1 has an average width of 92.9' which is above the current zoning requirement.
3) When the tracts are combined the average lot width will be 90'+/- which is satisfies the current zoning requirement.

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

Comment:

1) The combined lot of Tract "C" and Tract "D" is vacant. This section does not apply.
2) Lot 1 contains a single family residential unit that was built according to the applicable standards of the zoning code at the time of construction. No change is being proposed as part of this application.

E. Minimum Required Setbacks:

1. Front yard fifteen feet minimum setback;
2. Front porch, ten feet minimum setback;

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

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

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

Comment:

1) The combined lot of Tract "C" and Tract "D" is vacant. This section does not apply.
2) Lot 1 contains a single family residential unit that was built according to the applicable standards of the zoning code at the time of construction.

Left side yard (garage):	8.0'
Right side yard (house):	17.1'
Right side yard (deck):	26.5'
Front yard (house):	21.8'
Rear yard (house):	32.0'
Rear yard (deck):	24.0'
Front yard (garage):	24.8'

3) After the lots are combined into a single property, the only change in the setbacks will be that the right side yard setback will increase from 17.1 to more than 100'.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE CORNERS OF LOT 1, TRACT "C, AND TRACT "D" "LAND'S END", PLAT NO. 3508. FIELD WORK BEGAN ON JUNE 15, 2017 WITH BEJAMIN STACY PLS 5711 AS THE FIELD CREW. A TRIMBLE 5600 TOTAL STATION WAS USED FOR ALL MEASUREMENTS.

1) MONUMENTS (3) AND (7) WERE HELD FOR THE BASIS OF BEARING FOR THIS SURVEY PER THE PLAT OF "LAND'S END".
2) I ACCEPTED THE MONUMENTS AT POINTS (2), (18) AND (19) FOR THE NORTH LINE OF THE PLAT OF "LAND'S END".
3) TO ESTABLISH THE RIGHT-OF-WAY LINE OF S. MOLALLA AVENUE, I HELD MONUMENTS (2) AND (15).
4) TO ESTABLISH THE CENTERLINE AND RIGHT-OF-WAY LINE OF SEBASTIAN WAY, I HELD LINE (14) - (15) AND RECORD PLAT RADIUS FROM MONUMENT (9), ESTABLISHING PONT (21). I THEN OFFSET THE CENTERLINE NORTHERLY THE RECORD PLAT DISTANCE OF 25.00 FEET.
5) TO ESTABLISH THE CENTERLINE AND RIGHT-OF-WAY LINE OF VENICE COURT, I HELD LINE (3) - (7) AND LINE (8) - (9) FOR THE TANGENT LINES, ALONG WITH RECORD PLAT RADIUS FROM MONUMENT (9), ESTABLISHING POINTS (22) AND (24). I THEN OFFSET THE CENTERLINE NORTHERLY THE RECORD PLAT DISTANCE OF 25.00 FEET.
6) TO ESTABLISH THE SOUTHWEST CORNER OF LOT 1 (POINT (25)), I HELD A PERPEDICULAR BEARING TO LINE (3) - (7), BASED FROM MONUMENT (19), AND INTERSECTED THE NORTHERLY 25.00 FOOT RIGHT-OF-WAY LINE OF VENICE COURT.
7) TO ESTABLISH POINT (28), I INTERSECTED THE NORTHERLY RIGHT-OF-WAY LINE OF VENICE COURT WITH LINE (10) - (11).
8) TO ESTABLISH POINT (29), I HELD RECORD PLAT RADIUS, FROM MONUMENT (16), AND INTERSECTED THE NORTHERLY RIGHT-OF-WAY LINE OF SEBASTIAN WAY.
9) TO ESTABLISH POINT (33) (THE NW CORNER OF TRACT "D"), I INTERSECTED LINE (16) - (17) WITH LINE (2) - (19).
10) TO ESTABLISH POINT (30) AND (36), I HELD A PARALLEL BEARING TO LINE (16) - (17), FROM MONUMENT (18), ALONG WITH A RECORD PLAT RADIUS OF 16.00 FEET AND INTERSECTED THE NORTERLY RIGHT-OF-WAY LINE OF VENICE COURT.
11) ALL NEW MONUMENTS WERE SET ON XXXXXX xx, 2017.

LEGEND

- ○ —— FOUND 5/8 INCH IRON ROD WITH A PLASTIC YELLOW CAP INSCRIBED "LAND TECH", SET IN PLAT OF "LAND ENDS", UNLESS OTHERWISE NOTED
- ● —— 5/8 X 30 INCH IRON REBAR SET WITH YELLOW PLASTIC CAP INSCRIBED "STACY PLS 1896"
- ( ) —— RECORD BEARING AND/OR DISTANCE PER PLAT, UNLESS OTHERWISE NOTED BY SURVEY NUMBER OR PLAT NAME
- [ ] —— PROBABLE ORIGIN OR FIRST RECORD OF MONUMENT BY SURVEY NUMBER OR PLAT NAME
- (1) —— COMPUTER POINT NUMBER.
- PLAT —— PLAT OF "LAND'S END", PLAT NO. 3508

SURVEYOR'S NOTES

1. REFERENCE MATERIAL:
   PLATS: "LAND'S END", PLAT NO. 3508
   SURVEY NUMBERS: 28051
2. BASIS OF BEARING: BASED BETWEEN MONUMENTS 3 AND 7 PER PLAT.

CLACKAMAMS COUNTY
SURVEY RECORDS

DATE RECEIVED_____

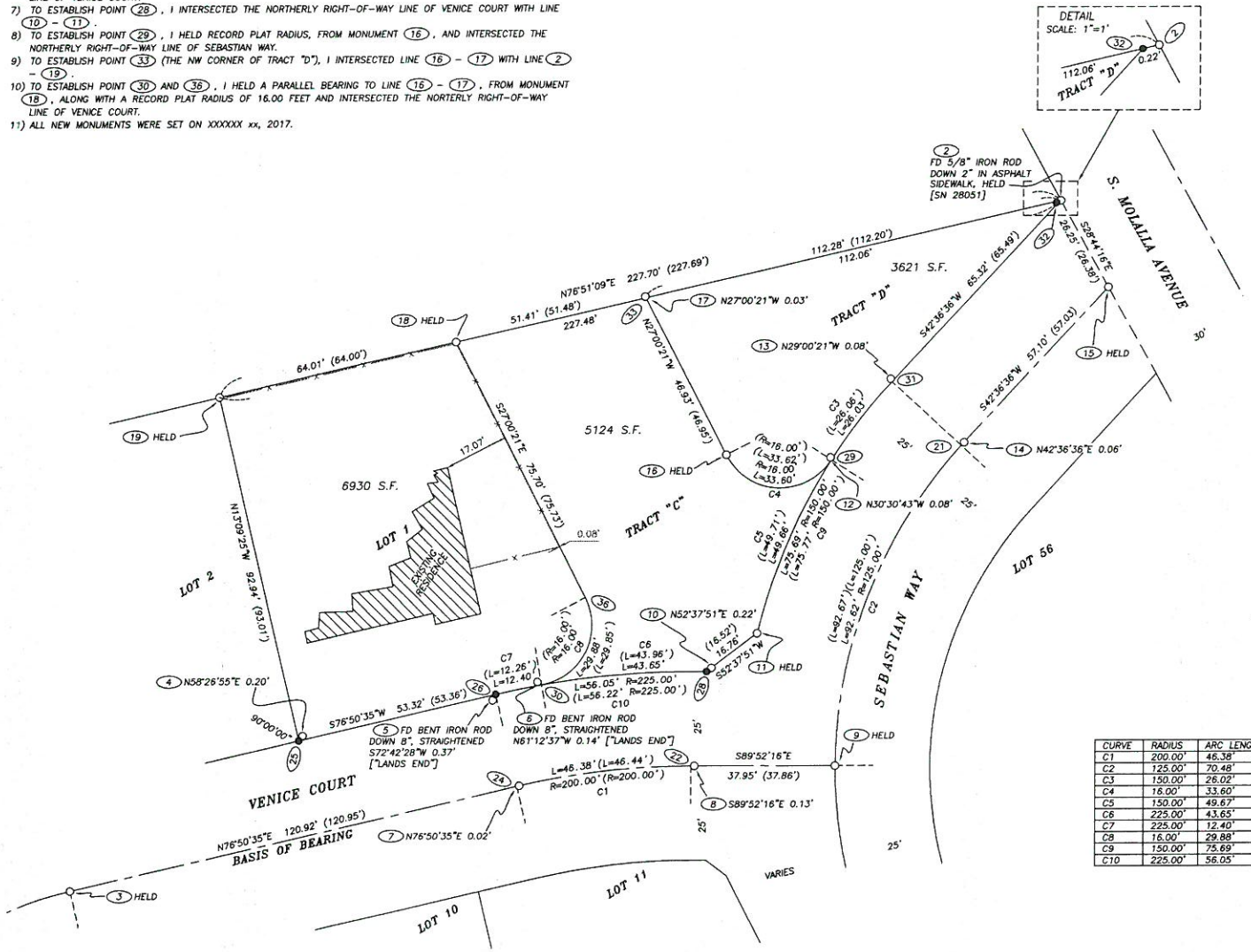
DATE ACCEPTED/FILED_____

SURVEY NUMBER_____

BOUNDARY SURVEY

FOR MEKHEIL TADROUS
OF LOT 1, TRACT "C" & TRACT "D" "LANDS END"
IN THE SE 1/4 OF SECTION 8, T. 3S, R. 2E, W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1"=20' JUNE 30, 2017

0 10 20 30 40



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	46.38'	46.27'	N83°29'10"E	13°17'09"
C2	125.00'	70.48'	69.55'	N16°18'27"E	32°18'22"
C3	150.00'	26.02'	25.99'	S37°38'26"W	09°56'20"
C4	16.00'	33.60'	27.76'	N87°10'03"W	120°19'23"
C5	150.00'	49.67'	49.44'	S23°11'06"W	18°58'20"
C6	225.00'	43.65'	43.59'	S85°33'29"W	11°06'59"
C7	225.00'	12.40'	12.40'	S78°25'17"W	03°09'24"
C8	16.00'	29.88'	25.72'	S26°29'49"W	107°00'20"
C9	150.00'	75.69'	74.89'	S28°09'16"W	28°54'40"
C10	225.00'	56.05'	55.91'	S83°58'47"W	14°16'23"

CASWELL/ HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR
Benjamin S. Stacy
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191
RENEWS: 6/30/2018

JOB NO. 8964

CASWELL / HERTEL
SURVEYORS, INC.

Professional Land Surveyors • 6150 S.W. 124th Avenue • Telephone 503/644-3179
info@chsurveyinc.com Beaverton, Oregon 97008-4724 Fax 503/644-3190

Job No. 8964
June 30, 2017

LEGAL DESCRIPTION
Combined Lots

A tract of land being Lot 1, Tract "C" and Tract "D" "Land's End", a duly recorded plat in Clackamas County plat records, located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Northwest corner of said Lot 1; Thence N76°51'09"E, along the North line of said Lot 1, Tract "C" and Tract "D", a distance of 227.48 feet to the most Easterly corner of said Tract "D", said point bears S76°51'09"W 0.22 feet from a 5/8 inch iron rod marking the Northeast corner of said plat of "Land's End"; Thence S42°36'36"W, along the northerly right-of-way line of Sebastian Way, a distance of 65.32 feet; Thence 75.69 feet along the arc of a 150.00 foot radius to the left to a 5/8 inch iron rod, said curve having a central angle of 28°54'40" and a long chord which bears S28°09'16"W 74.89 feet to a 5/8 inch iron rod; Thence S52°37'51"W, a distance of 16.71 feet to a 5/8 inch iron rod marking a point on the northerly right-of-way line of Venice Court; Thence following said right-of-way line 56.05 feet along the arc of a 225.00 foot radius curve to the left to a point of tangency, said curve having a central angle of 14°16'23" and a long chord which bears S83°58'47"W 55.91 feet; Thence S76°50'35"W, continuing along the northerly right-of-way line of Venice Court, a distance of 53.32 feet to a 5/8 inch iron rod marking the Southwest corner of said lot 1; Thence N13°09'25"W, along the West line of said Lot 1, a distance of 92.94 feet to the point of beginning. The above described tract of land contains 15,671 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 4, 2003
BENJAMIN S. STACY
57191

Renewal Date: 6/30/2018

CASWELL / HERTEL
SURVEYORS, INC.

Professional Land Surveyors • 6150 S.W. 124th Avenue • Telephone 503/644-3179
info@chsurveyinc.com Beaverton, Oregon 97008-4724 Fax 503/644-3190

Job No. 8964
August 2, 2017

LEGAL DESCRIPTION
Existing West Property

A tract of located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Tract "C", "Land's End", a duly recorded plat in Clackamas County plat records.

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info@chsurveyinc.com Beaverton, Oregon 97008-4724 Fax 503/644-3190

Job No. 8964
August 2, 2017

LEGAL DESCRIPTION
Existing East Property

A tract of located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Tract "D", "Land's End", a duly recorded plat in Clackamas County plat records.

CASWELL / HERTEL SURVEYORS, INC.

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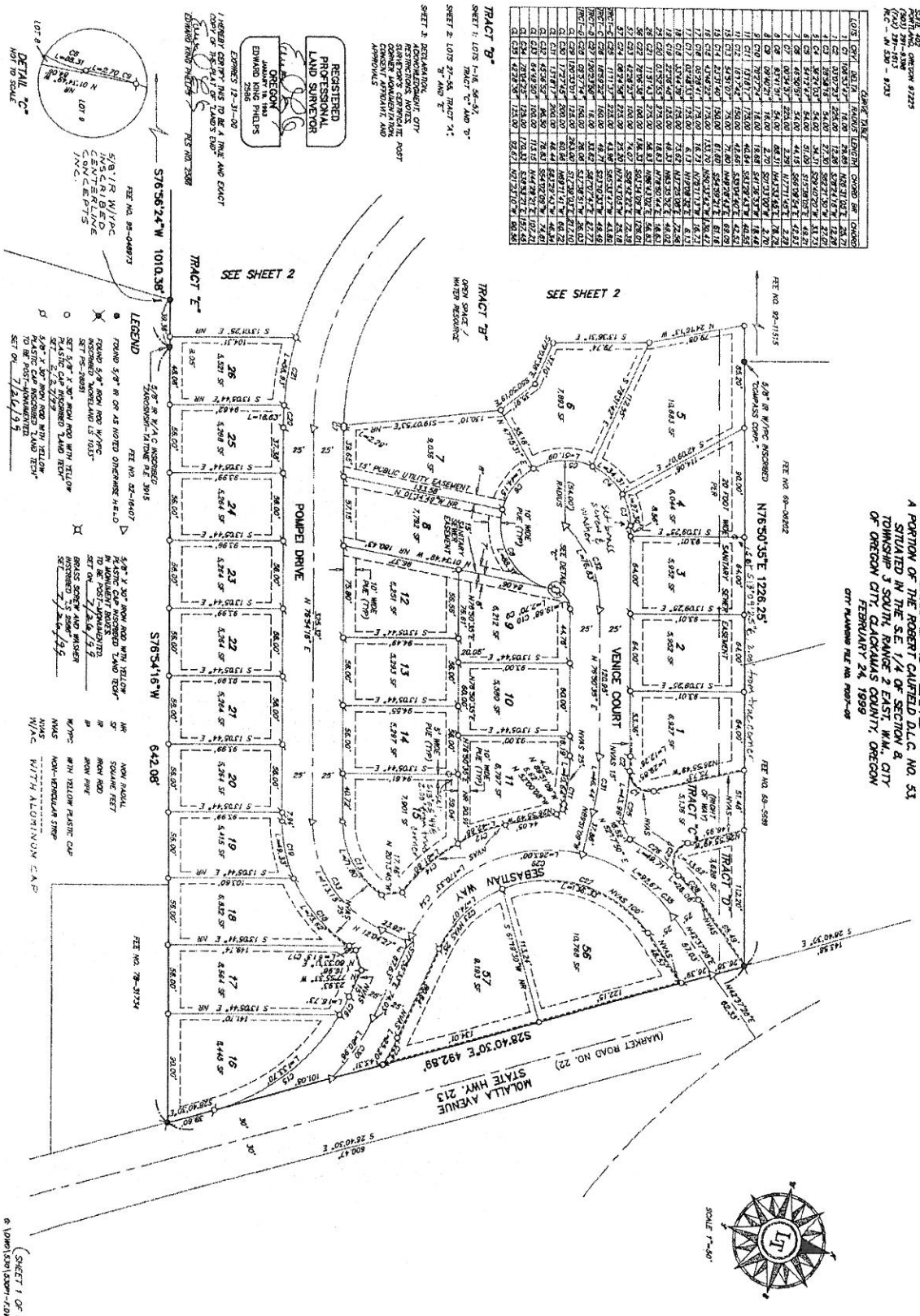
info@chsurveyinc.com **Beaverton, Oregon 97008-4724** **Fax 503/644-3190**



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Job No. 8964
August 2, 2017

LEGAL DESCRIPTION
Combined Tracts "C" and "D"

A tract of land being Tract "C" and Tract "D" "Land's End", a duly recorded plat in Clackamas County plat records, located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Northwest corner of said Lot 1; Thence N76°51'09"E, along the North line of said Tract "C" and Tract "D", a distance of 163.47 feet to a 5/8 inch iron rod marking the most easterly corner of said Tract "D"; Thence S42°36'36"W, along the northerly right-of-way line of Sebastian Way, a distance of 65.32 feet to a point of curvature, from said point a 5/8 inch iron rod bears N30°30'43"W 0.08 feet; Thence continuing along said right-of-way line 75.69 feet along the arc of a 150.00 foot radius curve to the left to a 5/8 inch iron rod, said curve having a central angle of 28°54'40", and a long chord which bears S28°09'16"W 74.89 feet; Thence S52°37'51"W, a distance of 16.71 feet to a 5/8 inch iron rod marking a point on the northerly right-of-way line of Venice Court; Thence along said right-of-way line 43.65 feet along the arc of a 225.00 foot radius curve to the left to the most southerly southwest corner of said Tract C", said curve having a central angle of 11°06'59", and a long chord which bears S85°33'29"W 43.59 feet; Thence along the westerly boundary of said Tract "C" 29.88 feet along the arc of a 16.00 foot radius curve to the left, said curve having a central angle of 107°00'20", and a long chord which bears N26°29'49"E 25.72 feet; Thence N27°00'21"W, along the western boundary of said Tract "C", a distance of 75.70 feet to the point of beginning. The above described tract of land contains 8,745 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 4, 2003
BENJAMIN S. STACY
57191

Renewal Date: 6/30/2018

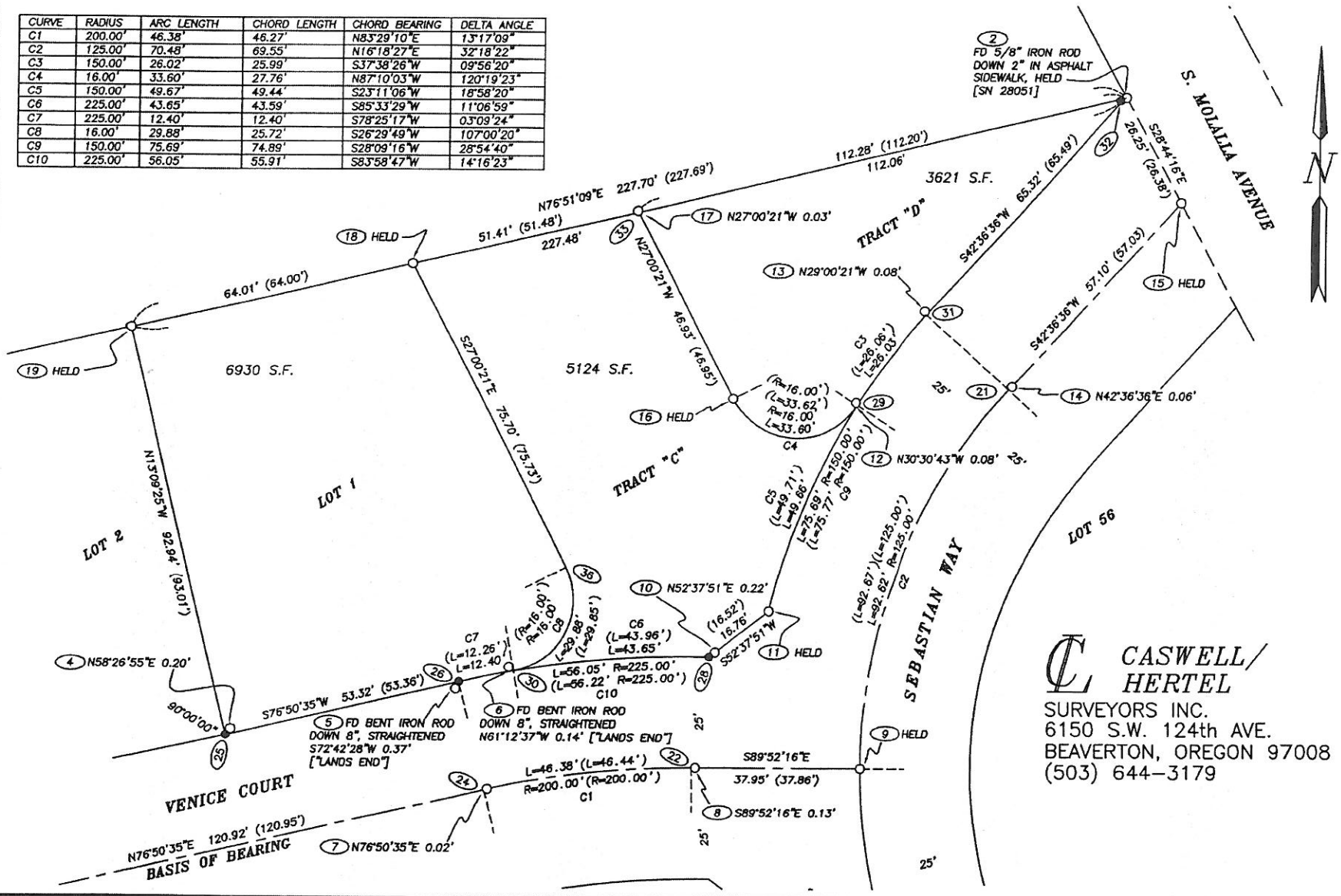
EXHIBIT MAP

FOR MEKHEIL TADROUS
OF LOT 1, TRACT "C" & TRACT "D" "LANDS END"
IN THE SE 1/4 OF SECTION 8, T. 3S, R. 2E, W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
AUGUST 2, 2017

SCALE: 1"=30'

0 15 30 45 60

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	46.38'	46.27'	N83°29'10"E	13°17'09"
C2	125.00'	70.48'	69.55'	N16°18'27"E	32°18'22"
C3	150.00'	26.02'	25.99'	S37°38'26"W	09°56'20"
C4	16.00'	33.60'	27.76'	N87°10'03"W	120°19'23"
C5	150.00'	49.67'	49.44'	S23°11'06"W	18°58'20"
C6	225.00'	43.65'	43.59'	S85°33'29"W	11°06'59"
C7	225.00'	12.40'	12.40'	S78°25'17"W	03°09'24"
C8	16.00'	29.88'	25.72'	S26°29'49"W	107°00'20"
C9	150.00'	75.69'	74.89'	S28°09'16"W	28°54'40"
C10	225.00'	56.05'	55.91'	S83°58'47"W	14°16'23"



℄ CASWELL/ HERTEL
SURVEYORS INC.
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CASWELL / HERTEL
SURVEYORS, INC.

Professional Land Surveyors • 6150 S.W. 124th Avenue • Telephone 503/644-3179
info@chsurveyinc.com Beaverton, Oregon 97008-4724 Fax 503/644-3190

Job No. 8964
August 2, 2017

LEGAL DESCRIPTION
Existing West Property

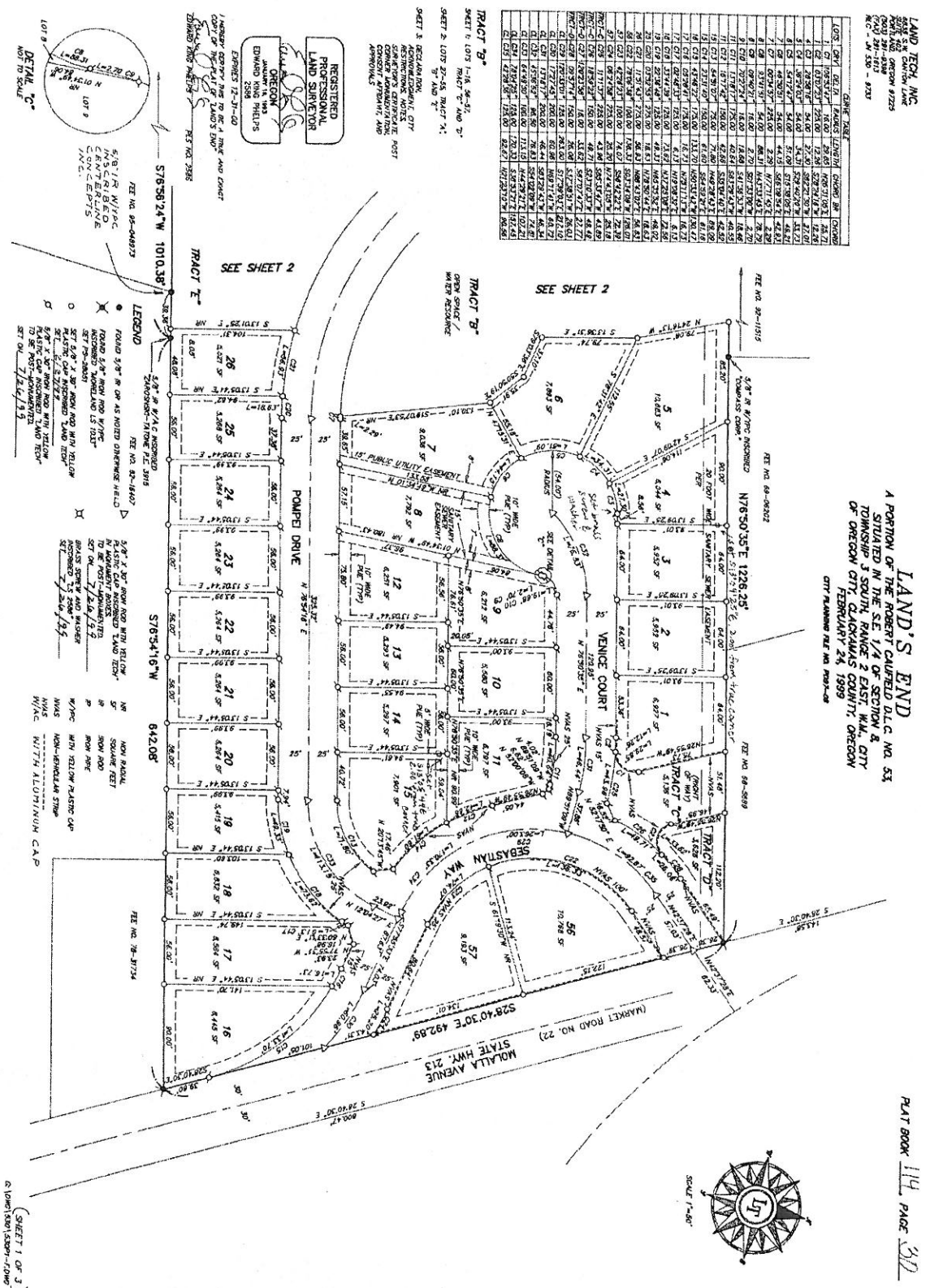
A tract of located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Lot 1, "Land's End", a duly recorded plat in Clackamas County plat records.

CASWELL / HERTEL SURVEYORS, INC.

Professional Land Surveyors • **6150 S.W. 124th Avenue** • **Telephone 503/644-3179**

info@chsurveyinc.com **Beaverton, Oregon 97008-4724** **Fax 503/644-3190**



CASWELL / HERTEL
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info@chsurveyinc.com Beaverton, Oregon 97008-4724 Fax 503/644-3190

Job No. 8964
August 2, 2017

LEGAL DESCRIPTION
Combined Lot 1, Tracts "C" and "D"

A tract of land being Lot 1, Tract "C" and Tract "D" "Land's End", a duly recorded plat in Clackamas County plat records, located in the southeast quarter of section 8, township 3 south, range 2 east of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Northwest corner of said Lot 1; Thence N76°51'09"E, along the North line of said Lot 1, Tract "C" and Tract "D", a distance of 227.48 feet to the most Easterly corner of said Tract "D", said point bears S76°51'09"W 0.22 feet from a 5/8 inch iron rod marking the Northeast corner of said plat of "Land's End"; Thence S42°36'36"W, along the northerly right-of-way line of Sebastian Way, a distance of 65.32 feet; Thence 75.69 feet along the arc of a 150.00 foot radius to the left to a 5/8 inch iron rod, said curve having a central angle of 28°54'40" and a long chord which bears S28°09'16"W 74.89 feet to a 5/8 inch iron rod; Thence S52°37'51"W, a distance of 16.71 feet to a 5/8 inch iron rod marking a point on the northerly right-of-way line of Venice Court; Thence following said right-of-way line 56.05 feet along the arc of a 225.00 foot radius curve to the left to a point of tangency, said curve having a central angle of 14°16'23" and a long chord which bears S83°58'47"W 55.91 feet; Thence S76°50'35"W, continuing along the northerly right-of-way line of Venice Court, a distance of 53.32 feet to a 5/8 inch iron rod marking the Southwest corner of said lot 1; Thence N13°09'25"W, along the West line of said Lot 1, a distance of 92.94 feet to the point of beginning. The above described tract of land contains 15,671 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 4, 2003
BENJAMIN S. STACY
57191

Renewal Date: 6/30/2018

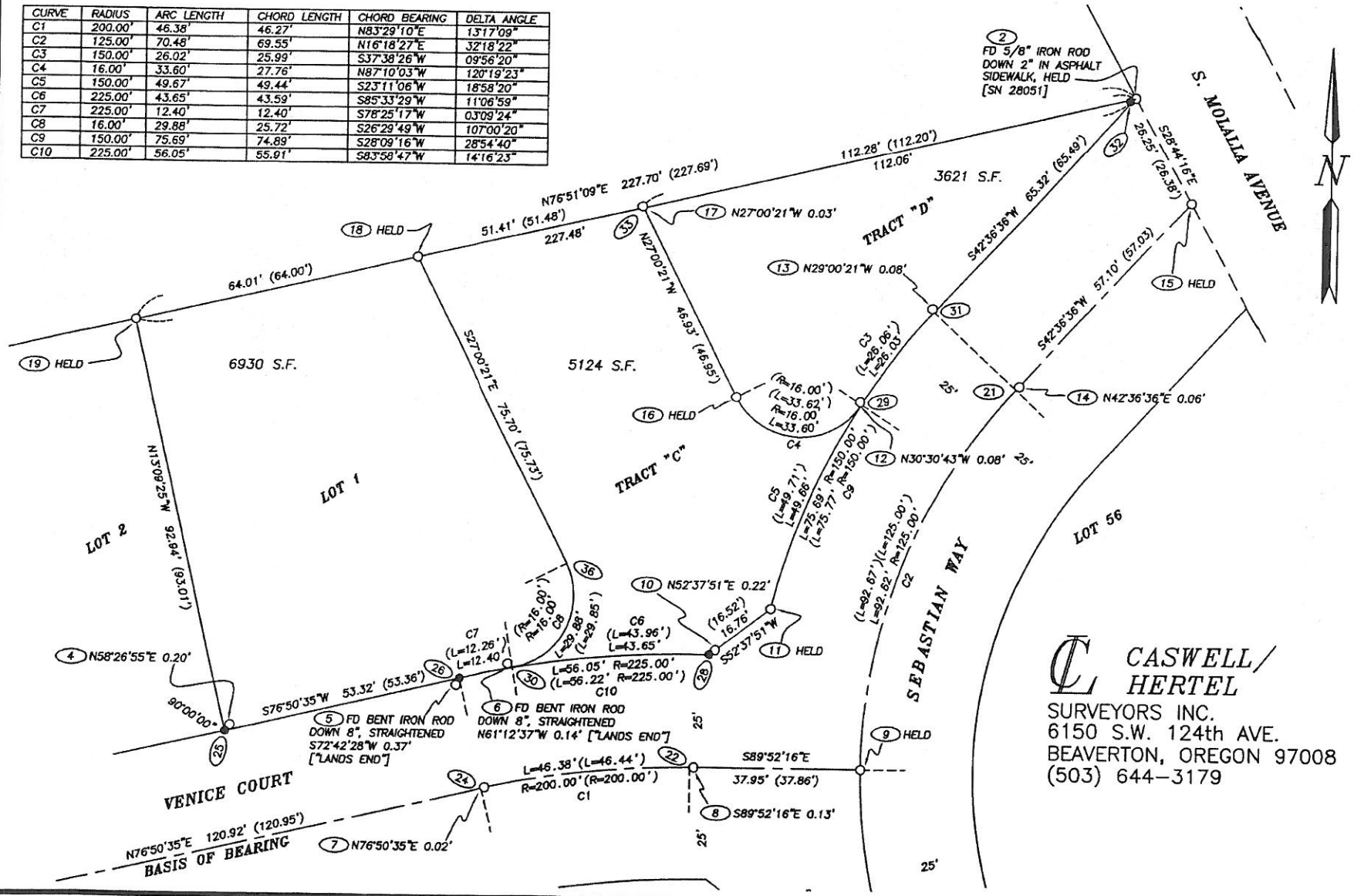
EXHIBIT MAP

FOR MEKHEIL TADROUS
OF LOT 1, TRACT "C" & TRACT "D" "LANDS END"
IN THE SE 1/4 OF SECTION 8, T. 3S, R. 2E, W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
AUGUST 2, 2017

SCALE: 1"=30'

0 15 30 45 60

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'	46.38'	46.27'	N83°29'10"E	13°17'09"
C2	125.00'	70.48'	69.55'	N16°18'27"E	32°18'22"
C3	150.00'	26.02'	25.99'	S37°38'26"W	09°56'20"
C4	16.00'	33.60'	27.76'	N87°10'03"W	120°19'23"
C5	150.00'	49.67'	49.44'	S23°11'06"W	18°58'20"
C6	225.00'	43.65'	43.59'	S85°33'29"W	11°06'59"
C7	225.00'	12.40'	12.40'	S78°25'17"W	03°09'24"
C8	16.00'	29.88'	25.72'	S26°29'49"W	107°00'20"
C9	150.00'	75.69'	74.89'	S28°09'16"W	28°54'40"
C10	225.00'	56.05'	55.91'	S83°58'47"W	14°16'23"



CASWELL/
HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

2016 CLACKAMAS COUNTY REAL PROPERTY TAX STATEMENT

Account: 01870808 **Alternate Property Number:** 32E08DA00100

TCA: 062-064

Legal Desc: 3508 LANDS END LT 1

Location: 13951 VENICE CT

Bill To Party: TADROUS MEKHEIL M
13951 VENICE CT
OREGON CITY OR 97045

Lender:

Delinquent Interest Computed Through: 7/31/2017

ACCOUNT VALUES

Description	2015	2016
AVR Total	$220,991	$227,621
TVR Total	$220,991	$227,621
Real Mkt Total	$287,560	$322,159
AV Exception	$0	$0

TAXES AND SPECIAL ASSESSMENTS

Year	Description	Amount Assessed	Balance Due
2016	Property Tax Principal	$4,119.01	$0.00
		Total for Tax Year 2016	**$0.00**
		Total Taxes and Assessments	**$0.00**

Comment:

Payment Terms

PAYMENT INSTALLMENTS
Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	7/31/2017

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS
Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	7/31/2017

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

Total Taxes and Assessments: $0.00

TADROUS MEKHEIL M
13951 VENICE CT
OREGON CITY OR 97045

Account: 01870808

Enter Payment Amount

$

Make payment to:
Department of Assessment and Taxation 150 Beavercreek Rd. Oregon City, OR 97045

2016 CLACKAMAS COUNTY REAL PROPERTY TAX STATEMENT

Account: 01871497 **Alternate Property Number:** 32E08DA06100

TCA: 062-064

Legal Desc: 3508 LANDS END TR D

Location: NO SITUS

Bill To Party: TADROUS MEKHEIL
13951 VENICE CT
OREGON CITY OR 97045

Lender:

Delinquent Interest Computed Through: 7/31/2017

ACCOUNT VALUES

Description	2015	2016
AVR Total	$12,106	$12,469
TVR Total	$12,106	$12,469
Real Mkt Total	$16,532	$20,717
AV Exception	$0	$0

TAXES AND SPECIAL ASSESSMENTS

Year	Description	Amount Assessed	Balance Due
2016	Property Tax Principal	$225.64	$0.00
		Total for Tax Year 2016	**$0.00**
		Total Taxes and Assessments	**$0.00**

Comment:

Payment Terms

PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	7/31/2017

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	7/31/2017

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

Total Taxes and Assessments: $0.00

TADROUS MEKHEIL
13951 VENICE CT
OREGON CITY OR 97045

Account: 01871497

Enter Payment Amount

$

Make payment to:

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

From: Brookshire, Susan
To: shivon@bluncklaw.com
Subject: Tax statement
Date: Monday, July 31, 2017 9:37:44 AM
Attachments: 01870808.pdf
01871497.pdf

Shivon,

Attached are the tax statement for 01870808 & 01871497 showing that the 2016-17 taxes are paid. Account 01871488 is owned by City of Oregon City and is tax exempt.

Thank you,

Susan Brookshire
Clackamas County Department of Assessment & Taxation
150 Beavercreek Rd
Oregon City, OR 97045
PH: 503 655-8671 ext 7625
Fax: 503 655-8313

In Keeping with the County's sustainability goals Assessor & Tax Collector's office will be open 7:00 a.m. - 6:00 p.m. Monday through Thursday. The office will be closed on Fridays.

OREGON CITY

Public Works – Development Services

625 Center Street | PO Box 3040 | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

APPLICATION
STREET/ALLEY VACATION

Property Owner/Authorized Agent City of Oregon City
Address P.O. Box 3040 Oregon City, OR 97045
Telephone 503-657-0891 Location of Property to be Vacated No Situs (Tract C)
Map Number: 32E08DA Tax Lot Number: 32E08DA06000

Note: Legal description of property must be attached for street vacations. The application shall be accompanied by a fully dimensioned accurate and legible site plan, drawn to scale.

Reason for Street/Alley/Easement Vacation and Proposed Use To combine with property located at 13951 Venice Ct. Oregon City, OR and Tract D Tax Lot Number: 32E08DA06100.

A vacation shall be granted only in the event that all of the following conditions exist:

a. There is no present or future public need for the street, alley, or easement.

b. The vacation is in the best public interest.

c. There would be no impacts to adjacent properties.

d. Consent of adjacent property owners when appropriate.

Explain how proposed vacation complies with these four conditions:

Tract C was originally designated as a through-way to Lazy Creek Lane. However, that through-way is no longer needed because according to Ms. Marshall that would be too close to Molalla Avenue. The vacation is in the best public interest because it is not serving the public in any way. There would be no negative impacts to the adjacent properties because Mr. Tadrous owns both adjacent properties.

(Attach addendum, if additional space is needed).

INSTRUCTIONS FOR COMPLETING VACATION APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words easily readable. Neatness is important.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please verify with the Development Services Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Development Services Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. Attach all the information with the application form that you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Development Services Division. If you wish, Development Services personnel will advise you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. Detailed legal descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the City Engineer prior to submission of the application.
8. Incomplete applications will be returned.

APPLICANT'S NAME & SIGNATURE: Mekheil Tadrous

MAILING ADDRESS: 13951 Venice Ct. Oregon City, OR 97045 503-780-9656

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: Mekheil Tadrous (Home)

MAILING ADDRESS: 13951 Venice Ct. Oregon City, OR 97045 503-780-9656

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: Mekheil Tadrous (Tract D - No Situs)

MAILING ADDRESS: 13951 Venice Ct. Oregon City, OR 97045 503-780-9656

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: City of Oregon City (Tract C)

MAILING ADDRESS: P.O. Box 3040 Oregon City, OR 97045 503-657-0891

City State Zip Phone No.

If the property owner does not sign this application, then a letter authorizing signature by an agent must be attached.

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ RECEIVED BY: _____

FEE PAID: _____ RECEIPT NO.: _____

PUBLIC HEARING DATE: _____ ENGINEER ASSIGNED: _____

DATE ACCEPTED AS COMPLETE: _____

ATTORNEYS AT LAW
Blunck & Walhood, LLC

ATTORNEYS
Lawrence P. Blunck
Kenneth L. Walhood*
Erica M. Fedon∆
*Licensed in Oregon ,Washington, & Utah
∆Licensed in Arizona, Oregon & Washington

PARALEGALS / LEGAL ASSISTANTS
Patricia E. Slack
Pat E. Brundidge

October 16, 2017

Sent via email @ lterway@orcity.org only:
Attn: Laura Terway
221 Molalla Ave.
Suite 200
Oregon City, Oregon 97045

Re: *Mekheil Tadrous*-September 22, 2017 Determination of Application Incompleteness

Dear Ms. Terway:

I am in receipt of your letter dated September 22, 2017 regarding Mr. Tadrous' "determination of application incompleteness." You have requested a number of items and here are my responses:

(1) An explanation of how the proposed development affects the Land's End Planned Unit Development ("PUD") and the associated approval criteria for the modifications. Provide responses to all subsections for Oregon City Municipal Code 17.65.050(C) and 17.65.060(B).

Mr. Tadrous is the current owner of the residential property located at 13951 S. Venice Court Oregon City, OR 97045 and the tax lot 32E08DA06100 ("Tract D"). Mr. Tadrous seeks to expand his lot to include tax lot 32E08DA06000 ("Tract C") which is located in between his residential property and Tract D. Mr. Tadrous does not intend to on build Tract C he simply wants to expand his lot so that he has a larger yard for his grandkids to play. Accordingly, no changes will be made to the Land's End PUD except the change in the lot line to Mr. Tadrous' property. Tract C had originally been designated by the City as a right-of-way to Lazy Creek Lane. Since that designation, however, Molalla Avenue has been realigned rendering a right-of-way through Tract C no longer feasible as it would be too close to Molalla Ave.

The specific responses to the above-referenced code provisions are as follows:

17.65.050(C)

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.

2350 Willamette Falls Dr.
West Linn, OR 97068
ph: 503.656.1654 fax: 503.650.0603
e-mail: larry@bluncklaw.com www.bluncklaw.com

Section 17.65 states "the intent of this chapter [is] to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure."

In this case, Mr. Tadrous seeks to adjust his lot size to include his residential property, Tract C, and Tract D and nothing else. Consequently, his request will have no impact on anything including major institutions, large-scale development, surrounding properties, and other public infrastructure.

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

Chapter 12.04 applies to land divisions, site plan and design review, master plan, detailed development plan and conditional use applications, public improvements, and new construction or additions. *See* 12.04.003(A), (B). Mr. Tadrous is only seeking to amend an existing master plan; therefore, compliance with Chapter 12.04 is not necessary. However, even if was necessary, Mr. Tadrous is complying with this section because he is not changing anything except changing the lot line of his property. He is not otherwise altering or affecting the Land's End PUD, surrounding properties, and infrastructure.

3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no changes to existing access to public services.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no changes to any inventories Goal 5 natural, historic or cultural resources.

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no development and nothing in this section should be affected.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no development and nothing in this section should be affected.

17.65.060(B)

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no development and nothing in this section should be affected.

2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no development and nothing in this section should be affected.

3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.

As previously explained, Mr. Tadrous is not going to build anything on Tract C he is only going to change his lot line to include Tract C. Therefore, there will be no development and nothing in this section should be affected.

(2) All available information relating to the Land's End PUD approval, such as the staff report, etc.

See attached Oregon City documents previously provided by Diliana Vassileva.

(3) A connectivity analysis demonstrating why Tract C is not needed as a right-of-way.

Wendy Marshall with the Public Works Division advised that Tract C is no longer needed to be designated as a through-way because Molalla Avenue has since been realigned making a right-of-way through Tract C too close to Molalla Avenue for it to be feasible. Additionally, a right-of-way through Tract C is no longer needed because the neighboring property to the north of Tract C, tax lot number 32E08A 02100, the property that would be on the receiving end of the Tract C right-of-way, already has road frontage to both Molalla Avenue and Lazy Creek Lane; thus, making a right-of-way unnecessary through Tract C. Please see attached copies of the tax lot map of Tract C in the pre-application materials enclosed herein.

(4) A meeting with the Gaffney Lane Neighborhood Association is required.

Pursuant to our phone call on October 10, 2017, as well as the provisions of Oregon City Code 17.50.055, a meeting with a neighborhood association is not required. We are only amending an existing PUD.

(5) Pre application conference notes.

See attached. I also attached the pre-application docs for your convenience.

I look forward to continuing to work with you on this matter. Please don't hesitate to contact my office with any questions.

Very truly yours,

Erica M. Fedon

Enc: as stated
cc (w/ enc.): Mekheil Tadrous

ATTORNEYS AT LAW
Blunck & Walhood, LLC

ATTORNEYS
Lawrence P. Blunck
Kenneth L. Walhood*
Erica M. FedonΔ
*Licensed in Oregon ,Washington, & Utah
ΔLicensed in Arizona, Oregon & Washington

PARALEGALS/
LEGAL ASSISTANTS
Patricia E. Slack
Pat E. Brundidge

November 8, 2017

Sent via email @ lterway@orcity.org only:
Attn: Laura Terway
221 Molalla Ave.
Suite 200
Oregon City, Oregon 97045

Re: *Mekheil Tadrous*- -Supplemental Response

Dear Ms. Terway:

Based on your call to me today, you require more specific information as to how Mr. Tadrous' land use request is consistent with the City of Oregon City's "Comprehensive Plan." Once you have received this information, you will be able to deem Mr. Tadrous' land use application "complete" as early as tomorrow, November 9, 2017.

As previously explained, Mr. Tadrous' land use request complies with the goals and policies of the City of Oregon City's Comprehensive Plan ("Plan") in that Mr. Tadrous is not going to build anything on Tract C as he is only going to expand his lot line to include Tract C. Therefore, because there will be no development on Tract C, Mr. Tadrous' request should be consistent with all policies and goals set forth in the Plan. Nevertheless, Mr. Tadrous' complies with the following specific goals:

Goal 2.1-"Efficient Use of Land"

Mr. Tadrous' request is consistent with Goal 2.1 of the Plan because Tract C is not being used at this time, but will be used once it is part of Mr. Tadrous' entire lot. Therefore, Tract C will go from not being used for anything to being used as part of Mr. Tadrous' lot and will thus, promote the efficient use of land as set forth in Goal 2.1.

Goal 2.4 "Neighborhood Livability"

Mr. Tadrous' request also complies with Goal 2.4 of the Plan in that Mr. Tadrous' neighborhood will be maintained and unaffected by Mr. Tadrous' lot line adjustment. Development can continue to occur and be unaffected by Mr. Tadrous' request.

2350 Willamette Falls Dr.
West Linn, OR 97068
ph: 503.656.1654 fax: 503.650.0603
e-mail: larry@bluncklaw.com www.bluncklaw.com

Goal 5.4 "Natural Resources"

Furthermore, Mr. Tadrous' request is consistent with Goal 5.4 of the Plan because all resources will be preserved on Tract C with Mr. Tadrous' request as he does not seek to build on the land. No mining or excavation will take place on Tract C and all natural resources will be preserved consistent with Goal 5.4 of the Plan.

Goal 10.1 "Diverse Housing Opportunities"

Mr. Tadrous' request is also consistent with Goal 10.1 of the Plan in that by expanding his lot to include Tract C, he is helping to create a variety of lot sizes in his neighborhood.

Goal 12.1 "Land Use-Transportation Connection"

Mr. Tadrous' request is also consistent with Goal 12.1 of the Plan in that transportation avenues will be unaffected by Mr. Tadrous' request. Tract C was initially reserved for a through-way to Lazy Creek Lane, but given the realignment of Molalla Avenue, a through-way is no longer needed or feasible. Consequently, road or transportation development will be unaffected by Mr. Tadrous' lot line adjustment request.

I trust that this supplement meets your request for additional information and I look forward to hearing from you tomorrow regarding the approval of Mr. Tadrous' application. Please don't hesitate to contact my office with any questions or concerns.

Very truly yours,

Erica M. Fedon

cc : Mekheil Tadrous

OREGON CITY

Community Development – Planning

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

TYPE II MINOR PARTITION APPLICATION
STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL
November 23, 2016

FILE NUMBER: MP 16-01/NR 16-03: Two-Lot Minor Partition and Natural Resource Overlay District (NROD) Review

Submitted: March 23, 2016
Complete: August 30, 2016
120 Day Deadline: December 27, 2016
NOD: November 23, 2016

APPLICANT: Cory & Shannon Smith
13834 Lazy Creek Lane
Oregon City, OR 97045

OWNER: Cory & Shannon Smith
13834 Lazy Creek Lane
Oregon City, OR 97045

REQUEST: The applicant is seeking approval of a two-lot minor partition within the Natural Resource Overlay District in the R-3.5 zoning district.

LOCATION: 13834 Lazy Creek Lane
Oregon City, OR 97045
Clackamas County Map 3-2E-08A, Tax Lot 1900

REVIEWER: Diliana Vassileva, Assistant Planner
Wendy Marshall, PE, Development Projects Manager
Gigi Cooper, David Evans and Associates

DECISION: Approval with Conditions.

PROCESS: Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval
Planning File MP 16-01/NR 16-03

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

In addition to the requirements for submittal of the public facilities construction plan for review and approval, the applicant shall submit the following materials to the Development Services Division.

1. Public improvements, grading, and erosion control measures designed in accordance with City of Oregon City Public Works standards, specifications, and engineering policies for public improvements. (DS)
2. Engineered drawings showing: (DS)
   a. Extension of 8-inch public sanitary sewer main westward along Lazy Creek Lane to the western boundary of proposed Parcel 1. If the applicant's engineer can show the properties are better served from a different location, requirement for the extension will be waived.
   b. Existing septic systems, to be properly abandoned per State and County requirements.
   c. Minimum 4-inch sanitary lateral connection to public main, including cleanout, for Parcel 1 and Parcel 2. Connection shall be made to the Lazy Creek main if physically feasible.
   d. 8-inch water main extended from the 14-inch main in Molalla Avenue, to the western boundary of proposed Parcel 1. A fire hydrant shall be installed on the new water main.
   e. Separate water service connections to the new water main in Lazy Creek Lane.
   f. Widening of Lazy Creek Lane pavement along Parcel 1, Parcel 2, and Tract A frontage (approximately 198 LF), constructed per Local Street standards regarding horizontal dimensions and pavement section.
   g. Widening of Lazy Creek Lane as needed to provide a minimum 20-foot asphalt concrete paved width from the eastern boundary of proposed Parcel 2, easterly to the connection with Molalla Avenue, adequate to withstand heavy equipment per Clackamas Fire District #1 weight guidelines.
   h. Locations of all existing private and public utilities within the subject parcel and private road section, including private water services, well locations, septic drain fields, and easements.
   i. Erosion Prevention and Sedimentation Control Plan in accordance with Stormwater and Grading Design Standards.
   j. Grading and residential lot grading plans.
   k. Show location of existing fire turnaround on Lazy Creek Lane per Clackamas Fire District # 1 standards.
3. The applicant shall submit a construction management plan in accordance with OCMC Section 17.49.200.C. (P)
4. The applicant shall submit documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130. (P)
5. The applicant shall submit documentation demonstrating compliance with standards for utility lines within the NROD in accordance with OCMC Section 17.49.140. (P)
6. The applicant shall submit documentation demonstrating compliance with standards for vehicular or pedestrian paths and roads within the NROD in accordance with OCMC Section 17.49.150. (P)

In addition to the requirements for submittal of the final partition plat for review and approval, the applicant shall submit the following materials to the Development Services Division.

7. 50-foot right-of-way dedication along Lazy Creek Lane, from western terminus to Molalla Avenue. Where width of "flag" portion of parcel along Lazy Creek Lane varies from 50 feet, the dedication will coincide with the existing width. (DS)
8. 10-foot Public Utility Easement (PUE) across the Lazy Creek Lane frontage of proposed Parcels 1 and 2 and Tract A (approximately 198 LF). (DS)

In addition to the requirements for submittal of the final partition plat for review and approval, applicant shall submit the following materials to the Planning Division prior to recordation of the final plat:

9. A revised plat reflecting the required right-of-way dedication of Lazy Creek Lane and demonstrating compliance with the applicable standards identified in the Oregon City Municipal Code including but not limited to: (P)
   a. Standards for lot and parcel lines in OCMC Section 16.12.060
   b. Standards for building location and orientation in OCMC Section 16.12.070
   c. Standards for driveway location in OCMC Section 16.12.070
   d. Standards for division of lots and lot size limitations for partitions in OCMC Section 16.12.075.
   e. Standards for lot size limitations for partitions in OCMC Section 16.16.010.
   f. Frontage width requirements in OCMC Section 16.16.025
   g. Minimum lot area requirements of the R-3.5 zoning district in OCMC Section 17.16.040.A and 16.16.010.
   h. Standards for minimum lot width in the R-3.5 zoning district in OCMC Section 17.16.040.B
   i. Standards for minimum lot depth in the R-3.5 zoning district in OCMC Section 17.16.040.C
   j. Required setbacks in the R-3.5 zoning district in OCMC Section 17.16.040
   k. Lot coverage standards in OCMC Section 17.16.040.G
   l. Standards for land divisions within the NROD in OCMC Section 17.49.160
10. A revised shadow plat which demonstrates compliance with the City's land division standards. (P)
11. Depiction of the entire delineated vegetated corridor onsite designated within a conservation easement or tract with associated draft documentation identifying applicable regulations. (P)
12. A mitigation plan prepared by a qualified professional in accordance with OCMC Section 17.49.180 and 17.49.220.D. (P).
13. A construction management plan in accordance with OCMC Section 17.49.200.C. (P)
14. A mitigation plan report, prepared by an environmental professional with experience and academic credentials in one or more natural resource areas, in accordance with OCMC Section 17.49.230. (P)
15. The applicant shall provide the City with a copy of the recorded covenant, tract or conservation easement for both lots in accordance with OCMC Section 17.49.180.G. (P)
16. The applicant shall provide the City with a copy of the recorded covenant or conservation easement for both lots in accordance with OCMC Section 17.41.050.A for all replanted and saved trees for both properties. (P)
17. The applicant shall provide the City with a financial guarantee for establishment of the mitigation area in accordance with OCMC Section 17.49.180.H. (P)

18. The applicant's mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director, in accordance with OCMC Section 17.49.180.F. (P)
19. Documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130. (P)
20. Documentation demonstrating compliance with Federal and State Requirements as it pertains to the natural features onsite, including but not limited to approval from the Division of State Lands and U.S. Army Corps of Engineers. (P)

In addition to the requirements for submittal of the building permit for review and approval, the applicant shall submit the following materials to the Building Division.

21. A construction management plan in accordance with OCMC Section 17.49.200.C. (P)
22. Documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130. (P)

I. BACKGROUND:

1. Existing Conditions

In its current configuration, the subject property is a flag lot, approximately 95,422 square feet in size. The pole portion of the lot contains the privately-owned portion of Lazy Creek Lane, which is approximately 1,000 feet in length and approximately fifty feet wide. The flag portion of the lot is developed with one single-family residence and several accessory structures. The majority of the flag portion of the lot is within the Natural Resource Overlay District. A tributary of Caufield Creek runs through the lot, just east of the existing residence. Additionally, the property contains a wetland located in the southeast corner of the lot.

To the north, east, and west of the subject property are residential lots zoned R-3.5 Dwelling District. To the south, the property borders Tract B of the Land's End Subdivision which is an undeveloped, open space tract maintained by the Land's End Homeowners Association.

Figure 1. Vicinity Map

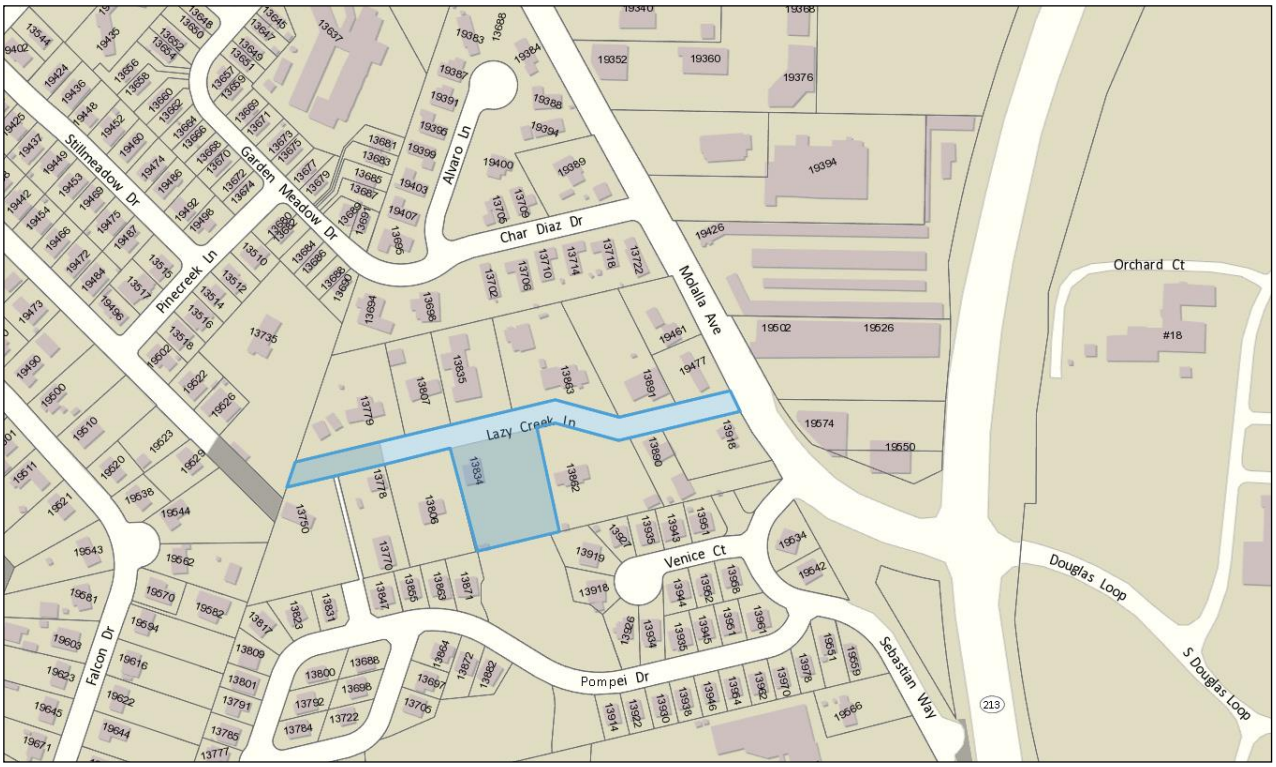


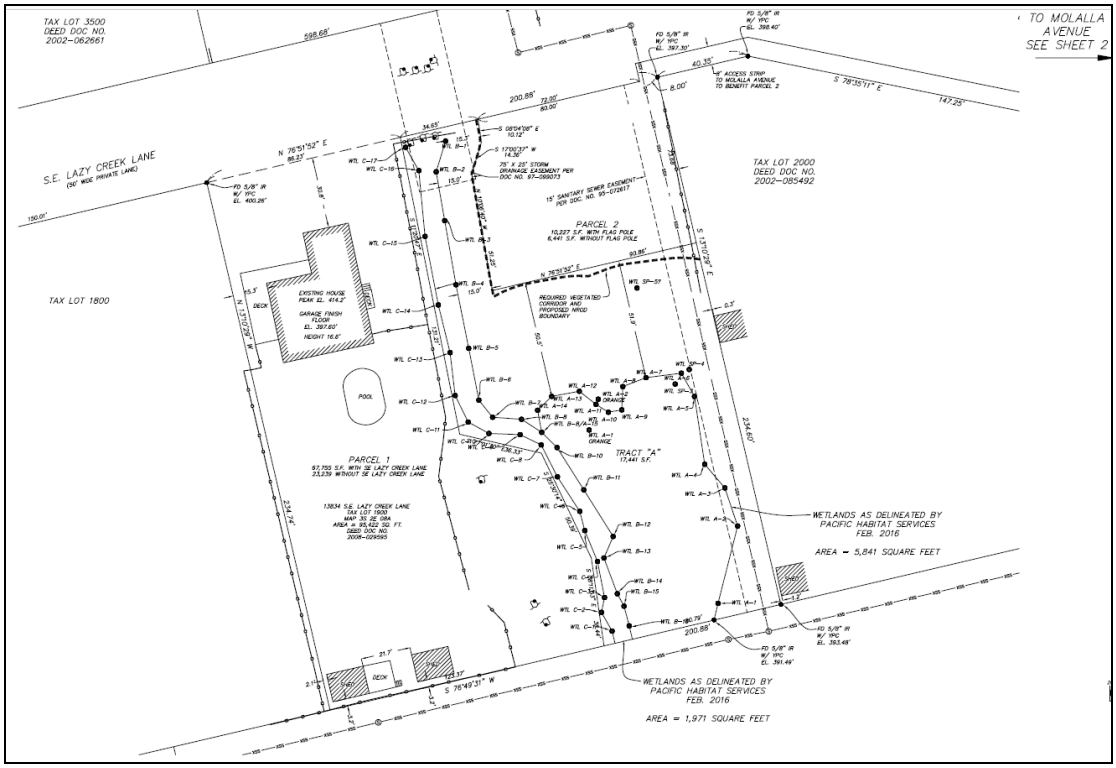
Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant is proposing to divide the property into two flag lots, approximately 10,227 and 67,755 square feet in size, respectively. Additionally, the protected vegetated corridor surrounding the Caufield Creek tributary and wetland onsite will be placed into a conservation tract – Tract A, which is proposed to be approximately 17,441 square feet in size.

As proposed the two lots would be flag lots with frontage on Molalla Avenue; however, as part of this land development proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Therefore, the lots would have frontage on Lazy Creek Lane, which would become a public road part of this land development application.

Figure 3: Proposed Site Plan



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

   12.04 - Streets, Sidewalks, and Public Places
   12.08 - Public and Street Trees
   13.12 - Stormwater Management
   15.48 - Grading, Filling and Excavating
   16.12 - Minimum Improvements and Design Standards for Land Divisions
   16.16 – Minor Partitions – Process and Standards
   17.16 – "R-3.5" Single Family Dwelling District
   17.41 – Tree Protection
   17.47 - Erosion and Sediment Control
   17.49 – Natural Resource Overlay District
   17.50 - Administration and Procedures
   17.54.100 – Fences

   The City Code Book is available on-line at www.orcity.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. Additionally, the subject property was

posted with signs identifying that a land use action was occurring on the property. No comments on the proposal 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:

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.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.
Finding: Applicable. The proposal is for a land division; therefore, this section applies.

12.04.007 - Modifications.
The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
A. The modification meets the intent of the standard;
B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
C. The modification is consistent with an adopted plan; and
D. The modification is complementary with a surrounding street design; or, in the alternative;
E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
Finding: Complies with Condition. Applicant states that:

> *Applicants request to pay a fee-in-lieu for public improvements (sidewalk only). In the pre-app notes under "Streets, note 4": The applicant will improve the road on the frontage of Parcel 1 and*

Parcel 2 (approximately 198 feet) to 20'. There are no sidewalks on the private road at this time. There is no future development plan for Lazy Creek Lane at this time. Further, the additional development opportunities on Lazy Creek Lane are very limited. The elevation or location of the road may change if and when the road becomes public. Also, the side of the road which the sidewalks are to be built on is undetermined. Development of sidewalks on the south side of Lazy Creek Lane in front of Parcels 1 and 2 will result in sidewalks that do not connect to any other sidewalk section along the street, and because additional development opportunities on Lazy Creek Lane are very limited, the future outlook for more sidewalks is very minimal. Similarly, the planter strip, especially located behind the sidewalk, will accomplish what has already been done – vegetation to the edge of the street along its entire length except where driveways and paved areas on private lots exist. And because the street is a private street, any proposed sidewalk and/or planter strip will be on private property and will serve little to no public purpose. The proposed fee-in-lieu would be only for improvement of the private street to a 20-foot travel width. The sidewalk and planter strip should be removed from any proposed improvement of the street section.

Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Regarding subsection A - *The modification meets the intent of the standard;* the applicant states that:

The intent of the standard is to provide for improvements that would benefit the public. However, because Lazy Creek Lane is a private street, and all properties abutting Lazy Creek Lane and utilizing the private street for access and circulation, only the widening of the street in front of the proposed parcels 1 and 2 would serve the immediate residents. With private landscaping to the edge of the private street, there is no need for planter strips at any point along the private street. Based on very limited vehicle circulation (Lazy Creek Lane is not a through street), vehicles on Lazy Creek Lane pose virtually no danger to local users. Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Regarding subsection B - *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;* the applicant states that:

There are no existing sidewalks on the private road. There is sufficient view of pedestrians, bicyclists and motor vehicles on the existing road in both directions. Line of sight on the road is open. Pedestrians and bicyclists can use the private street without danger from the very limited number of vehicles that use Lazy Creek Lane for access and circulation. Movement of freight vehicles on Lazy Creek Lane is limited to localized deliveries, and the street is not a designated freight route. At 20 feet in improved width, the street can accommodate "town delivery" trucks which make visits to the local neighborhood very infrequently.

Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Regarding subsection C - *The modification is consistent with an adopted plan;* the applicant states that:

> *Lazy Creek Lane is not a specifically designated part of an adopted transportation or public improvements plan for the city. However, the proposed modification to the street section of Lazy Creek Lane will accomplish the same goals and objectives as a standard for full improvement with sidewalks and planter strip. A wider street (across the frontage of Parcels 1 and 2) will facilitate pedestrian and bicycle movement, as well as local "town delivery" trucks, without undermining the intent and use of the private street serving a limited number of homes. A de facto planter strip already exists on both sides of the private street where vegetation comes to the edge of the paved section of the street, so no new planter strip is necessary. The character and intent of a planter strip already exists with the existing vegetation on each parcel utilizing Lazy Creek Lane.*

Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Regarding subsection D - *The modification is complementary with a surrounding street design;* the applicant states that:

> *Lazy Creek Lane is a private street that has been in existence for many years. At the time of original development of the local area, design standards were such that the private street was allowed to be the basis of residential development of the local neighborhood. Because the local neighborhood is very limited in scope, and because Lazy Creek Lane is not a through street that connects with any other local streets, either public or private, the character of Lazy Creek Lane and the local neighborhood should be preserved with little upgrades or improvements that may provide limited public benefits. Other local streets in the immediate area are either similar to Lazy Creek Lane, or are local neighborhood streets that have been developed within public rights-of-way to serve local neighborhoods. Lazy Creek Lane is simply a small part of the local transportation and development network in this area of Oregon City that, when combined with other local streets, provide a suitable network of transportation routes for vehicles, pedestrians and bicycles. There is no city street design for such older private streets as Lazy Creek Lane. Installing curbs and sidewalks would be out of place on this private road and would serve little public benefit.*

Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvement requirements and impacts of the proposed development.

Staff has reviewed and evaluated street layout, development patterns, and submitted materials, in particular the Declaration of Easement, recorded with Clackamas County Book 633 Page 598, to determine development needs in the project vicinity.

The private street known as Lazy Creek Lane is a partially paved access that connects 13 properties (14 with approval of this application) to Molalla Avenue. The access easement lies over a 50-foot wide, approximately 1000-foot long "flag" portion of the subject property. The recorded document clearly sets forth the purpose of the easement to eventually become public right-of-way to serve the Lazy Creek Lane properties. There are 13 properties accessing Molalla Avenue via this easement, and potential for at least 15 additional homes; there is a 5-lot subdivision currently under review that will access Lazy Creek Lane. Therefore, City has determined that it is timely and necessary for the 50-foot wide roadway access to be dedicated as public right-of-way to assure connectivity to the neighborhood via Naples Street and segment of Lazy Creek Lane westward to Gaffney Lane, and adequate traffic circulation and access for the proposed and future development.

Staff has evaluated several street improvement options in this non-standard street and lot layout scenario to determine the best options to serve the public, and to impose equitable proportionality given the scope of the two-parcel development. The Local Street standard section includes 54-foot right-of-way, yet allows for a reduction in width to accommodate topographical and other unusual circumstances such as this private street configuration. Staff has determined that dedication of the 50-foot "flag" portion of the parcel as public right-of-way is necessary and adequate to serve the subject development and future emerging development, and falls within the parameters of the Local Street standard section.

Staff concurs with the applicant that construction of a standard street section solely along the 198-foot frontage will not provide logical connection along Lazy Creek Lane at this time. Full street improvements will be constructed concurrent with other properties that develop along Lazy Creek Lane. At this time, for the subject development, provision of minimum continuous paved width of 20 feet from proposed Parcel 1's western boundary to Molalla Avenue will provide safer traffic circulation for passenger, service, and emergency vehicles than what exists today. The 20-foot pavement section along Parcel 1, Parcel 2, and Tract A frontage will be constructed per Local Street standards regarding horizontal dimensions and pavement section. The 20-foot pavement section from the easterly boundary of Parcel 2 to Molalla Avenue will not need to comply with public street standards. This portion of the street will need to be asphalt concrete pavement, adequate to withstand heavy equipment per Clackamas Fire District #1 weight guidelines. Given that the proposal is only for two parcels, staff has determined that dedication of the 50-foot right-of-way plus widening of the street to 20 feet to provide the minimum safe passage width are proportional to the development and additional street improvements will not be imposed. Although public improvements are required pursuant with Chapter 12.04, modifications to public improvements standards are being granted due to the required dedication of all of Lazy Creek Lane and with consideration for proportionality between public improvements requirements and impacts of the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.010 - Construction specifications—Improved streets.
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Finding: Complies with Condition. See street improvement discussion in 12.04.007. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.020 - Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Finding: Complies with Condition. See street improvement discussion in 12.04.007. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Property Use	*Minimum Driveway Width at sidewalk or property line*	*Maximum Driveway Width at sidewalk or property line*
Single or two-family dwelling with one car garage/parking space	*10 feet*	*12 feet*
Single or two-family dwelling with two car garage/parking space	*12 feet*	*24 feet*
Single or two-family dwelling with three or more car garages/parking space	*18 feet*	*30 feet*
Nonresidential or multi-family residential driveway access	*15 feet*	*40 feet*

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).
Figure 12.04.025: Example Driveway Curb Cut
Finding: Complies as Proposed. The applicant states that only one new "curb cut" or driveway for the proposed Parcel 2 is being anticipated. Although not designed at the present time, it will be part of the overall design of the new dwelling, at the appropriate time. This new driveway will meet the standards of the table referenced in B.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.

b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

Finding: Not Applicable. Staff has not identified the need to limit the number of proposed driveways to less than one per parcel.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Finding: Complies as Proposed. See subsection A.

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: Not Applicable. Staff has not identified a reason to waive the standard.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. Because all lots are at grade with the existing Lazy Creek Lane, no retaining walls of any kind will be proposed as part of development of Parcel 2.

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: Applicable. The public improvements required to serve this development will be reviewed and approved by City staff prior to construction, per standard procedures.

12.04.175 - Street design—Generally.
The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.
Finding: Complies with Condition. See street improvement discussion in 12.04.007. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.180 - Street design.
All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 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. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*

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

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

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

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

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

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

Finding: Complies with Condition. See street improvement discussion in 12.04.007. **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: Not Applicable. The development will not be constructing a new street, but will be dedicating public right-of-way over, and making improvements to, an existing private street. Therefore, access control measures will not be required.

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: Not Applicable. Lazy Creek Lane has an existing connection to Molalla Avenue, which is aligned opposite to an existing shopping center entrance. No changes in the location or alignment are necessary.

12.04.194 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.
Finding: Not Applicable. A new street is not proposed.

12.04.195 - Spacing standards.
A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.
Finding: Complies with Condition. Along Molalla Avenue, the street spacing is approximately 500 feet between Char Diaz Drive and Lazy Creek Lane, and approximately 200 feet between Lazy Creek Lane and Sebastian Way. Dedication of Lazy Creek Lane as public right-of-way will satisfy street spacing standards along Molalla Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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		
Street Functional Classification	*Minimum Driveway Spacing Standards*	*Distance*
Major Arterial Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*
Minor Arterial	*Minimum distance from a street corner to a driveway for all uses and*	*175 ft.*

Streets	*Minimum distance between driveways for uses other than single and two-family dwellings*	
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. Although the proposed driveway is not shown on the submitted plan, due to site layout, the minimum 25-foot spacing will be satisfied.

12.04.199 - Pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

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

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.

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

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

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

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

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

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.
Finding: Complies as Proposed. An accessway will not be required of this development. Street spacing along Molalla Avenue has been met as discussed in 12.04.195.A above. The block length along Lazy Creek Lane is exceeded and non-standard circulation patterns have been dictated by pre-existing street patterns. Staff has evaluated the street patterns and determined that the future completion of Naples Street between Sandra Loop and Lazy Creek Lane (west of the subject parcel) will provide acceptable circulation. When future development occurs at the westerly end of Lazy Creek Lane, a full street connection or pedestrian/bicycle accessway will be obtained to provide connection between Molalla Avenue and Gaffney Lane to the west.

12.04.205 - Mobility standards.
Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.
A. For intersections within the regional center, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

Note to Planner:
C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange
I-205/OR 213 Interchange
OR 213/Beavercreek Road
State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.
Finding: Not Applicable. The application adds traffic from one single-family home, thus has negligible impact on the transportation system and no transportation analysis is required per the City's Traffic Engineer.

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: Not Applicable. The intersection of Lazy Creek Lane with Molalla Avenue is pre-existing; no new intersections will be established.

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 Condition. See street improvement discussion in 12.04.007. **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. This section applies when there is no previously existing street section.

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 twenty-five 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 new street is being created. Lazy Creek Lane is a pre-existing dead-end private street which is proposed to be public right-of-way. It should be considered a temporary situation,

as potential development patterns at the westerly end will afford opportunities to extend the connection to Gaffney Lane.

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: Not Applicable. No new streets or street names are proposed as part of this development application.

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: Not Applicable. The grade and alignment of Lazy Creek Lane are pre-existing.

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: Not Applicable. The parcel has approximately 50 feet of frontage on Molalla Avenue, a Major Arterial. Most of this frontage is occupied by the street intersection. Therefore, staff has not identified the need for these additional controls.

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. The development is on an existing dead-end street, and no new crosswalks will be created.

12.04.255 - Street design—Alleys.
Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.
Finding: Not Applicable. Public alleys are not proposed or required to serve this development.

12.04.260 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified

in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Not Applicable. No new streets are being designed with this development. There are two existing bus stops along Molalla Avenue, both within a few hundred feet of Lazy Creek Lane.

12.04.265 - Street design—Planter strips.

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

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

Finding: Complies with Condition. See street improvement discussion in 12.04.007. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 12.08 – PUBLIC AND STREET TREES</u>

12.08.015 - Street tree planting and maintenance requirements.

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

Finding: Not Applicable. Due to the dedication of all of private Lazy Creek Lane and consideration for proportionality between improvement requirements and impacts of the proposed development, street trees are not required as part of the public improvements of this development proposal.

<u>CHAPTER 13.12 – STORMWATER</u>

13.12.050 - Applicability and exemptions.

Finding: Not Applicable. The area of improvements will be located outside the NROD, per the delineation approved with this application. The new impervious area is projected to be less than 5000 sf; therefore, the standards do not apply per subsection B.2.

13.12.090 Approval criteria for engineered drainage plans and drainage report.
Finding: Not Applicable. See discussion in 13.12.050 above.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.
A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:
1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
Finding: Complies with Condition. Although the extent of grading will not be known until a building permit is submitted, it is highly likely that the limits set for the in subsection 3 will be exceeded. A standard condition will be applied to ensure a grading permit is obtained if warranted. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D .Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be

prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.
Finding: Complies with Condition. Since a portion of the site lies within the NROD, an engineered grading plan will be required per subsection B. A new residential building lot is being created; therefore, a residential lot grading plan is required per subsection D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.
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*:* Not Applicable. No new blocks would be created as part of this minor partition application.

16.12.040 - Building sites.
The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.
Finding: Complies as Proposed. The building sites proposed are appropriate in size, width, shape, and orientation for medium-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-3.5" Dwelling District. The applicant is not requesting a variance to any dimensional standard.

16.12.045 - Building sites—Minimum density.
All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.
Finding: Not Applicable. The applicant has not proposed a subdivision, therefore, this standard does not apply.

16.12.050 - Calculations of lot area.
A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.
Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.
A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.
When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the

abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.
Finding: Not Applicable. The applicant has not proposed a subdivision, therefore, the standards for calculations of lot area do not apply. The proposed lots do not abut a public alley.

16.12.055 - Building site—Through lots.
Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.
Finding: Not Applicable. The applicant has not proposed any through lots.

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 with Condition. As proposed by the applicant, the resulting lots would be flag lots with lot lines which run at right angles to Molalla Avenue; however, as part of the development proposal, the applicant must dedicate the private portion of Lazy Creek Lane as public right-of-way. Subsequent to the required dedication of Lazy Creek Lane, the proposed lots would have frontage on Lazy Creek Lane and the lot lines would run at right angles to Lazy Creek Lane as far as practicable. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with standards for lot and parcel lines in OCMC Section 16.12.060. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.065 - Building site—Grading.
Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.
Finding: Applicable. The grading plans will be reviewed and approved as part of the public improvement and building permit submittals.

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.
Finding: Complies with Condition. The existing lot, which includes the privately-owned portion of Lazy Creek Lane, has frontage on Molalla Avenue which is classified as a major arterial. However, as part of this proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Subsequent to the required dedication of Lazy Creek Lane, the lots will have frontage on Lazy

Creek Lane, which is not a neighborhood collector, collector, or minor arterial street. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with standards for building location and orientation in OCMC Section 16.12.070. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.
Finding: Not Applicable. The proposed development is not located on a corner lot.

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.
Finding: Complies with Condition. The configuration of the lots as proposed by the applicant would have driveways located on Molalla Avenue which is classified as a major arterial. However, as part of this proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Subsequent to the required dedication of Lazy Creek Lane, the driveway access would be taken from Lazy Creek Lane which is not classified as a collector or minor arterial. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with standards for driveway location in OCMC 16.12.070. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not Applicable. The applicant has not proposed an alternative design.

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 with Condition. As proposed by the applicant, Lot 1 is approximately 67,755 square feet in size, and Lot 2 is approximately 10,227 square feet in size. In the proposed flag lot configuration, both lots could be further divided and the applicant submitted a shadow plat in accordance with this standard. However, as part of this proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way and the size of parcel 2 must be less than 6,650 square feet per OCMC 16.16.010. It appears that the required portion of Lazy Creek Lane will impact the lot sizes and the capability of redivision. As lot 1 is large enough for future land division and the surrounding site conditions also allow for future land division, a feasible shadow plat demonstrating that the proposed partition is not prohibiting future land divisions onsite is necessary. The applicant submitted a shadow plat for the future land division of Lot 1, however, it failed to account for connections with neighboring properties and it does not comply with a variety of standards, such as frontage, or the vegetated corridor associated with the Natural Resource Overlay District. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with standards for division of lots in OCMC Section 16.12.075. Additionally, the applicant shall submit a revised shadow plat which demonstrates compliance with the City's land division standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.085 - 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: Not Applicable. As Lazy Creek Lane will be dedicated as public right-of-way, the required public utilities will be placed within the right-of-way and easements will not be warranted.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
Finding: Not Applicable. No unusual facilities will be constructed with this development.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
Finding: Complies with Condition. The site is traversed by a tributary of Caufield Creek. The property resides within the Natural Resource Overlay District and is subject to compliance with OCMC Chapter 17.49. Please refer to the findings in Chapter 17.49 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.
Finding: Complies as Proposed. The site is traversed by a tributary of Caufield Creek. The property resides within the Natural Resource Overlay District and is subject to compliance with OCMC Chapter 17.49. Please refer to the findings in Chapter 17.49 of this report.

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

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.
C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.
D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.
E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.
Finding: Complies with Condition. The development will consist of grading and public utility improvements; therefore, the applicant will be required to follow the standard procedures, including submittal of engineered plans for review and approval, and payment of City review and inspection fees. **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 or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.
Finding: Complies with Condition. Transportation improvements are discussed in 12.04.007. **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 with Condition. Per discussion in 12.04.007, standard street improvements are not required of this development at this time; therefore, the drainage system will not require extension at this time. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.
Finding: Complies with Condition. Extension of the public sanitary sewer main westward along Lazy Creek Lane to the western boundary of proposed Parcel 1 (approximately 145 LF) is required to comply with this section and provide for future connection of upstream underdeveloped properties. There are other sanitary mains in this vicinity that may be available to serve some or all of the future development. If the applicant's engineer can show the properties are better served from a different location, requirement for the extension will be waived. A condition will be applied to ensure that sanitary sewer service is available to future development. Both parcels shall be provided with a minimum 4-inch lateral connected to the main. If the existing home is served by a septic system, the system will need to be abandoned per State and County requirements. The Lazy Creek main should be used to service the parcels to provide easier maintenance access, if physically feasible. **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 with Condition. The applicant indicates that the water system will be designed at the time that Parcel 2 building permit is submitted. Public improvements are required to be designed and constructed at time of land division. An 8-inch water main will need to be extended from the 14-inch main in Molalla Avenue, to the western boundary of proposed Parcel 1, to adequately serve the proposed development and to provide connection point for future development. A fire hydrant will need to be installed on the new water main. **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 with Condition. Street improvements including sidewalks are discussed in 12.04.007.

F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.
Finding: Not Applicable. Adequate bicycle routes are present on Molalla Avenue.

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.
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.
I. Street Trees. Refer to Chapter 12.08, Street Trees.
J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
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 Condition. Street improvements including sidewalks are discussed in 12.04.007.
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. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
Finding: Not Applicable. The required water and sanitary sewer mains are the minimum sizes required to serve the proposed development and are not oversized.

M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.
Finding: Please see discussion in Chapter 17.47.

<u>CHAPTER 16.16 – MINOR PARTITIONS</u>

16.16.010 Purpose and General Provisions.
A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor

partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.
Finding: Complies as Proposed. This application is being reviewed pursuant with the Type II process.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.
Finding: Complies with Condition. As proposed by the applicant, Lot 1 is approximately 67,755 square feet in size, and Lot 2 is approximately 10,227 square feet in size. In the proposed flag lot configuration, both lots could be further divided and the applicant submitted a shadow plat in accordance with this standard. However, as part of this proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way and the size of parcel 2 must be less than 6,650 square feet in accordance with OCMC 16.16.010. It appears that the required portion of Lazy Creek Lane will impact the lot sizes and the capability of redivision. As lot 1 is large enough for future land division and the surrounding site conditions also allow for future land division, a feasible shadow plat demonstrating that the proposed partition is not prohibiting future land divisions onsite is necessary. The applicant submitted a shadow plat for the future land division of Lot 1, however, it failed to account for connections with neighboring properties and it does not comply with a variety of standards, such as frontage, or the vegetated corridor associated with the Natural Resource Overlay District. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with standards for division of lots in OCMC Section 16.12.075. Additionally, the applicant shall submit a revised shadow plat which demonstrates compliance with the City's land division standards.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.
Finding: Not Applicable. Although the site has sufficient net buildable area to be subdivided by the minimum lot size requirements of the R-3.5 zoning district, the applicant is proposing to partition the lot into two lots pursuant with Section 16.16.010.D, therefore, this section does not apply. Proposed Lot 1 may be further subdivided in compliance with the applicable standards and proposed lot 2 must be less than 6,650 square feet in accordance with 16.16.010.D, and would not be further dividable.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.
Finding: Complies with Condition. The applicant is proposing to partition the lot, solely for the purpose of segregating one separate smaller parcel for a proposed single-family house. As part of this proposal, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Pursuant with this section, following the required dedication of Lazy Creek Lane, proposed lot 2 must be less than 6,650 square feet in size in order to prevent further partitioning under the R-3.5 zone, including the use of administrative variances. The applicant shall submit a revised plat reflecting the right-of-way dedication and demonstrating compliance with standards for lot size limitations for partitions in OCMC

Section 16.16.010.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.16.015 Preapplication Conference Required.
Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.
Finding: Complies as Proposed. The applicant held a pre-application conference (PA 15-40) on December 9, 2015. The land use application was submitted within 6 months of the pre-application conference on March 23, 2016. The application was deemed incomplete on April 19, 2016, June 16, 2016, and August 18, 2016. After the submittal of additional information on August 25, 2016, the application was deemed complete on August 30, 2016.

16.16.020 Minor Partition Application Submission Requirements.
A minor partition application shall include twelve copies of the proposed partition to the Community Development Director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:
A. A completed land use application form as provided by the planning division;
B. Legal descriptions of the parent parcel(s) and a preliminary plat map;
C. The name and address of the owner(s) and the representative, if any;
D. County tax assessment map number(s) of the land to be partitioned;
E. The map scale and north point;
F. Approximate courses and dimensions of all parts of the partition;
G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;
H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
I All areas designated as being within an overlay district
J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.
K. 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 45 days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and 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 45 days of notification by the applicant.
If, after 45 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.
Finding: Complies as Proposed. The applicant submitted all required application materials and the application was deemed complete on August 30, 2016.

16.16.025 Frontage Width Requirement.
For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).
Finding: Complies with Condition. The applicant has proposed two flag lots which would have frontage on Molalla Avenue, however, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Subsequent to the required dedication of Lazy Creek Lane, the lots will have frontage on a public road and be in compliance with this standard. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with frontage width requirements in OCMC Section 16.16.025. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.16.030 Flag Lots – R-10, R-8, R-6, and R-3.5.
A. Flag lots may be permitted in Partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.
B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.
C. Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.
D. The pole must connect to a public street.
E. The pole must be at least eight feet wide for its entire length.
F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.
Finding: Complies with Condition. Although the applicant's proposal includes flag lots, as part of this development application the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. Subsequent to the required dedication of Lazy Creek Lane, the proposed lots would not be in a flag lot configuration. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with frontage width requirements in OCMC Section 16.16.025. No new flag lot configurations are required or conditioned. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.16.035 Pavement Requirements.

Accessways for lots created through the minor partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.
Finding: Complies with Condition. Applicant has proposed widening the pavement to 20 feet using compacted gravel within the street. The widening will need to be asphalt concrete pavement from the proposed development site to Molalla Avenue. Turnaround opportunities exist along the street; therefore, no new turnarounds are warranted. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.16 – "R-3.5" DWELLING DISTRICT

17.16.020 - Permitted uses.
Uses permitted 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);
D. Parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
G. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
H. Accessory uses, buildings and dwellings;
I. Family day care provider, subject to the provisions of Section 17.54.050;
J. Residential home per ORS 443.400;
K. Transportation facilities.
Finding: Complies as Proposed. The property is currently developed with a single-family dwelling and accessory structures. Uses onsite would not change as a result of this Minor Partition application.

17.16.030 - Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:
A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions;
J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
K. Live/work units.
Finding: Complies as Proposed. The applicant has not proposed any conditional uses.

17.16.040 Dimensional standards.
Dimensional standards in the R-3.5 district are:
A. Minimum Lot Areas.
1. Residential uses, three thousand five hundred square feet per unit.
2. Non-residential uses, zero minimum;
Finding: Complies with Condition. The applicant has proposed two flag lots, approximately 10,227 and 67,755 square feet in size respectively. However, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the required dedication of Lazy Creek Lane may result in changes to the proposed lot sizes. Pursuant with OCMC Section 16.16.010, following the required dedication of Lazy Creek Lane, proposed lot 2 must be less than 6,650 square feet in size in order to prevent further partitioning under the R-3.5 zone, including the use of administrative variances. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with minimum lot area requirements of the R-3.5 zoning district in OCMC Section 17.16.040.A. and 16.16.010. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Minimum lot width, twenty-five feet;
Finding: Complies with Condition. In the flag lot configuration proposed by the applicant, Lot 1 has a width of approximately 86 feet and Lot 2 has a width of approximately 80 feet. In the proposed configuration, both lots exceed the minimum required lot width of the R-3.5 zoning district; however, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the required dedication may result in changes to the width of the proposed lots. Prior to issuance of a development permit associated with this application, the applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with minimum lot width standards of the R-3.5 zoning district in OCMC Section 17.16.040.B. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Minimum lot depth, seventy feet;
Finding: Complies as Proposed. In the flag lot configuration proposed by the applicant, Lot 1 is approximately 235 feet in depth and Lot 2 is approximately 75 feet in depth. In the proposed configuration, both lots exceed the minimum required lot depth of the R-3.5 zoning district; however, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the required dedication may result in changes to the depth of the proposed lots. Prior to issuance of a development permit associated with this application, the applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with minimum lot depth standards of the R-3.5 zoning district in OCMC Section 17.16.040.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Finding: Not Applicable. No new structures are proposed as part of this Minor Partition application. Compliance with height limits will be reviewed upon submittal of building permit applications.

E. Minimum Required Setbacks:
1. Front yard, five feet minimum setback,
2. Front porch, zero feet minimum setback,
Finding: Complies with Condition Lot 2 is undeveloped, but compliance with this standard would be reviewed upon submittal of a building permit application. The existing home on Lot 1 has a front yard

setback of approximately 30 feet, which exceeds the minimum front yard setback. However, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the required dedication may result in changes to the existing setbacks on Lot 1. The applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with required setbacks of the R-3.5 zoning district. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.
Finding: Complies as Proposed. The existing home on Lot 1 is approximately 15 feet from the western property line and 30 feet from the eastern property line and is in compliance with interior setback requirements. Compliance with setbacks of any new structures would be reviewed upon submittal of a building permit application.

4. Corner side yard, ten-foot minimum setback,
Finding: Not Applicable. This development application does not include any corner lots.

5. Rear yard, fifteen-foot minimum setback,
6. Rear porch, ten-foot minimum setback.
Finding: Complies as Proposed. The rear yard setback of the existing home is approximately 150 feet and is in compliance with this standard. It appears that an existing accessory structure does not meet the minimum rear yard setback as identified in OCMC Section 17.54.010. This existing condition does not affect the applicant's Minor Partition proposal; however, it is the Planning Division's recommendation that the applicant confirm the legality of the placement of the structure. Compliance with setbacks of any new structures would be reviewed upon submittal of a building permit application.

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 with Condition. Compliance with setbacks of new structures would be reviewed upon submittal of a building permit application. The existing home on Lot 1 has a front yard setback of approximately 30 feet, which exceeds the minimum garage setback. However, as part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the required dedication may result in changes to the existing setbacks on Lot 1. Prior to issuance of a development permit associated with this application, the applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with required setbacks of the R-3.5 zoning district. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. Garage standards: See Chapter 17.21—Residential Design Standards.
Finding: Not Applicable. Compliance with garage standards and residential design standards in Chapter 17.20 would be reviewed upon submittal of a building permit application.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.
Finding: Complies with Condition. Compliance with lot coverage standards for Lot 2 would be reviewed upon submittal of a building permit application. The applicant did not indicate compliance with lot coverage for the existing structures on Lot 1. As part of this development application, the applicant is required to dedicate the private portion of Lazy Creek Lane as public right-of-way. It appears that the

required dedication may result in changes to the lot areas and thus, lot coverage. Prior to issuance of a development permit associated with this application, the applicant shall submit a revised plat reflecting the right-of-way dedication of Lazy Creek Lane and demonstrating compliance with lot coverage standards in OCMC Section 17.16.040.G. **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.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.
Finding: Applicable. The proposed development includes a Minor Partition, therefore this section is applicable.

17.41.030 - Tree protection—Conflicting code provisions.
Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.
Finding: Applicable. With the exception of the portion of the lot within the Natural Resource Overlay District, which is subject to compliance with Chapter 17.49, the trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code.

17.41.040 - Same—Exemptions.
These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.
Finding: Not Applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Same—Compliance options.
Applicants for review shall comply with these requirements through one or a combination of the following procedures:
A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or
D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.
A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.
The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:
1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.
Finding: Complies with Condition. The applicant has indicated that no trees will be removed as part of this land development proposal. The applicant's submittal includes a survey of existing trees onsite which identifies the trees' caliper. The applicant shall submit a copy of the recorded restrictive covenant for the protection of existing trees. In the event that trees onsite must be removed, the applicant may choose to utilize options 1, 2, 3, and/or 4 when calculating the required mitigation trees. The applicant shall provide the City with a copy of the recorded covenant or conservation easement for both lots in accordance with OCMC Section 17.41.050.A. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Size of tree removed (DBH)	*Column 1* *Number of trees to be planted. (If removed Outside of construction*	*Column 2* *Number of trees to be planted. (If removed Within the construction*

	area)	*area)*
6 to 12"	*3*	*1*
13 to 18"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Steps for calculating the number of replacement trees:
1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.
Finding: Complies with Condition. This section requires the tree mitigation plan report be prepared by a certified arborist, horticulturalist, forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Although the applicant indicated that no trees will be removed as part of this development proposal, the applicant's submittal includes a survey of existing trees onsite and their caliper. In the event that trees onsite must be removed, the applicant shall submit an approved mitigation planting plan prior to final plat. The mitigation plan may incorporate any of the options in Chapter 17.41 in addition to planting mitigation trees on private property (with an associated covenant) or increasing the size of trees onsite or within the right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Regulated tree protection procedures during construction.
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.
B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only

after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.
Finding: Complies with Condition. Existing trees outside of the NROD boundary are subject to compliance with tree protection standards during construction. Prior to issuance of a grading permit and/or building permit associated with the proposed development, the applicant shall submit documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL</u>

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.
Finding: Complies with Condition. Per standard procedure, an erosion control plan will be required with public facilities construction plan submittal, upon which time it will be reviewed and approved. **Staff has**

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

CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

17.49.[0]35 – Addition of wetlands to map following adoption
The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The NROD boundary shall be added to the NROD map by the community development director after the development permit becomes final.
Finding: Complies as Proposed. The wetland identified on the property by Pacific Habitat Services, Inc. in the Wetland Delineation (March 18, 2016) is within the City's mapped NROD boundary. The NROD boundary does not need to be expanded. The applicant is requesting a Type II boundary verification and does not propose any fill or other activity in wetlands.

17.49.[0]40 - NROD Permit
An NROD permit is required for those uses regulated under Section 17.49.90, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.
Finding: Complies as Proposed. The proposed land division is not exempted by Section 17.49.080, and therefore is subject to 17.49.[0]90.

17.49.050 - Emergencies
The provisions of this ordinance do 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. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
Finding: Not Applicable. The proposed land division is not an emergency.

17.49.060 Consistency and Relationship to Other Regulations
A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.
Finding: Not Applicable. No conflicts within the Natural Resource Overlay District have been identified.

17.49.060.B. Compliance with Federal and State Requirements.
a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The

planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.
Finding: Complies with Condition. The wetland and stream onsite were identified by Pacific Habitat Services, Inc. in the Wetland Delineation (March 18, 2016), and verified by the City's NROD consultant, David Evans and Associates. The methods utilized for the delineation are sound and the findings reflect the boundaries provided in the document. The deviation from the resources previously mapped at the site is supported by Plots 2, 4, and 5. Despite wet winter conditions, the absence of wetland hydrology at these plots supports the finding. Wetland delineation data sheets are in Appendix B of the delineation. No additional wetlands outside of those associated with the tributary of Caufield Creek occur on the lot or adjoining lots. The City will forward the notice of decision to the Division of State Lands and coordinate with other agencies to the extent necessary and feasible. The applicant shall submit documentation demonstrating compliance with Federal and State Requirements as it pertains to the natural features onsite, including but not limited to approval from the Division of State Lands and U.S. Army Corps of Engineers. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.[0]70 - Prohibited uses.
The following development and activities are not allowed within the NROD:
A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
B. New lots that would have their buildable areas for new development within the NROD are prohibited.
C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.
Finding: Complies as Proposed. The applicant is proposing a Minor Partition, which would create a new parcel that would have its buildable area within the City mapped NROD boundary; however, the applicant has requested a boundary verification and submitted a wetland delineation report prepared by Pacific Habitat Services, Inc., which demonstrates that the proposed new lot would be outside of the NROD boundary. No other prohibited uses are being proposed as part of this land development application.

17.49.[0]80 –Uses allowed outright (Exempted).
The following uses are allowed within the NROD and do not require the issuance of an NROD permit:
A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.
B.Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.

C. Utility service using a single utility pole or where no more than one hundred square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.
D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.
F. Trails meeting all of the following:
1. Construction shall take place between May 1 and October 30 with hand held equipment;
2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream or ten feet of an intermittent stream;
5. No impervious surfaces; and
6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.
G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
1. Lots shall have their building sites (or buildable areas) entirely located at least 5 feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
3. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and
4. The NROD portions of all lots are protected by:
a. A conservation easement; or
b A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.
I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:
1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

Finding: Applicable. The subject property, and therefore both resulting parcels, is almost entirely within the NROD boundary of the City's adopted NROD map. Therefore, the proposed land division does not meet the standards identified in subsection G above and is not allowed outright. As a condition of approval of this application, the applicant is required to widen the pavement on Lazy Creek Lane. Subsection J above is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. The applicant must mitigate in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD.

17.49.090 Uses Allowed Under Prescribed Conditions

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:
A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130
B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160
D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.
G. Roads, bridges/creek crossings Subject to Section 17.49.150
H. Utility lines subject to Section 17.49.140
I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155
J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.
K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.
Finding: Complies as Proposed. The proposed partition is not exempted by 17.49.080, and is therefore subject to the standards of 17.49.160.

17.49.100 General Development Standards
The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):
A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
17.49.100.B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
17.49.100.C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
17.49.100.E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
17.49.100.F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
17.49.100.G. Fences are allowed only within the disturbance area;
17.49.100.H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;

17.49.100.I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
Finding: Not Applicable. The proposal is for a land division, therefore these standards do not apply and Section 17.49.160 is applicable.

17.49.110 Width of Vegetated Corridor.
Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.
Table 17.49.110

Protected Water Feature Type (see definitions)	*Slope Adjacent to Protected Water Feature*	*Starting Point for Measurements from Water Feature*	*Width of Vegetated Corridor (see Note 1)*
Anadromous fish-bearing streams	*Any slope*	*• Edge of bankfull flow*	*200 feet*
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	*< 25 percent*	*• Edge of bankfull flow*	*15 feet*
All other protected water features	*< 25 percent*	*• Edge of bankfull flow* *• Delineated edge of Title 3 wetland*	*50 feet*
	≥ 25 percent for 150 feet or more (see Note 2)		*200 feet*
	≥ 25 percent for less than 150 feet (see Note 2)		*Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.*

Notes:
1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in

the ≥ 25 percent slope.
Finding: Complies with Condition. The applicant's delineation report prepared by Pacific Habitat Services, Inc. and verified by the City's NROD consultant, David Evans and Associates, identified that the tributary to Caufield Creek that runs through the property is intermittent, not anadromous fish-bearing and drains approximately 74 acres. Although the report's evaluation of whether the tributary is intermittent is not thorough, it likely is intermittent given the very small drainage area and local land cover. The slope on the property is approximately 3 percent (a 9-foot rise in 300 linear feet from the northwest corner to the southeast corner), less than 25 percent. Therefore, according to Table 17.49.110, the vegetated corridor is 15 feet from the edge of bankfull flow of the tributary, and 50 feet from the edge of the delineated edge of the Title 3 wetland. The delineation report submitted by the applicant did not map the NROD or delineate wetlands east of the stream on proposed Lot 1 or on pole portion of the existing lot, which contains Lazy Creek Lane. The applicant shall submit documentation from a qualified wetland professional, identifying the entire vegetated corridor onsite. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.
C. Habitat Areas outside city limit / within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet (50').
Finding: Not Applicable. The property is not within a city park and is within the city limit; therefore these standards do not apply.

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record
Finding: Not Applicable. The proposal does not include a highly constrained lot of record.

17.49.130 Existing Development Standards
In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.
A. The following alterations and additions to existing development are permitted subject to the following standards.
1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.
2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
17.49.130.B. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Finding: Not Applicable. The proposal is for a land division and is subject to the standards in 17.49.160. This section is not applicable.

17.49.140 Standards for Utility Lines
The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:
A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;
B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;
C. New utility lines shall be within the right-of-way, unless reviewed under D.
D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
Finding: Complies with Condition. The proposal includes the installation of an eight-inch water line and an eight-inch public sanitary sewer main from Molalla Avenue onto Lazy Creek Lane. Additionally, as a condition of approval of this application, the applicant is required to widen the pavement on Lazy Creek Lane. OCMC Section 17.49.080.J is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. The applicant must provide mitigation in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD. The applicant shall submit documentation demonstrating compliance with standards for utility lines within the NROD in accordance with OCMC Section 17.49.140. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads
The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:
A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
17.49.150.B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;
17.49.150.C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
17.49.150.D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;
17.49.150.E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and

17.49.150.F. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
Finding: Complies as Proposed. Access to both proposed parcels would be gained through existing Lazy Creek Lane; however, as a condition of approval of this application, the applicant is required to widen the pavement on Lazy Creek Lane. OCMC Section 17.49.080.J is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. The applicant must provide mitigation in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD. The applicant shall submit documentation demonstrating compliance with standards for vehicular or pedestrian paths and roads within the NROD in accordance with OCMC Section 17.49.150. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.155 Standards for Stormwater Facilities
Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:
A. The forest canopy within the driplines of existing trees shall not be disturbed.
B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
D. The storm water facility may encroach up to1/2 the distance of the NROD corridor.
E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.
F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.
Finding: Not Applicable. The applicant's proposal does not include stormwater facilities. The Development Services Division has confirmed that no stormwater facilities are required based on the applicant's proposal.

17.49.160 Standards for Land Divisions
A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:
1. There is an existing house on the site that is entirely within the NROD area; and
2. The existing house will remain; and
3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.
Finding: Complies with Condition. There is an existing house on the property that is entirely within the City's mapped NROD boundary, which is proposed to remain. The proposed development, as conditioned, would create a lot outside of the delineated vegetated corridor which cannot be further divided. The delineation report submitted by the applicant did not map the NROD or delineate wetlands east of the stream on proposed Lot 1, which includes the existing house. As required by Section 17.49.160.A.3, the area on proposed Lot 1 excluding the existing house, garage, driveway, and setbacks, must be placed in a conservation easement or tract or designated as public open space. The applicant shall submit documentation from a qualified wetland professional, identifying the entire vegetated corridor onsite. Additionally, the applicant shall provide a revised plat which identifies the delineated vegetated corridor onsite within a conservation easement or tract, or public open space. **Staff has**

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

B. Subdivisions.
1. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection 3. of this section, which shall not be a part of any parcel used for construction of a dwelling unit.
2. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
a. Private open space held by the owner or a homeowners association; or
b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
d. Any other ownership proposed by the owner and approved by the city.
e. Tracts shall be exempt from minimum frontage requirements.
Finding: Not Applicable. The applicant has not proposed a subdivision, therefore, this section does not apply.

C. Partitions.
1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
Finding: Complies with Condition. The applicant's submittal includes an NROD boundary verification map prepared by Pacific Habitat Services, Inc. and verified by the City's NROD consultant, David Evans and Associates, which delineates the natural features onsite and identifies the NROD boundary. The applicant has proposed to utilize a separate tract for the delineated vegetated corridor. However, the delineation report or map did not identify the NROD boundary east of the stream and wetland onsite. The applicant shall submit documentation from a qualified wetland professional, identifying the vegetated corridor located east of the stream and wetland on proposed Lot 1. Additionally, the applicant shall provide a revised plat which identifies the delineated vegetated corridor on Lot 1 as a conservation easement or tract, or public open space. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
a. A tract of private open space held by the owner or homeowners association; or
b. For residential land divisions, a tract of private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit;
d. Conservation easement area pursuant to Section 17.49.180G. and approved in form by the community development director;
e. Any other ownership proposed by the owner and approved by the community development director.
f. Tracts shall be exempt from minimum frontage requirements.
Finding: Complies with Condition. The applicant's submittal includes an NROD boundary verification map prepared by Pacific Habitat Services, Inc. and verified by the City's NROD consultant David Evans and Associates, which delineates the natural features onsite and identifies the NROD boundary. The applicant

is proposing to utilize Option A and place the delineated natural features and mapped vegetated corridor in a private open space tract, identified as Tract 'A' on the applicant's preliminary partition plat. However, the delineation report or map did not identify the NROD boundary east of the stream and wetland onsite. The applicant shall submit documentation from a qualified wetland professional, identifying the vegetated corridor located east of the stream and wetland on proposed Lot 1. Additionally, the applicant shall provide a revised plat which identifies the delineated vegetated corridor on Lot 1 as a conservation easement or tract, or public open space. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.170 Standards for Trails
Finding: Not Applicable. The applicant has not proposed a trail.

17.49.180. Mitigation Standards
The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:
A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;
B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
D. Invasive and nuisance vegetation shall be removed within the mitigation area;
E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.
Finding: Complies with Condition. In the application submitted, the applicant indicated that no disturbance or tree removal is occurring within the mapped vegetated corridor and mitigation is not required. However, since the time that the application was submitted, the applicant has notified staff that three trees within the vegetated corridor have been removed. The subject trees are identified as # 26, 27, and 28 on the tree survey submitted by the applicant. Additionally, it appears that the required widening of the pavement on Lazy Creek Lane will create additional impervious surface requiring mitigation. The applicant shall submit a mitigation plan prepared in accordance with mitigation standards in OCMC Section 17.49.180. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.180.F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is

required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.
Finding: Complies with Condition. The applicant's mitigation plan shall comply with monitoring and maintenance standards in this section. The applicant shall submit documentation demonstrating compliance with monitoring and maintenance standards within the NROD per 17.49.180.F. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.180.G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.
Finding: Complies with Condition. The applicant did not indicate compliance with this standard. The applicant shall provide the City with a copy of the recorded covenant or conservation easement in accordance with OCMC 17.49.180.G. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.180.H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.
Finding: Complies with Condition. The applicant did not indicate compliance with this standard. The applicant shall provide the City with a financial guarantee in accordance with OCMC 17.49.180.H. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.190. Alternative Mitigation Standards
Finding: Not Applicable. The applicant has not proposed alternative mitigation standards in lieu of the standards in 17.49.180.

17.49.200. Adjustment from Standards
If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:
Finding: Not Applicable. The applicant has not requested an adjustment from the standards in Chapter 17.49.

17.49.210 *Type II Development Permit Application*
Finding: Complies as Proposed. The Minor Partition and NROD application is being reviewed pursuant with the Type II process.

17.49.220 Required Site Plans

Site plans showing the following required items shall be part of the application:
A. For the entire subject property (NROD and non-NROD areas):
1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
2. 100 year floodplain and floodway boundary (if determined by FEMA);
3. Creeks and other waterbodies;
4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;
6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
7. Extent of the required Vegetated Corridor required by Table 17.49.110.
B. Within the NROD area of the subject property:
1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;
4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.
Finding: Complies as Proposed. The applicant provided the required submittal materials and the application was deemed complete on August 30, 2016.

C. A construction management plan including:
1. Location of site access and egress that construction equipment will use;
2. Equipment and material staging and stockpile areas;
3. Erosion control measures that conform to City of Oregon City erosion control standards;
4. Measures to protect trees and other vegetation located outside the disturbance area.
Finding: Complies with Condition. The applicant did not submit a construction management plan or identify compliance with this standard. The applicant shall submit a construction management plan in accordance with 17.49.200.C. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:
1. Dams, weirs or other in-water features;
2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
3. Distribution, species composition, size, and spacing of shrubs to be planted;
4. Location, species and size of each tree to be planted;
5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
6. Water bodies or wetlands to be created, including depth;
7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.
Finding: Complies with Condition. The applicant did not submit a mitigation site plan or identify compliance with this standard. The applicant shall submit a mitigation plan, including a mitigation site plan, in accordance with 17.49.180 and 17.49.220.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.230 Mitigation Plan Report

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:
A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
D. Construction timetables;
E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.
Finding: Complies with Condition. The applicant did not submit a mitigation plan report. The applicant shall submit a mitigation plan report in accordance with 17.49.230. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.240 Density Transfer
The NROD allocates urban densities to the Non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.
For lots of record that are located within the NROD, additional density transfer credits are allowed, subject to the following provisions:
A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
B. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.
C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B. above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240C.—17.49.240D.
D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.
E. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the areas of the NROD Tract.
F. Transfers for properties zoned Commercial, Institutional, Industrial or Multi-Family uses the transfer credit is ten thousand square feet per acre of land within the NROD;
G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
H. The owner of the transferring property shall execute a covenant with the city that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.
Finding: Not Applicable. The applicant has not requested to utilize a density transfer.

17.49.250 *Verification of NROD Boundary*
The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.
Finding: Complies as Proposed. The applicant is requesting a Type II verification of the NROD boundary.

17.49.255 Type I Verification
Finding: Not Applicable. The applicant is requesting a Type II verification of the NROD boundary.

17.49.260. - Type II verification.
Verifications of the NROD which cannot be determined pursuant to the standards of Section 17.49.255 may be processed under the Type II permit procedure.
A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220 as applicable.
Finding: Complies as Proposed. See findings in 17.49.220. The applicant submitted the required application materials and the application was deemed complete for processing on August 30, 2016.

B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area.
Finding: Complies as Proposed. The applicant submitted an environmental report prepared by a qualified professional, Pacific Habitat Services, Inc.

C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
1. All approved development in the NROD has been completed;
2. All mitigation required for the approved development, located within the NROD, has been successful; and
3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.
Finding: Not Applicable. The existing house on the property, on what is proposed to be Parcel 1, is not a recent development.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.
Finding: Complies as Proposed. The proposed Minor Partition and NROD application is being reviewed pursuant to the Type II process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site.

17.50.050 Preapplication Conference
A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short

narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B.A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.
Finding: Complies as Proposed. The applicant held a pre-application conference (PA 15-40) on December 9, 2015. The land use application was submitted within 6 months of the pre-application conference on March 23, 2016. The application was deemed incomplete on April 19, 2016, June 16, 2016, and August 18, 2016. After the submittal of additional information on August 25, 2016, the application was deemed complete on August 30, 2016.

17.50.055 Neighborhood Association Meeting
Finding: Not Applicable. A neighborhood association meeting is not required for a Minor Partition or an NROD review application.

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

17.50.070 Completeness Review and 120-day Rule.
Finding: Complies as Proposed. The land use application was submitted within 6 months of the pre-application conference on March 23, 2016. The application was deemed incomplete on April 19, 2016, June 16, 2016, and August 18, 2016. After the submittal of additional information on August 25, 2016, the application was deemed complete on August 30, 2016. The City has until December 27, 2016 to make a final determination.

17.50.080 Complete Application--Required Information.
Finding: Complies as Proposed. The land use application was submitted on March 23, 2016. The application was deemed incomplete on April 19, 2016, June 16, 2016, and August 18, 2016. After the submittal of additional information on August 25, 2016, the application was deemed complete on August 30, 2016.

17.50.090 Public Notices.
Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, and posted on the Oregon City website. Staff provided email transmittal or the application and notice to affected agencies and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.
Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Minor Partition located at 13834 Lazy Creek Lane and identified as Clackamas County Map 3-2E-08A, Tax Lot 1900, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves file MP 16-01/NR 16-03 with conditions, based upon the findings and exhibits contained in this staff report.

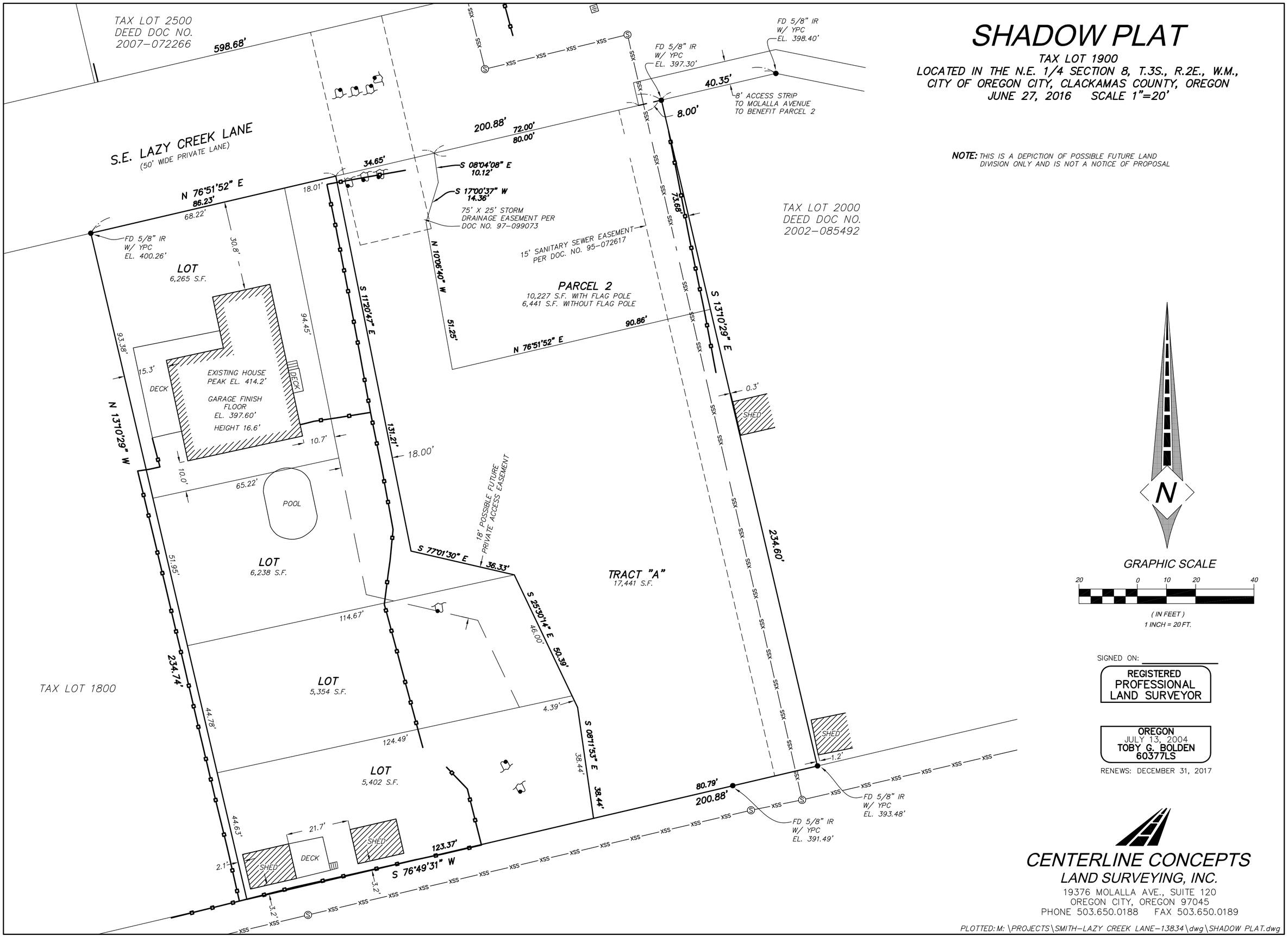
EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Pacific Habitat Services Wetland Delineation Report (On File)
4. Comments from David Evans and Associates (On File)

SHADOW PLAT

TAX LOT 1900
LOCATED IN THE N.E. 1/4 SECTION 8, T.3S., R.2E., W.M.,
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
JUNE 27, 2016 SCALE 1"=20'

NOTE: THIS IS A DEPICTION OF POSSIBLE FUTURE LAND DIVISION ONLY AND IS NOT A NOTICE OF PROPOSAL



SIGNED ON: _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2017

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\SMITH-LAZY CREEK LANE-13834\dwg\SHADOW PLAT.dwg

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject:

Report No. 98-13

Final Plan and Program Approval (PD97-06) for a 57 Lot Single Family Residential Planned Development. Recommended By the Planning Commission for Approval.

where ??

PUBLIC HEARING

The 15.63 acre site is located off of Molalla Road, approximately 180 feet south of the intersection of Lazy Creek Lane and the 213 Highway intersection. The site is particularly difficult to develop due to the short distance between the current intersection and OR213 and the location of a wetland on the property. The applicant is proposing to re-align Molalla Road to eliminate a queing/stacking problem at the OR213 intersection and provide right of way for a future intersection re-alignment which will occur at Lazy Creek Lane. The current alignment of S. Molalla Road will be vacated and removed. A traffic study by Kittleson and Associates has demonstrated that this re-alignment is the best solution currently available. The City's consulting traffic engineer, Manish Babla concurs with the applicant's engineer that the proposed intersection re-alignment is the best available improvement at this time.

The site is bi-sected by a wetland resource which the applicant is proposing to leave largely intact. The streets serving the subdivision will cross the wetland in one location (shortest distance over the wetland) and a mitigation area will be established to compensate for the lost area. A 25 foot buffer area is proposed to surround both the wetland and mitigation area to protect it from neighboring residential uses. With the preservation and the proposed mitigation areas the 15% requirement for open space in a planned development has been met. In addition, the applicant proposes to remove non-native invasive species within the wetland and plant the buffer and mitigation areas with native species.

The Planning Commission held a public hearing on January 27, 1998 on the matter of Final Plan and Program approval for a 57 lot subdivision. The applicant had received Tentative Approval from the Planning Commission on April 27, 1997 with conditions.

The attached Planning Commission Final Order and Findings demonstrate that the applicant's proposal, with conditions satisfies the applicable standards and warrants approval.

It was recommended on January 27, 1998 by the Planning Commission, that the Final Plan and Program be approved.

Subject: Report No. 98-13

Final Plan and Program Approval Request (PD97-06) for a 57 Lot Single Family Residential Planned Development Recommended By the Planning Commission for Approval.

PUBLIC HEARING

Attached for Commission review and consideration are the following documents:

1. Findings and Conclusions of the Planning Commission, staff report dated January 27, 1998;
2. Draft Planning Commission minutes from January 27, 1998;
3. Applicants submittal;
4. Map.

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application. Notice of proposed Ordinance No. 98-1002 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- Renaissance Homes West Linn, Or 97035

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ISSUED BY THE CITY MANAGER

EXHIBIT
1

Proceedings of the

PLANNING COMMISSION

FINAL ORDER

In the matter of the application for Final Development Plan and Program approval (PD97-06) for a 57 lot single family residential planned unit development on 15.63 acres of property presently zoned R-8, generally located on the west side of Molalla Avenue, across from the Clackamas Community College entrance, and approximately 180 feet south of the intersection of Lazy Creek Lane (identified as Tax lots 100, 101, 200 and 201, Map 3-2E-8D, Clackamas County).

FOR THE FOLLOWING LAND USE ACTION OR PERMIT: Final Plan and Program approval for a planned development.

A hearing having been held on the 27th day of January 1998, it is hereby ordered that:

( ) Application is allowed.

(XX) Application is allowed with the following modifications and/or conditions: Conditions are attached as Exhibit "A".

( ) Application is denied.

This Order is based upon findings developed under seperate cover from the Staff Report dated February 2, 1998, incorporated herein as if fully set forth herein and attached as Exhibit "B", and including map Exhibit "C".

DATED, (February 2, 1998).

James H. Bean

James Bean, Chairperson

CONDITIONS AND DECISION:

The proposal for Final Development Plan and Program approval for the subject "Lands End" project for a 17.18 acre parcel contains many of the elements that are desirable and required for planned developments subject to the WR overlay district. It is found that with the proper conditions, the proposed planned development can receive final approval.

It is therefore recommended that the Planning Commission recommend final approval to the City Commission, and the reduction of the WR Transition area (buffer) to 25 feet, as proposed in all instances except for the portions of the buffer fronting on Lots 32, 29 and granting the reduced yard setbacks and lot depth requirements for certain lots. Based on findings and exhibits contained in this report and subject to the following conditions for filing of a Final Development Plan and Program.

1. Include a materials list which specifies installing a vinyl chain link fence around the mitigation area (green or black). Non-native species shall be removed from the wetland and buffer areas.

2. Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

3. Install silt fencing 25 feet from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has a pour chance of rooting.

4. Per DSL/ACOE permit, install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

5. Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

6. Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area, buffer areas and detention facility and compliance with DSL inspections and monitoring thereafter.

7. The plan shall specify how the detention pond shall be re-vegetated and any open areas seeded or covered. The applicant shall also provide an erosion control plan that specifies that silt fencing shall be installed at a minimum of 25 feet from the top of bank of the wetland feature or the edge of the buffer, whichever is greater prior to disturbance of any soil on site.

8. Submit a letter stating that you are requesting that the City vacate the portion of Molalla Avenue not needed due to the construction of the realigned street. A stub street (right of way only - no improvement) shall be extended to the north for future connection to Lazy Creek Lane. The stub (running N/S) which will become a frontage road, shall intersect the north property line approximately 130 feet east of the eastern property line as approved by the City Engineer.

9. Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes. All manholes located outside of the public right of way must be a maximum of 400 feet apart and be installed with locking or bolted lids.

10. The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.

11. Access is to be provided to all manholes and access protected through an easement. Engineering Manager to determine if adequate access has been provided.

12. Install stop signs at all intersections, except the short stub street to the north. Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.

13. Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage. When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

14. Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.

15. A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived by the City Engineer once utility locations have been identified. Show all existing easements on the Final Plat.

16. The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet. The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 or meet the satisfaction of the Engineering Manager.

17. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at third party property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

18. After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the

remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

19. Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (as shown).

20. All public improvements shall be designed and improved to City Standards.

21. Building Sites -

A) The general building site criteria has been met. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat. Therefore, with conditions the application meets the criteria of Sections 16.20.200 - 16.20.230 - Building Sites.

B) The future dwellings shall also be oriented to optimize solar access and balance point standards.

C) Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcel's frontage is less than a three percent slope. No off-site lot ponding is to result from the new grading.

D) Trees that are 6 inches in caliper shall be preserved wherever possible outside the building envelope. If trees are to be removed within the setback areas, then the property owner shall contact the Planning Manager prior to the removal of the tree(s) and replacement of the tree(s) shall meet the standards of this section.

22. Easements - A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Locate the existing sewer lateral and secure easements if it is to cross any other lots. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.

23. Frontage/ corner yards width - The minimum standard for lots within subdivisions of 20 feet has been met except reductions granted for Lots 33,35,36 and 38 to 15 feet.

24. Access way Requirements - does not apply.

25. Width/Depth Requirements - The standard is met except as granted for Lots 42 and 6. Therefore, the proposal complies with Section 16.28.080.

26. Minimum Improvement Requirements -

A) Streets - All streets within the subdivision must be improved to City

standards. Install stop signs at all street intersections, place street trees outside of all vision clearance areas, signs and street lights. Install manholes at 400 foot intervals. Access to all manholes must be paved and protected through an easement. In addition, the frontage of Molalla Avenue adjacent to Tract "C" and "D" and Lots 57, 58, 11, 15, 16 and 17 must be fully improved with curb gutter, sidewalks and street trees. The eastern frontage must transition from Lot 58 to the existing curb, gutter and sidewalk (match). The vacated roadway must be removed by the applicant and replaced with curb, gutter and sidewalk.

B) Drainage - A water quality treatment manhole is required to treat all storm water discharging to the wetland. The storm drainage system for the site shall not have any downstream effects on neighboring properties.

C) Sanitary Sewer - install to edge of all right of way and provide for all lots.

D) Water - A looped water system must be installed.

29. Final Plat Survey Requirements -

The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:

A. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit checklist to the City with the final plat.

A. Show the City Planning File Number on the final plat, preferably just below the title block.

B. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.

C. Use recorded City control surveys for street centerline control, if applicable.

D. The following note shall be on the final plat: "CITY RESTRICTIONS Subject to conditions of approval in the City of Oregon City Planning File No.PD97-04. These conditions are jurisdictional and are not a part of this plat."

E. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall

include provisions noted for subdivisions in City Code 16.16.050(B).

30. Applicant shall sign a Waiver of Non-Remonstrance Agreement for the installation of public infrastructure (including, but not limited to traffic lights, streets, street lights, storm drainage, water and sanitary sewer).

CITY OF OREGON CITY

COMMUNITY DEVELOPMENT

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892

Complete 1/8 /98
120 Day: 4/5/98

Findings of the Planning Commission
January 27, 1998

FILE NO: PD97-04 Lands End

HEARING DATE: Tuesday, January 27, 1998
7:00 p.m., City Commission Chambers
320 Warner Milne Road
Oregon City, Oregon 97045

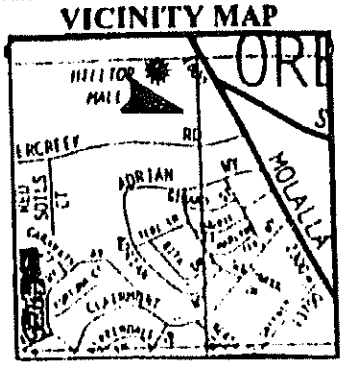
APPLICANT: Renaissance Development Corp.; Randal S. Sebastian
1672 SW Willamette Falls Drive
West Linn, Oregon 97068

PROPERTY OWNER: Merle Bailey, Trustee
MLB Trust
Earl and Carol Smithson
19531 Molalla Avenue
Oregon City, Oregon 97045

REQUEST: Final Development Plan and Program for a 57 lot Single Family Residential Planned Unit Development on 15.63 acres of property presently zoned County and R-8.

LOCATION: Generally located on the west side of S. Molalla Avenue, across from Clackamas Community College entrance, and approximately 180 feet south of the intersection of Lazy Creek (identified as Map 3-2E- 8D Tax Lots 100, 101, 200, and 201), Clackamas County.

VICINITY MAP



RECOMMENDATION: Approval of the Final Plan and Program, with conditions, reduction of WR Transition Area reduction to 25 feet and granting area variances.

REVIEWER: Lydia Neill, Senior Planner
Jay Toll, Senior Engineer (Licensed Traffic Engineer)

EXHIBITS:

1. Site
2. Applicant Submittal-"Application for Planned Development Approval for the Land's end Development."
   a. Application, Site Plan and Development Impact Statement
   b. Preliminary Plat
   c. Joint Permit with the Army Corps of Engineers and the Division of State Lands (includes wetland mitigation plan)
   d. Elevations/ architectural renderings
   e. Covenants, Conditions and Restrictions
   f. Re-configuration of S. Molalla Ave.
   g. Landscape Plan
3. Agency and Neighborhood Comments
   a. Engineering
   b. Deputy Fire Chief
   c. Public Works
   d. ODOT
   e. School District #62
   f. Police Chief
4. Traffic Study prepared by Kittleson and Associates.
   a. Revised March 25, 1997
   b. Additional Information, January 8, 1998
5. Geotechnical Study prepared by Carlson Testing Inc., 11/18/97

BASIC FACTS:

1. The Planning Commission reviewed the Preliminary Development Plan and Program on April 22, 1997 and approved the plan with conditions while deferring several issues to final approval. The Planning Commission identified the following issues were to be addressed in the Final Plan and Program approval (minutes dated April 22, 1997): "1) a more specific review of the 25 foot buffer, where it is needed, justification for the reduction of the buffer and the impact to the trees; 2) more specific identification of the buildable area within the lots and the setback; 3) justification for changes to the standard setback provisions; 4) conditions to allow access to the north in the area of lots 53 and 54; 5) a larger scale map; and 6) lot specific information showing trees and building envelopes."

2. The Planning Commission recommended to the City Commission the rezoning of the subject 17.18 acre parcel of property from FU-10 and R-8. The City Commission approved the zone change request, file number PZ96-19 on May 21, 1997, rezoning the property from FU-10 to R-8.

3. This proposal was presented to the newly formed Gaffney Lane Neighborhood Association on April 2, 1997. A presentation was made to the group by the applicant and the applicant's representatives. The primary concern expressed by the neighborhood group members present at the meeting was the project-generated traffic impacting the Molalla Avenue/Highway 213 intersection. No formal motion or action was taken by association members, and the meeting presentation was considered for informational purposes only.

4. In response to traffic issues raised by staff during the previous review of the Final Plan and Program, the applicant's traffic consultant, Kittleson and Associates has prepared and submitted a traffic impact analysis dated March 25, 1997, with additional analysis performed based on the review conducted by Manish Babla, with David Evans and Associates. A revised analysis was done by Kittleson and Associates and is dated January 8, 1998 to address issues raised by staff. Manish Babla reviewed Kittleson's submittal and agrees with the recommendations and the proposed design submitted (Babla's response will be available at the hearing).

5. The Transportation Advisory Committee (TAC) conducted a workshop session on September 10, 1997 and had the following recommendations based on the original submittal:
(1) Old Molalla Road Segment should not be vacated at this time.
(2) A new road should not intersect Molalla Avenue this close to the intersection of Molalla Avenue and OR213.
(3) The future alignment of Old Molalla Avenue should be stubbed out with this design so that it will intersect with Molalla Avenue no earlier than Lazy Creek Lane.
(4) Reverse the cul-de-sac with the intersection connecting to Street "A" across from the existing proposed stub street leading to the church property.
(5) Locate the street stub into the property further to align with the school property's westerly property line.
(6) Place restrictions on development on this site to take into consideration pedestrians, bus and parent pick-up and drop-off schedules.
(7) Require a merge lane to be installed from Molalla Avenue southbound onto OR213 as approved by the City Engineer and ODOT.

6. As required by the WR Water Resources Overlay District, Chapter 17.49, a water resources report was prepared by the applicant's consultant, Fishman Environmental Services dated January, 1996. The investigation was conducted to provide evidence to justify the reduction of the 50 foot transition area to 25' and for submittal to the Army Corps of Engineer's (ACOE) and the Division of State Lands (DSL) for a fill/removal permit. The report details the portion of the wetland to be filled and subsequent mitigation of the disturbed wetland area. A permit has been issued from the Division of State Lands and Army Corps of Engineers for the proposed fill-removal and mitigation plan impacting the on-site wetland.

7. Uses on the surrounding properties are listed as follows:

East: Bordered by Molalla Road, Clackamas County Community College is located to the east and is zoned R-10.

North: Single family homes, a portion of which are located in Clackamas County, and have a FU-10 or a R-6 zoning designation.

West: Developed single family subdivision. Zoned County FU-10 and a LR (Low Density Residential).

South: Developed multi-family parcel (Pioneer Ridge Apartments), zoned RA-2. North Clackamas Christian School, zoned R-10 and a single parcel zoned LO.

8. The applicant has submitted a request for review of a Final Development Plan approval, and has submitted the following:
   a. Preliminary Plat, including a road section
   b. Traffic Study, dated March 25, 1997, additional info.- January 8, 1998
   c. Building plot plans: building foot print, buffer area, wetland
   d. Permit from DSL/ ACOE, fill-removal, wetland area
   e. Wetland report with mitigation plan, Fishman Environmental
   f. Architectural renderings, floor plans
   g. Color landscape plans- Gretchen Vadnais, Landscape Architect
   h. Conditions, Covenants and Restrictions

9. Transmittals on the proposed application was sent to the affected agencies. Staff received supportive comments from the majority of agencies and departments regarding this project and has included these recommendations as appropriate. Summarized comments are provided below from agencies and departments:

Public Works:

(1) Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes and sewer lines.
(2) All manholes must be a maximum of 400 feet apart and be installed with locking or bolted lids (only those installed outside of streets).
(3) Any outfalls to the wetlands must have a water quality manhole installed for pre-treatment purposes.
(4) The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.
(5) Tracks A and B are not to be deeded to the City.
(6) All weather access is to be provided to all manholes and access protected through an easement.
(7) Install stop signs at all intersections, except the short dead-end street to the north.
(8) Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.
(9) Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage.
(10) When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

(11) Edges of the fill abutting wetlands are to be given permanent erosion control treatments.
(12) There should be no greater than a 2 foot height differential of the finished lot grades at all adjoining property lines.
(13) New 1" water service requirements apply to all lots.
(14) All fire hydrants shall be placed on the same side of the street for water quality purposes.
(15) Install a water quality manhole with access for the public works vactor truck prior to discharge to the wetlands.
(16) The storm detention basin must have access for maintenance. Basins are to be seeded or have matting installed to prevent erosion.
(18) All streets are to use standard casting manholes, unless permitted by the Public Works Engineer.

Fire Marshall:
(1) Provide adequate building numbers easily readable from the street.
(2) Provide adequate width of fire department roadway/turnarounds (none present).
(3) Any dead-end 150 feet or longer shall be constructed with a fire department turnaround.
(4) All hydrants, roadways and street signs to be completed, installed and operational before framing begins. All roadways are to be 32 feet minimum curb to curb.
(5) Hydrants shall be painted with Rodda All Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrant.
(6) Provide adequate hydrant spacing and fire flow. All hydrants shall have a storz metal face adapter- style 537MFL and cap style SC50MF to the steamer port.

City Engineer:
(1) Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.
(2) A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived once utility locations have been identified. Show all existing easements on the Final Plat.
(3) The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet.
(4) The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 and must meet the 100 foot intersection spacing.
(5) The applicant has provided sufficient detail to demonstrate that the proposed storm sewer is adequate to accommodate this development and will be further defined through submittal of civil construction drawings. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. Applicant shall ensure the area surrounding the wetlands is elevated to allow for the greatest storage area possible without creating downstream flooding. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut

wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at adjoining property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. Open areas for mowing shall be graded with a riding lawn mower in mind. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

(6) After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

(7) Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (shown as Tract "C").

(8) All public improvements shall be designed and improved to City Standards.

Oregon Department of Transportation::

(1) No direct access to OR213 from Lots 57 or 58.

(2) Access onto Molalla Avenue should be located as far as possible from OR213.

(3) Dedicate a reserve strip along Molalla between the site access and the OR213 intersection.

(4) ODOT supports the vacation of the stub street (south of Molalla Avenue) and its proposed realignment. The proposed realignment will increase the spacing distance between this stub street and the intersection of Molalla Avenue and OR213, and better address ODOT access spacing standards.

(5) The driveway for the adjacent property to the north should be relocated onto the proposed stub street. (Not feasible at this time).

(6) The applicant should be required to widen Molalla Avenue to provide a left turn median from the site access to the highway and two southbound lanes along their frontage.

(7) ODOT recommends that the City require additional stub-outs to parcels to the north, west and south where feasible to provide for future local street connections. Future alternative access via a connection to Meyer's Road should be considered.

Police: Does not conflict with our interests.

School District: Finding of no impact.

Public Comments: Ronald Saunders, 1001 Molalla Ave. (paraphrased)

Mr. Saunders owns commercial property east of Lazy Creek Lane which is currently undeveloped. The current location of Molalla is inadequate due to the distance between OR213. The interim access provided by the developer is not adequate. Planning staff should consider how the interim access will align with my property. Since the Lazy Creek Lane alignment is likely years away, the City should consider condemnation of the necessary property (Tax Lots 2100 and 2101) to provide the proper road alignment. If the Molalla realignment is approved, a turn lane in Molalla Avenue and a south bound deceleration and acceleration lanes should be installed in such a way as to minimize traffic congestion along Molalla Avenue. It is my recommendation that Molalla Avenue be widened to four lanes between Gaffney Lane and OR213 intersection to the south.

A number of commercial projects are planned for this area. Molalla Avenue should be

improved before these developments are approved. Perhaps the City's Traffic Master Plan should be completed to determine the most appropriate safe access for this property.

Molalla and OR213 intersection is one of the most unsafe intersections in the area when the number of accidents are considered. Improvements in this area will be expensive but are not the responsibility of the residents' of Oregon City. Adjacent property owners that benefit from these improvements should bear the costs. Perhaps a local improvement district should be formed to fairly allocate the costs.

"There is talk in the development community that the City Planning Department does a poor job of planning for the city's growth. I agree with this general consensus especially considering the hodgepodge of land uses along Molalla Avenue. This is an opportunity for the City to change this perception, take a long-term view of the area, and appropriately plan the subject neighborhood for the future growth."

I. CRITERIA:

Municipal Code

Chapter 17.49	**WR Water Resources Overlay District**
Chapter 17.49.070	**Determination of Transition Area**
Chapter 17.49.080	**Standards for Development Within and Adjoining Impact Areas**
Chapter 17.64	**Planned Development**
Chapter 17.64.030	**Procedures for Application**

II. PROJECT SUMMARY:

The applicant had submitted a Final Plan and Program for Planning Commission review on August 26, 1997. The applicant was made aware of the deficiencies and failed to correct them during the review and public hearing process. The applicant's submittal was reviewed by the Planning Commission at several meetings and a recommendation of denial was made to the City Commission. The applicant withdrew the application prior to final review and action by the City Commission. The applicant has since reapplied for Final Plan and Program Review and is subject to the old Planned Development requirements because the preliminary plan approval was also granted under the old criteria. Staff has worked with the applicant to ensure that an application has been submitted which addressed all criteria and previously stated areas of concern.

III. ANALYSIS AND FINDINGS:

Section 17.64.010 sets forth the definition and purpose of Planned Developments. Section 17.64.140 sets forth the development standards for planned development. Those sections are incorporated by reference. Section 17.64.060 of the Zoning Ordinance sets forth the procedure for final action on a Planned Development and reads as follows:

"Upon receipt of the final development plan and program... the Planning Commission shall hold a public hearing on these matters in accordance with Chapter 17.50 herein. If the final development plan and program is found to be in compliance with Sections 17.164.010 and 17.64.140 if this Ordinance, it shall recommend approval , along with appropriate conditions, to the City Commission for adoption."

1. *Consistency with the planned development purpose-*
The proposal for the planned development for the Land's End subdivision is consistent with Section 17.64.010. The proposal does not exceed the allowable density under the R-8 zone (Zone Change ZC 96-19) while providing open space through preservation of the existing wetland. The existing wetland has been largely preserved as open space and includes a buffer to protect this resource and a mitigation plan to enhance the quality of this natural feature, as conditioned. The proposal is consistent with 17.64.140b because it will allow effective utilization of the existing property and will provide additional housing stock within Oregon City.

2. *Consistency of the proposed planned development with Comprehensive Plan- (Natural Resources)*The City of Oregon City Comprehensive Plan, adopted April 16, 1982 discusses the identification of natural resource areas including wetlands. The Comprehensive Plan identifies the wetland crossing on this property as site #18. The description of this resource is as follows: "The stream leaves the Lazy Creek Lane area and opens into a wetland meadow area. The entire site was inundated with water. There appears to be a high water table in this area as well. Wetland vegetation observed were ash, spirea, alder, scripus, salix, juncus, and camas lily. This wetland area is a major component of the downstream wetland adjacent to Meyers Road and the upland stream to the north and south of Lazy Creek Lane as described above. This area appears to be a prime wetland site." Under potential impacts the plan states, "The area of the wetland should remain undeveloped. All of the sites in this grouping appear to be interdependent to the wetland areas near Meyers Road. The entire system is of good quality."

   The applicant's proposal to leave the vast majority of the wetland undisturbed meets the intent of the comprehensive plan by maintaining connectivity and preserving wetland hydrology. The applicant is proposing to remove invasive species such as Himalayan blackberry and scotch broom which will improve the overall quality of the wetland. The applicant is not proposing to alter the hydrology of the wetland and will maintain the connectivity between the northern and southern portions of this system (Tract A and B) which are proposed to be split by DaVinci Drive through a culvert system.

3. *Transportation-* The development, as conditioned will improve the traffic flow at the adjacent intersection of Molalla Avenue and OR213 by providing right of way and an opportunity for future development of a frontage road parallel to Molalla Avenue. Eventual development of an intersection to the north of the planned development (Lazy Creek Lane and Molalla Avenue) will improve the conditions at the intersection of Molalla Avenue and OR213 by eliminating a queuing/stacking problem.

   A revised traffic study has been submitted by Kittleson and Associates, January 8, 1998, to demonstrate that the connection of the frontage road and Lazy Creek Lane mitigates the current queuing/stacking problem, discusses the feasibility of the local street system providing access from Molalla Avenue to the commercial property to the south and the potential impacts on the North Clackamas Christian School.

   In summary, the proposed re-alignment enhances the Molalla and Molalla cul-de-sac intersection by providing additional vehicular storage that will benefit this development as well as the existing school. Kittleson provided an analysis of the impact of the proposed

intersection if the frontage road is extended to Meyers Road. Based on this preliminary analysis they determined that the commercial development should take access from either OR213 or Meyers Road. Further analysis will be required when this commercial property develops at Meyers Road and OR213.

4. *Compatibility with the neighborhood- 17.64.140B*
"The proposed development shall present an organized arrangement of buildings, service facilities, landscaping and fencing compatible with the City's plan and land use regulations as set forth by the findings of the Planning Commission. Within a Planned Development , compatibility with adjacent land uses shall be demonstrated. For the purposes of this Section "adjacent": shall be defined to mean land area measured one hundred feet (100') from the property line excluding right of way width. Compatibility shall be considered upon immediately adjacent uses. If adjacent land is single- family ,then any dwelling units constructed immediately abutting thereto shall be single-family. If the adjacent land use is other than single-family, then single-family, duplex, multi-family units shall be deemed compatible. If the adjacent land is undeveloped, then the zoning district of the undeveloped land shall be the determining factor for compatibility. Adequate services normally provided by the City shall be available for the proposed development."

Uses and zoning on the surrounding properties are listed as follows:

East:	Bordered by Molalla Road, Clackamas County Community College is located across the street and is zoned R-10.
North:	Single family homes, a portion of which are located in the County and have a FU-10 or a R-6 zoning designation.
West:	Developed single family subdivision. Zoned County FU-10 and a LR (Low Density Residential).
South:	Developed multi-family parcel (Pioneer Ridge Apartments), zoned RA-2. North Clackamas Christian School, zoned R-10 and a single parcel zoned LO.

The majority of the surrounding uses are either zoned or developed for residential use. The single exception is the school development which is located south of the subject site on Tax Lot 300 which is zoned for residential use, R-10. The school property contains buildings, parking, play fields along the southern boundary of the proposed subdivision. Typically schools are sited in residential neighborhoods close to the populations that they serve. The applicant is proposing to install a cedar fence along the adjoining property line with the North Clackamas Christian School to mitigate any conflicts between the residential use and the school.

Staff finds that the proposal will not be harmful to the neighborhood and is compatible due to the surrounding development patterns, based on the findings of suitability addressed in this report.

4. *Minimum size of the planned development-* The proposed planned development is 15.63 acres and; therefore, satisfies the requirement that a planned development be a minimum of two areas in size.

5. *Open Space/ Landscaping- 17.64.140F*
"Open Space means the and area to be set aside and used for scenic, landscaping or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions, are deemed by the Planning Commission to be suitable for leaving in a natural condition. ... The development plan and program shall provide for the landscaping and/or preservation of the land. Open space must constitute at least 15% of the land area of the planned development".

The wetland area constitutes approximately 1.68 acres or roughly 10.7% of the site. The transition or buffer areas represent 1.25 acres or 9.0% of the site (see applicant's Table 1) to meet the 15% requirement. The detailed landscape plan for the mitigation and buffer areas has been developed by the wetland biologist and a rendering has been supplied by a qualified landscape architect to illustrate how the area will be planted. The narrative in the Development Impact Statement shows that the 15% requirement or 2.93 acres (19%) of the site exceeds the open space requirement.

Staff finds that the applicant has demonstrated that the open space requirements will be exceeded by preserving the wetland, establishing a buffer area and dedicating additional open space.

"For a P.D. or construction phases thereof containing less than 25 acres, the developer shall submit a preliminary landscape plan depicting tree plantings, ground cover, grades, slopes, screen plantings, fencing, etc.

The applicant has submitted a landscape plan for the mitigation area by Fishman Environmental Consultants. The applicant provided a description of the species of plantings to be used in the wetland mitigation plan and illustrated this concept in a color landscape plan for the site. Staff recommends that a 4 foot high vinyl coated chain link fence (black or green) be installed as specified in the DSL/ACOE permit requirements around the mitigation area.

Staff finds that the plan exceeds the 15% requirement for open space within the project area.

Overlay District Applicability:

The site is subject to the provisions of the WR Water Resources Overlay District, Chapter 17.49.060, Chapter 17.49.070, Determination of Transition Area:

"17.49.070 Determination of Transition Area.
A. The transition area for wetlands shall extend fifty feet from the boundary of the wetland. The transition area for water areas and water course shall be presumed to extend fifty feet from the boundary of the water resource unless otherwise demonstrated in accordance with the requirements of this section.

B. For water areas and water courses, the Planning Commission may decrease the size of the transition area on a case-by-case basis as follows:

1. The Planning Commission may decrease the size of the transition area to twenty-five feet from the boundary of the water resource if:

a. The slope of the transition area is predominately ten percent or less, and

b. Soils in the transition area are not described in the U.S. Soil Conservation Service publication Soil Survey for Clackamas County as having high erosion potential, and

c. The reduction in the transition area would not cause a reduction in wildlife habitat;"

The applicant is requesting a reduction in the transition area for the wetlands boundary existing on the site from 50' to 25'. The justification for such a reduction is considered by the Planning Commission on a case-by-case basis, is based upon evidence provided by the applicant pursuant to Section 17.49.070, Determination of Transition Area, as outlined above.

The following conditions must exist in order for the Planning Commission to grant a reduction:

1. Slope in transition area 10% or less:

APPLICANT'S RESPONSE:

"Topography in the transition area is gently sloping (less than 10% slope). The average slopes in the delineated wetlands and the adjacent transition areas range from .02 to .08%. Since the slope in the transition area is significantly less than 10% the applicant has met the first criteria for reducing the transition area from 50 to 25 feet."

2. Soils, not classified as high erosion potential:

APPLICANT'S RESPONSE:

"Soils in the transition area are predominately Bornsteth silt loam (0-8% slopes) which is classified as having moderate erosion potential. The dominant soil on the site as identified by the U.S. Soil Conservation Service publication Survey for Clackamas County is Bornstedt silt loam. The Fishman report states that the wetland soils on the site are similar to Borges silty clay loam, a listed hydric soil that appear as inclusions within the Bornstedt silt mapping unit. The survey states that the hazard of water erosion is "slight" for both soil types. Accordingly, the applicant has met the second criteria for reduction of the transition area from 50 to 25. A copy of the survey's analysis of both soils found on the site is attached hereto as exhibit 5."

3. Reduction will not reduce wildlife habitat:

The applicant has included a lengthy discussion to demonstrate that wildlife habitat will

not be reduced. The applicant basically states that the small reduction in the area of the wetland due to the construction of DaVinci Drive and the mitigation and buffer areas will more than compensate for lost habitat. In addition, the applicant proposes to enhance the existing wetland by removing invasive vegetation (Scots broom, Himalayan blackberry).

APPLICANT'S RESPONSE AND CONCLUSION:

"Wildlife attracted to water and wetlands utilize the transition area for food and cover resources and reproductive opportunities."

"Due to the gentle slopes and moderate erosion potential of soils in the transition area and the broad band of wildlife habitat that will be preserved, a 25' foot buffer is sufficient to protect the resource."

The applicant's consultant, Fishman Environmental Services, has submitted both documentation of existing physical conditions in the buffer area to justify reduction to a 25' transition area, a wetland delineation and a mitigation plan. The mitigation plan describes a mitigation area that is 1.5 times the area of the wetland that is to be disturbed as a result of the construction subdivision, and installation of the public infrastructure serving this project. The applicant has obtained approval from DSL and ACOE to disturb this resource, fill and establish a mitigation area.

Staff concurs with the findings established by the Applicant's representative and suggests including the following additional conditions:

(1) Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

(2) Install silt fencing 25' from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has little chance of rooting.

(3) Per DSL/ACOE permit install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

(4) Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

(5) Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area and detention facility.

<u>Chapter 17.49.080, Standards for Development Within and Adjoining Impact Areas</u> requires that when roads, utility services, and other necessary facilities and services must cross on or under a water resource, the Planning Commission must find, based upon evidence provided by the applicant, "...that the water resource cannot reasonably be avoided." Mitigation measures may include, but not be

limited to :

"a. Bridges over water courses,

b. Variances to road width standards, to allow narrower streets where they cross the water resource,

c. Erosion control and water quality control measures,

d. Replanting of trees and other vegetation,

e. Restoration measures to repair damage to the water resource and its transition area,

f. Prohibiting development during the wet weather seasons, such as November 1st through April 30th."

Each of these mitigation measures may be employed (with the exception of "a" and "F" above) as a condition of planned development approval.

Based upon the shape of the existing parcel and the surrounding development patterns the proposed layout is necessary to serve the proposed lots and establish connections to the north as well as to provide emergency vehicle access makes the crossing unavoidable. The wetland extends the entire length of the lot and bisects the property. The applicant has chosen to cross the wetlands at the shortest point to minimize the disturbed area. The applicant has proposed to maintain the hydrology of the wetland resource through the installation of culverts at the road crossing.

The proposed plan includes mitigation areas and enhanced wetland buffer areas on the site to exceed the amount of wetland filled by the street crossing by a 1.5 ratio.

Density Allocation:

Minimum dimensional standards of the "R-8" zone are as follows:

Lot Area	8,000 square feet
Average Lot Width	70 feet
Average Lot Depth	100 feet
Front Yard Setback	20 feet
Rear Yard Setback	20 feet
Corner Side Yard	20 feet
Interior Side Yard	9 feet/ 7 feet

The following is the method for determining the total allowable dwelling units (lots) permitted, Section 17.64.140, D.

Site gross area= 15.63 acres= 681,014 sq.ft. Minus 20% (public streets, 136,203 sq.ft.)= 544,811 sq.ft./ 8,000 sq.ft. (Minimum lot area/dwelling unit)= 68 units.

Proposed number of detached, single family lots= 57 lots.
Balance available for cluster housing portion of the project site= 19 dwelling units on the 19,962 sq.ft. portion of the site. The proposal includes lots ranging in size from 5,534 square feet to 10,967 sq.ft.. The average size of all lots is 6,914 sq.ft.

Peripheral Yard Setbacks:

<u>Section 17.64.14D.E</u> requires the following:

"1. **Along the periphery of any PD, additional yard depth, buffering or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of the adjoining zones, unless the Planning Commission grants a variance from these requirements."**

Adjacent properties are zoned R-6, RA-2, R-10, LO. The corresponding front yard setbacks in the R-6 zone: 20 feet (portion of the northern boundary), RA-2: 15 feet (south), LO: 15 feet (south), R-10: 25 feet (western and portion of the northern boundary). The applicant's proposal has met the peripheral setback requirements because proposed setbacks meet those of the adjoining zones.

Staff finds that the peripheral setback has been met therefore, the proposal complies with Section 17.64.14d,e.

Area Variance:
Section 17.64.140, Development Standards states the following:

"17.64.140 Development Standards All standards and requirements of this title and all other city ordinances shall apply in a PD unless the council grants an area variance from said standards in its approval of a PD or accompanying subdivision plat. In cases of conflict between the underlying zone district and the PD, the standards of the PD shall apply."

The applicant is requesting an "area variance" to decrease frontyard, sideyard and corner setbacks from 20 feet to 15 feet, 9 feet to 5 feet and 20 feet to 15 feet respectively for lots 35, 38 and 42; Lots 33 and 36. This reduction will not affect the required garage setback of 20 feet. Lastly, the applicant is requesting a reduction in the minimum average depth and width requirements for cul-de-sac lots.

The applicant has justified the need for the variances in the application submittal. The applicant states that due to the shape of the lot, the re-alignment of Molalla Avenue and the presence of the wetland, some variation to the lot standards is necessary to achieve a desirable density on this parcel. The applicant points out that as many as 68 lots could be developed on this parcel with R-8 zoning although the proposal includes only 57. The lots range in size from 5,535 to 11,195 square feet with the average size being approximately 7,000 square feet.

Achieving planned densities decreases urban sprawl and economizes the use of land with the UGB. Preservation of natural resources are important considerations which sometimes require flexibility in subdivision design and layout. Staff supports the applicant's request based on the overall design presented and the preservation efforts being demonstrated to enhance the existing wetland.

IV. CONDITIONS AND DECISION:

The proposal for Final Development Plan and Program approval for the subject "Lands End" project for a 17.18 acre parcel contains many of the elements that are desirable and required for planned developments subject to the WR overlay district. It

is found that with the proper conditions, the proposed planned development can receive final approval.

It is therefore recommended that the Planning Commission recommend final approval to the City Commission, and the reduction of the WR Transition area (buffer) to 25 feet, as proposed in all instances except for the portions of the buffer fronting on Lots 32, 29 and granting the reduced yard setbacks and lot depth requirements for certain lots. Based on findings and exhibits contained in this report and subject to the following conditions for filing of a Final Development Plan and Program.

1. Include a materials list which specifies installing a vinyl chain link fence around the mitigation area (green or black). Non-native species shall be removed from the wetland and buffer areas.

2. Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

3. Install silt fencing 25 feet from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has a pour chance of rooting.

4. Per DSL/ACOE permit, install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

5. Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

6. Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area, buffer areas and detention facility and compliance with DSL inspections and monitoring thereafter.

7. The plan shall specify how the detention pond shall be re-vegetated and any open areas seeded or covered. The applicant shall also provide an erosion control plan that specifies that silt fencing shall be installed at a minimum of 25 feet from the top of bank of the wetland feature or the edge of the buffer, whichever is greater prior to disturbance of any soil on site.

8. Submit a letter stating that you are requesting that the City vacate the portion of Molalla Avenue not needed due to the construction of the realigned street. A stub street (right of way only - no improvement) shall be extended to the north for future connection to Lazy Creek Lane. The stub (running N/S) which will become a frontage road, shall intersect the north property line approximately 130 feet east of the eastern property line as approved by the City Engineer.

9. Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes. All manholes located outside of the public right of way must be a maximum of 400 feet apart and be installed with locking or bolted lids.

10. The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.

11. Access is to be provided to all manholes and access protected through an easement. Engineering Manager to determine if adequate access has been provided.

12. Install stop signs at all intersections, except the short stub street to the north. Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.

13. Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage. When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

14. Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.

15. A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived by the City Engineer once utility locations have been identified. Show all existing easements on the Final Plat.

16. The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet. The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 or meet the satisfaction of the Engineering Manager.

17. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at third party property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

18. After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

19. Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (as shown).

20. All public improvements shall be designed and improved to City Standards.

21. Building Sites -

    A) The general building site criteria has been met. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat. Therefore, with conditions the application meets the criteria of Sections 16.20.200 - 16.20.230 - Building Sites.

    B) The future dwellings shall also be oriented to optimize solar access and balance point standards.

    C) Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcel's frontage is less than a three percent slope. No off-site lot ponding is to result from the new grading.

    D) Trees that are 6 inches in caliper shall be preserved wherever possible outside the building envelope. If trees are to be removed within the setback areas, then the property owner shall contact the Planning Manager prior to the removal of the tree(s) and replacement of the tree(s) shall meet the standards of this section.

22. Easements - A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Locate the existing sewer lateral and secure easements if it is to cross any other lots. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.

23. Frontage/ corner yards width - The minimum standard for lots within subdivisions of 20 feet has been met except reductions granted for Lots 33,35,36 and 38 to 15 feet.

24. Access way Requirements - does not apply.

25. Width/Depth Requirements - The standard is met except as granted for Lots 42 and 6. Therefore, the proposal complies with Section 16.28.080.

26. Minimum Improvement Requirements -

    A) Streets - All streets within the subdivision must be improved to City standards. Install stop signs at all street intersections, place street trees outside of all vision clearance areas, signs and street lights. Install

manholes at 400 foot intervals. Access to all manholes must be paved and protected through an easement. In addition, the frontage of Molalla Avenue adjacent to Tract "C" and "D" and Lots 57, 58, 11, 15, 16 and 17 must be fully improved with curb gutter, sidewalks and street trees. The eastern frontage must transition from Lot 58 to the existing curb, gutter and sidewalk (match). The vacated roadway must be removed by the applicant and replaced with curb, gutter and sidewalk.

B) Drainage - A water quality treatment manhole is required to treat all storm water discharging to the wetland. The storm drainage system for the site shall not have any downstream effects on neighboring properties.

C) Sanitary Sewer - install to edge of all right of way and provide for all lots.

D) Water - A looped water system must be installed.

29. Final Plat Survey Requirements -

The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:

A. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit checklist to the City with the final plat.

A. Show the City Planning File Number on the final plat, preferably just below the title block.

B. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.

C. Use recorded City control surveys for street centerline control, if applicable.

D. The following note shall be on the final plat: "CITY RESTRICTIONS: Subject to conditions of approval in the City of Oregon City Planning File No.PD97-04. These conditions are jurisdictional and are not a part of this plat."

E. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall include provisions noted for subdivisions in City Code 16.16.050(B).

30. Applicant shall sign a Waiver of Non-Remonstrance Agreement for the installation of public infrastructure (including, but not limited to traffic lights, streets, street lights, storm drainage, water and sanitary sewer).

EXHIBIT
2

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
JANUARY 27, 1998

File No. PD97-04 - Renaissance Development Corp. - Lands End - Final development plan and program for a 57 lot single family (1-lot reserved for future multi-family) residential planned unit development on 15.63 acres of property - 32E 8D, Tax Lots 100, 101, 20, and 201, Clackamas County.

Ex-Parte Contacts and Conflicts

Commissioner Hall stated that he had been contacted by an individual at John L. Scott's Real Estate stating that he was aware that he, Commissioner Hall, had a number of concerns regarding this development at the last hearing and requested that Commissioner Hall meet with him and the principals involved in this development to discuss his concerns. Commissioner Hall declined and contacted Dan Kearns, City Attorney immediately thereafter. He added that he felt this was an unfortunate action taken by a member of the applicant's team.

STAFF REPORT

Lydia Neill explained the process and the current status of the application as presented today. The applicant had previously submitted a final plat and program which was recommended for denial by the Planning Commission. The matter was in the process of being referred to the City Commission for their approval or denial. The applicant withdrew the application before submitting it to the City Commission and has repackaged their submittal and presented a new application for a final plan and program for review this evening. The preliminary proposal was submitted under the old PD Ordinance and this application will be submitted under the old PD Ordinance.

Commissioner Hall asked once an application is denied, was there not a period of time before the applicant could resubmit their application.

Lydia Neill responded stating yes, but in this case the applicant withdrew prior to a final denial by the city. This is a new application and new application fees have been submitted.

Dan Kearns explained that the applicant controls the application until the city issues its final denial or approval. The applicant, in this case, had a preliminary plat approved, but was denied approval at the last hearing for a final development plan. The applicant then resubmitted a revised final development plan and program with the appropriate fees. The applicant is still within the one year time period required to continue with this application.

Lydia Neill stated that the applicant has worked with staff to assure that the application is complete and have attempted to address all the issues that were brought forth during the former hearing. The applicant's engineer and the city's engineer have worked together in revising the

The Confederated Tribes of the Grand Ronde Community of Oregon

Historic Preservation Department
Phone (503) 879-2185
1-800 422-0232
Fax (503) 879-2126

8720 Grand Ronde Rd
Grand Ronde, OR 97347

4/11/2017

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

RE: Development Review in Oregon City -- Multiple Properties

Greetings Diliana,

The Confederated Tribes of Grand Ronde Cultural Protection staff have reviewed Oregon City Projects PA 17-10, PA 17-11, PA 17-12, PA 17-14, and PA 17-15. We have no additional information to provide at this time for this project. We request that an inadvertent discovery plan be in place for projects with ground disturbing activities. We also ask to be contacted immediately if archaeological and/or cultural resources are discovered during the project.

Should you have any questions, please feel free to contact me.

Respectfully,

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

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

Pre-Application Conference Notes

PA 17-10, April 5, 2017

Proposed Project: Right-of-way vacation and plat modification

General Information

- Location: 13951 Venice Court, Oregon City
  Clackamas County Map 3-2E-08DA, Tax Lots 100, 6000, and 6100
- Zoning: R-8 Single-Family Dwelling District

Review Process

This application is a **Type II** Decision process involving a Master Plan Amendment application. The applicant has **180 days** from the date of submittal to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within **120 days** of deeming the application complete, by state law. Type II decisions are rendered by the Community Development Director, with appeal on the record to the City Commission, and then onto LUBA.

Type II decisions are based on the code approval criteria and require limited discretion by the Community Development staff in order to be approved. Staff is not authorized to waive any requirements of the code except for modifications through Chapter 12.04.

Site Background

- Land's End was approved via a Planned Development in 1999 (PD 97-06). The Planned Development process allows for a greater degree of flexibility in the use and design of land.
- Staff has been unable to locate the original Planned Development file; however, copies of Planning Commission minutes pertaining to Land's End will be provided to the applicant.
- Oregon City no longer has a Planned Development code or process. Currently, land divisions are reviewed through a subdivision or minor partition process.
- The most comparable process the City has to a Planned Development is a Master Plan.
  - The master plan process is intended to facilitate an efficient and flexible review process for major developments.

Plat Modification

- In order to eliminate the tract reserved for future right-of-way (Tract C), and the restrictions on Tract D, a modification to the plat is required.
- Post-approval modifications to plats must be processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards.
- The modification will be processed as a Type II Master Plan Amendment, subject to the current subdivision standards.
- If the applicant wishes to develop Tract D, the application should identify this request within the submittal and demonstrate compliance with all applicable standards including dimensional standards, lot averaging, access, utilities, etc.

City of Oregon City | PO Box 3040 | 221 Molalla Avenue, Suite 200 | Oregon City, OR 97045
Ph (503) 722-3789 www.orcity.org

- If the applicant wishes to add Tracts C and D to existing Lot 1, the request should reflect this. An application to make existing Lot 1 bigger can be processed via a Type II Master Plan Amendment and two Lot Line Abandonment applications (each Lot Line Abandonment application changes/abandons one lot line).
- The plat modification should be submitted concurrently with or prior to the right-of-way vacation request.

"R-8" Single-Family Dwelling District

- Dimensional standards:
  - Minimum lot area: 8,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 75 feet
- Minimum required setbacks:
  - Front yard 15 feet
  - Front porch: 10 feet
  - Attached and detached garage: 20 feet from the public right-of-way where access is taken
  - Interior side yard: 9 feet for at least one side yard, 7 feet for the other side yard
  - Corner side yard: 15 feet
  - Rear yard: 20 feet
  - Rear porch: 15 feet
- Maximum lot coverage: 40%
- A subdivision 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.
  - If a new lot is created, the applicant must demonstrate compliance with lot averaging standards for the entire subdivision.

Code Enforcement

- A code enforcement case was initiated due to complaints received regarding the parking of an RV on Tract D.
- The Oregon City Code Enforcement Division has indicated that the parking complaint has been resolved and the property is in compliance with RV parking requirements.
- Pursuant with OCMC Section 10.12.010, RV parking is prohibited on a tract of land, except on the premises of an occupied dwelling, a licensed trailer court or sales lot.

Traffic Impacts

The City's Traffic Consultant has provided comments indicating that the transportation analysis for this modification can be waived. If a buildable lot is being created as part of this application, the applicant shall provide a transportation analysis letter that proposed access is safe, meets the City's requirements and does not cause transportation or safety issues.

Other notes:

- A neighborhood association meeting is required. You are in the Gaffney Lane Neighborhood Association. The Tower Vista Neighborhood Association meetings are held in conjunction with the Hillendale Neighborhood Association meetings. Please contact the Hillendale Neighborhood Association to schedule a meeting, if desired.

Neighborhood Association:	Gaffney Lane NA
Chair:	Amy Willhite, awillhit@yahoo.com
Secretary/Treasurer:	Angela Wright, englishimport@gmail.com
CIC Representative:	Amy Willhite, awillhit@yahoo.com

Upcoming Meetings:	April 27, 2017; July 27, 2017; October 26, 2017
Meeting Location:	The Meadows Courtyard, 13637 Garden Meadows Drive, Oregon City
Meeting Time:	7:00 PM

- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Planning Review and Application Fees:

The 2017 Planning applications and fees include-

- Type II Master Plan Amendment: $2,068
- Subdivision: $4,136 plus $344 per lot (if new lot is being created)
- Lot Line Adjustment/Abandonment (two applications required): $1,159
- Transportation Analysis Letter: $469
- Mailing Labels: $16 – or provided by applicant
- Planning Fee Schedule

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

OCMC 12.04 – Streets, Sidewalks and Public Places
OCMC 12.08 – Public and Street Trees
OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling, and Excavating
OCMC 16.12 – Minimum Improvements and design Standards for Land Divisions
OCMC 16.08 – Subdivision Processes and Standards
OCMC 16.20 – Property Line Adjustments and Abandonment Process and Standards
OCMC 17.10 – "R-8" Single-Family Dwelling District
OCMC 17.41 – Tree Protection Standards
OCMC 17.47 – Erosion and Sediment Control
OCMC 17.50 – Administrative Processes
OCMC 17.65 – Master Plans

Planning Division

Diliana Vassileva, Assistant Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Diliana Vassileva at 503.974.5501 or dvassileva@oregoncity.org.

Development Services Division

Wendy Marshall, Development Projects Manager, with the Oregon City Development Services Division reviewed your pre-application. You may contact Wendy Marshall at 503-496-1548 or wmarshall@orcity.org.

Building Division

Your application was transmitted to Building Official, Mike Roberts. You may contact Mike Roberts, Building Official, at 503.496.1517 or mroberts@orcity.org if you have any building related questions.

Clackamas County Fire

Your application was transmitted to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas County Fire District #1. No comments were returned regarding your application. You may contact Mr. Boumann at 503.742.2660 or at michaelbou@ccfd1.com.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

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.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

ATTORNEYS AT LAW
Blunck & Walhood, LLC

ATTORNEYS
Lawrence P. Blunck
Kenneth L. Walhood*
Erica M. Fedon∆
*Licensed in Oregon & Washington
∆Licensed in Arizona, Oregon & Washington

PARALEGALS / LEGAL ASSISTANTS
Patricia E. Slack
Tina S. Godsy
Pat E. Brundidge

February 28, 2017

Attn: Diliana Vassileva
221 Molalla Ave.
Suite 200
Oregon City, Oregon 97045

Re: *Mekheil Tadrous and Tract C, Land's End Development*

Dear Ms. Vassileva:

Thank you for your help thus far in this matter. Mr. Tadrous is currently the owner of the residential home located at 13951 S. Venice Court Oregon City, OR 97045 as well as Tract D, tax lot number 32E08DA06100. I've enclosed a copy of the deed to Tract D for your reference. Mr. Tadrous is seeking a pre-application conference with Oregon City to determine the procedure by which he can acquire Tract C, tax lot number 32E08DA06000.

As you are aware, Tract C is currently owned by Oregon City and is zoned as R-8. Based upon conversations that I have had with your department and Wendy Marshall in the Public Works Division, it appears as though Tract C was originally designated as a through-way to Lazy Creek Lane. However, that through-way is no longer needed because according to Ms. Marshall that would be too close to Molalla Ave. Pursuant to conversations I have had with your department and Ms. Marshall, the only way for Mr. Tadrous to be able to acquire Tract C is for Oregon City to vacate the parcel. Once vacated, it's my understanding that the parcel would be divided equally amongst the adjoining parcels. Since Mr. Tadrous is the owner of both adjoining parcels, 13951 S. Venice Court and Tract D, this would accomplish his goal of owning Tract C. Once owned, Mr. Tadrous intends the land as it is and does not intend to build on it at this time.

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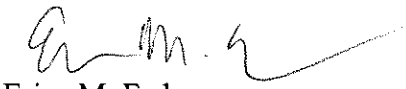
2350 Willamette Falls Dr.
West Linn, OR 97068
ph: 503.656.1654 fax: 503.650.0603
e-mail: larry@bluncklaw.com www.bluncklaw.com

I look forward to continuing to work with you on this matter. Please don't hesitate to contact my office with any questions.

Very truly yours,



Erica M. Fedon

cc (w/ enc.): Mekheil Tadrous

City of Oregon City
Pre-Application Form

File Number_____

Meeting Date ____/____/____ **Time:** 10 A.M. **Location:** 221 Molalla Avenue, Suite 200, Oregon City

Applicants and representatives are expected to present a detailed explanation of their proposal at the conference.

Applicant:

Name Mekheil Tadros and Madlin Youssef

Contact Person Erica Fedon

Address 2350 Willamette Dr.

West Linn, OR 97068

Phone 503-656-1654

Owner(s):

Name Oregon City

Address

Phone

Property Description:

Tax Assessor Map Number(s):

32E08DA06000

Address: See attached map

Proposed Development Action:

See attached narrative

Applicant Signature [signature] Date 2/28/17

Pre-Application Checklist:

Failure to submit a complete application may require additional fees and pre-application meetings.

Minimum Pre-Application Requirements

- [x] Pre-Application Fee
- [x] Narrative: A detailed description of your proposal and any specific questions you have
- [x] Site/Plot Plan (8½" x 11" or 11" x 17")
  - __ Parcel and building setback dimensions
  - __ Existing and proposed structures
  - __ Location and dimensions of easements and driveway
  - __ Location of utilities – storm, sanitary sewers & water (including size of service and street location)
  - __ Width of adjacent right of way
- [x] Property Zoning Report
- [ ] Additional Information / Requirements

Additional Subdivision / Minor Partition Requirements

- [ ] Slope map (if area is exceeds a 24% slope)
- [ ] Significant Tree Locations (all trees with a caliper over 6 inches)
- [ ] Utility layout
- [ ] Proposed detention system with topographic contours
- [ ] Location of on-site water resources
- [ ] Connectivity analysis that includes shadow plats of all adjacent properties demonstrating how they can be developed meeting existing code.

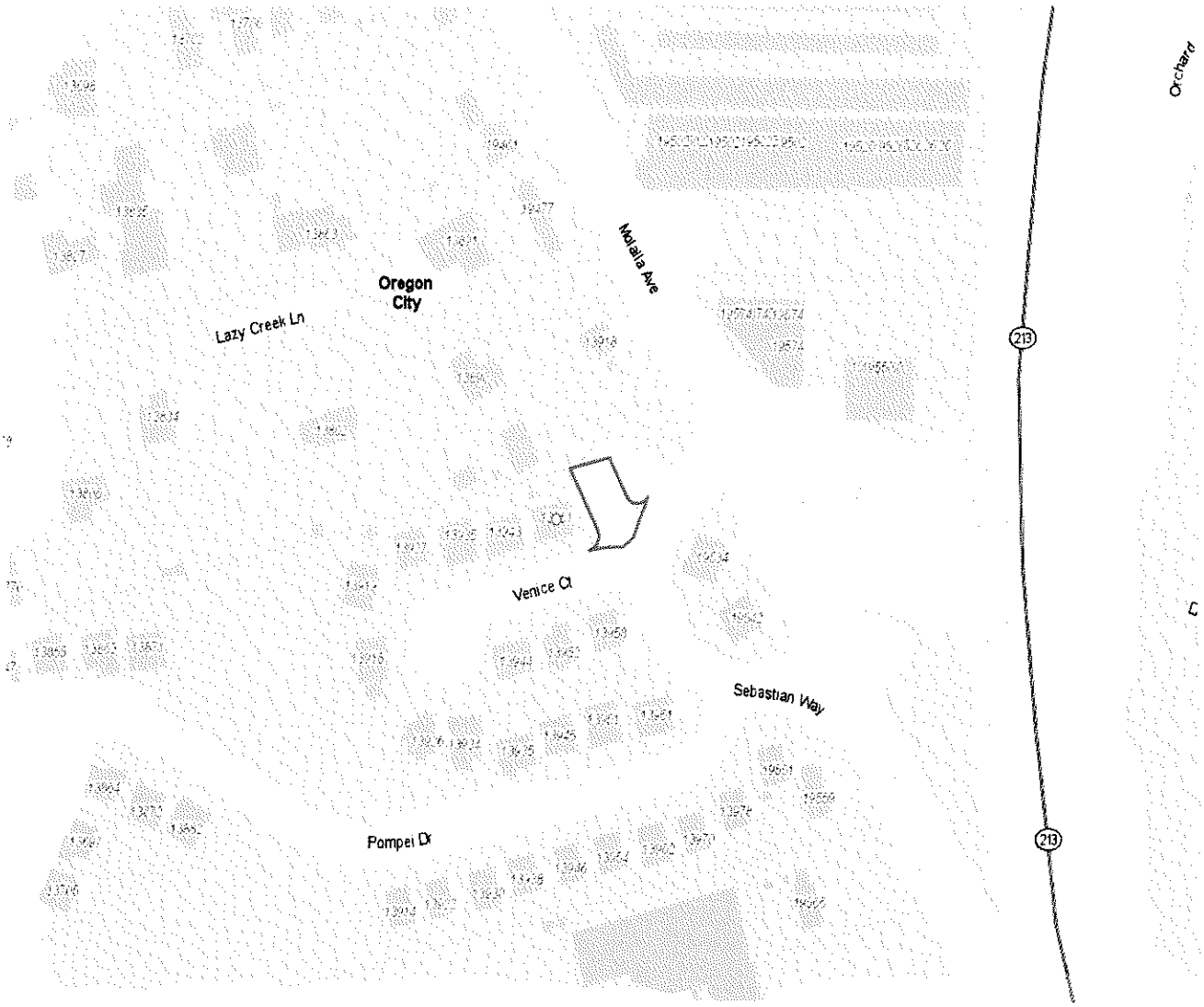
Additional Site Plan & Design Review Requirements

- [ ] Proposed elevations
- [ ] Parking lot layout
- [ ] Parking space calculations (based on use and square footage of building)

The pre-application conference provides the applicant the necessary information to make an informed decision regarding a land use proposal. Meetings are held on Tuesdays and Wednesdays. Pre-Application Conferences expire six (6) months from the meeting date.

Please submit 3 hard copies and 1 electronic copy of the required information.

Routing: PubWks ☐; PW Dir. ☐; Bldg ☐; Develop. Serv. ☐; Fire ☐; Finance ☐; Clack Co (E) ☐; Clack Co (P) ☐; ODOT ☐; Schools ☐; Tri-Met ☐; Metro ☐; Police ☐; Other_____



Primary Address: No Situs
Jurisdiction: Oregon City
Map Number: 32E08DA
Taxlot Number: 32E08DA06000
Parcel Number: 01871488
Document Number: 1998-083113
Census Tract: 022605

Assessment

Estimated Acres: 0.12
Current Year Assessed Value: $4,890.00
Market Building Value: $0.00
Market Land Value: $20,717.00
Market Total Value: $20,717.00
Sale Price: $0.00
Doc Date: 09/01/1998
Taxcode: 062064

Schools

Elementary School

Beavercreek Elementary (http://www.beavercreekschool.org/)
Oregon City
21944 S Yeoman Rd, Beavercreek, 97004
503-785-8350

Middle School

Ogden Middle (http://www.orecity.k12.or.us/schools/ogden)
Oregon City
14133 S Donovan Rd, Oregon City, 97045
503-785-8300

High School

Oregon City High (http://www.orecity.k12.or.us/schools/oregon_city_high_school)
Oregon City
19761 S Beavercreek Rd, Oregon City, 97045
503-785-8900

Public Safety

Nearest Fire Station

City Of Oregon City Station #16
19340 S Molalla Ave, Oregon City

Nearest Police Station

Clackamas County Sheriff
2223 S Kaen Rd, Oregon City, 97045

Zoning & Development

Designation: Contact City
Urban Growth Boundary: METRO UGB

Voting

Voting Precinct: 007
State House District: 40
State Senate District: 20
Congressional District: 5

Utilities & Districts

Cable Provider

City

Community Planning Organization

City

Sanitary Hauler

Oregon City Garbage Co. (http://www.clackamas.us/recycling/garbage.html)

School District

Oregon City (http://www.orecity.k12.or.us)

Sewer District

Tri-Cities (http://www.tri-cityservicedistrict.org/)

Water District

Clackamas River Water

Environmental & Hazards

Flood

Likely not in a flood zone.

Wildfire

Your risk may be the lowest.

Earthquake Hazard

Your risk may be the lowest.

Soils

8B - Bornstedt Silt Loam, 0 To 8 Percent Slopes

Approximate Elevation

407.00 ft

Parks

Nearby

Barclay Hills Park (http://www.orcity.org/parksandrecreation/barclay-hills-park)
13571 Barclay Hills Dr, Oregon City
1.49 miles
Hillendale Park (http://www.orcity.org/parksandrecreation/hillendale-park)
19260 Clairmont Way, Oregon City
0.86 miles
Shenandoah Park (http://www.orcity.org/parksandrecreation/shenandoah-park)
18960 Shenandoah Dr, Oregon City
1.67 miles
Stafford Park (http://www.orcity.org/parksandrecreation/stafford-park)
569 Holmes Ln, Oregon City
1.62 miles
Wesley Lynn Park (http://www.orcity.org/parksandrecreation/wesley-lynn-park)
12901 Frontier Pkwy, Oregon City
1.13 miles

Documents

District Maps

Voting Precinct (http://clackamas.us/elections/documents/districts/pct007.pdf)
State House District (http://clackamas.us/elections/documents/districts/rep40.pdf)

Surveyor Documents

Plat - 3508 (http://cmap.clackamas.us/survey/Affidavit/3508-P4.tif)
Plat - 3508 (http://cmap.clackamas.us/survey/Affidavit/3508-P5.tif)
Survey - SN28051 (http://cmap.clackamas.us/survey/PSImages/3S2E/08/PS28051-P1.TIF)
Survey - SN28051 (http://cmap.clackamas.us/survey/PSImages/3S2E/08/PS28051-P2.TIF)
Survey - SN28051 (http://cmap.clackamas.us/survey/PSImages/3S2E/08/PS28051-P3.TIF)
Plat - 3508 (http://cmap.clackamas.us/survey/SDImages/3S2E/08/3508-P1.TIF)
Plat - 3508 (http://cmap.clackamas.us/survey/SDImages/3S2E/08/3508-P2.TIF)
Plat - 3508 (http://cmap.clackamas.us/survey/SDImages/3S2E/08/3508-P3.TIF)

Assessor Documents

Taxmap - 3S2E08DA (http://cmap.clackamas.us/taxmap/03_3s2e08da.pdf)

Disclaimer & Liability

The information and maps accessed through this web site provide a visual display for your convenience using data from Clackamas County's Geographic Information System. Every reasonable effort has been made to assure the accuracy of the maps and associated data from several sources. Clackamas County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Clackamas County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Clackamas County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Clackamas County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder. Users are strongly advised to verify from authoritative sources any information displayed in this application before making decisions.
Liability Statement (http://www.clackamas.us/liability.html)

LAND TECH, INC.
8835 S.W. CANYON LANE
SUITE 202
PORTLAND, OREGON 97225
(503) 291-9398
(FAX) 291-1813
ILC - JN 530 - 9733

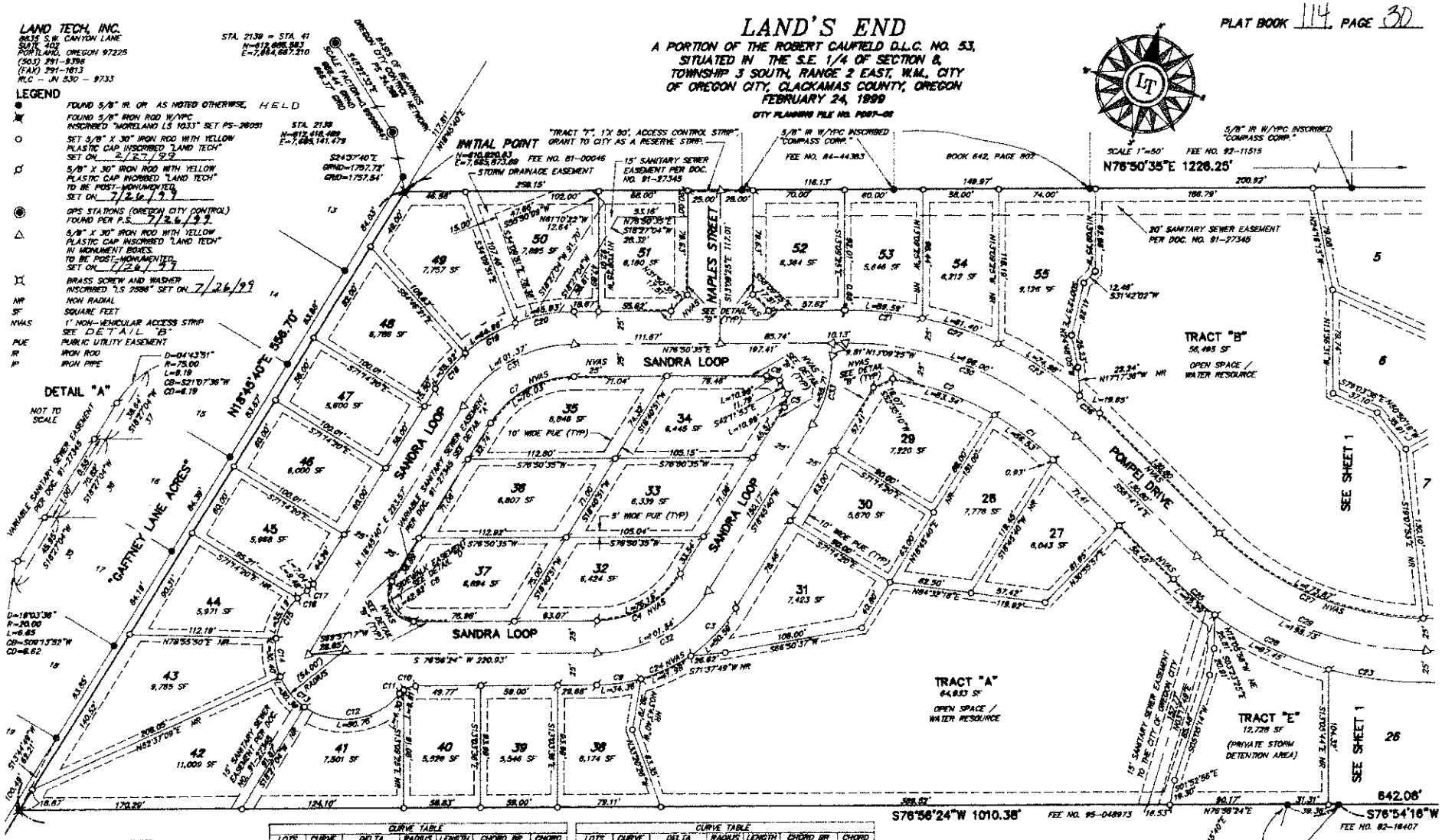
LAND'S END

A PORTION OF THE ROBERT CAUFIELD D.L.C. NO. 53,
SITUATED IN THE S.E. 1/4 OF SECTION 8,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M., CITY
OF OREGON CITY, CLACKAMAS COUNTY, OREGON
FEBRUARY 24, 1999

CITY PLANNING FILE NO. PD97-06

LEGEND

- ● FOUND 5/8" IR. OR AS NOTED OTHERWISE, HELD
- FOUND 5/8" IRON ROD W/YPC INSCRIBED "MORELAND LS 1033" SET PS-26051
- ○ SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LAND TECH" SET ON 2/27/99
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LAND TECH" TO BE POST-MONUMENTED SET ON 7/26/99
- ◉ GPS STATIONS (OREGON CITY CONTROL) FOUND PER P.S. 7/26/99
- △ 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "LAND TECH" IN MONUMENT BOXES. TO BE POST-MONUMENTED SET ON 7/26/99
- BRASS SCREW AND WASHER INSCRIBED "LS 2586" SET ON 7/26/99
- NR NON RADIAL
- SF SQUARE FEET
- NVAS 1' NON-VEHICULAR ACCESS STRIP SEE DETAIL "B"
- PUE PUBLIC UTILITY EASEMENT
- IR IRON ROD
- IP IRON PIPE



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 19, 1983
EDWARD KING PHELPS
2586
EXPIRES 12-31-00

I HEREBY CERTIFY THAT TO BE A TRUE AND EXACT COPY OF THE PLAT OF "LAND'S END"

EDWARD KING PHELPS PLS NO. 2586

CURVE TABLE						
LOTS	CURVE	DELTA	RADIUS	LENGTH	CHORD BR	CHORD
38	C1	14°23'46"	225.00	56.53	N85°26'07"W	56.38
39	C2	21°37'24"	225.00	83.34	N83°14'41"W	82.87
31	C3	23°11'18"	125.00	50.59	N30°21'18"E	50.24
32	C4	58°19'44"	75.00	76.16	N47°31'02"E	72.93
34	C5	38°20'32"	16.00	10.49	N06°54'36"W	10.77
34	C6	38°20'32"	16.00	10.99	N43°39'06"W	10.77
35	C7	58°04'33"	75.00	76.03	S47°48'07"W	72.87
37	C8	121°39'16"	20.00	42.50	S42°08'38"E	34.95
38	C9	19°44'55"	125.00	34.38	N89°53'08"E	34.35
40	C10	39°08'38"	16.00	9.61	S38°22'05"W	9.46
41	C11	18°24'00"	16.00	4.30	S34°05'46"W	4.28
41	C12	85°41'24"	54.00	80.76	N69°14'28"E	73.44
42	C13	37°19'00"	54.00	35.18	S51°47'20"E	30.00
43	C14	32°15'16"	54.00	30.40	S19°32'10"E	30.00
44	C15	37°39'02"	54.00	35.18	S13°15'30"W	34.57
45	C16	10°03'37"	54.00	9.48	S38°37'20"W	9.47

CURVE TABLE						
LOTS	CURVE	DELTA	RADIUS	LENGTH	CHORD BR	CHORD
48	C17	25°13'28"	16.00	7.04	N31°22'24"E	6.99
49	C18	16°27'38"	125.00	35.92	S26°38'40"W	35.80
49	C19	20°26'28"	125.00	44.98	S45°31'34"W	44.73
50	C20	21°00'26"	125.00	45.83	S66°20'22"W	45.57
53	C21	12°14'52"	275.00	58.80	S83°03'01"W	58.47
54	C22	12°47'33"	275.00	61.40	N84°20'48"W	61.27
55	C23	19°37'08"	275.00	74.96	N70°08'28"W	74.73
TRCT-A	C24	19°15'39"	125.00	41.98	N81°24'13"E	41.78
TRCT-A	C25	08°48'42"	275.00	42.29	S82°38'35"E	42.25
TRCT-B	C26	24°05'40"	275.00	18.65	N80°17'04"W	18.65
TRCT-B	C27	44°18'33"	225.00	173.87	S80°22'30"E	169.58
TRCT-E	C28	20°18'01"	275.00	97.45	S77°14'01"E	96.94
CL	C29	44°51'30"	250.00	195.73	S80°38'38"E	190.77
CL	C30	44°55'12"	250.00	196.00	N80°41'48"W	191.02
CL	C31	58°04'55"	100.00	101.37	S47°48'07"W	97.09
CL	C32	58°10'44"	100.00	101.54	N42°31'02"E	97.23
CL	C33	31°55'05"	100.00	55.71	N62°48'07"E	54.99

(SHEET 2 OF 3)

G:\DWG\530\530P2-F.DWG

3.508

LAND TECH, INC.
8835 S.W. CANYON LANE
SUITE 402
PORTLAND, OREGON 97225
(503) 291-9398
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RLC - JN 530 - 9733

LAND'S END

A PORTION OF THE ROBERT CAUFIELD D.L.C. NO. 53,
SITUATED IN THE S.E. 1/4 OF SECTION 8,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M., CITY
OF OREGON CITY, CLACKAMAS COUNTY, OREGON
FEBRUARY 24, 1999

CITY PLANNING FILE NO. PD97-08

PLAT BOOK 114 PAGE 30

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT RENAISSANCE DEVELOPMENT CORPORATION, AN OREGON CORP., OWNER OF THE LAND DEPICTED HEREON, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED PLAT OF "LAND'S END" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS AND TRACTS BEING OF THE DIMENSIONS SHOWN HEREON AND ALL STREET OF THE WIDTHS THEREON SET FORTH, AND WE DO HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER, ALL STREETS, AND HEREBY GRANT ALL EASEMENTS AND RESTRICTIONS AS SHOWN OR STATED ON SAID MAP AND HEREBY DEDICATE TRACTS "D" AND "F" TO THE CITY OF OREGON CITY FOR THE USES INDICATED AND THAT THE PUBLIC IS HEREBY GRANTED THE RIGHT TO MAINTAIN OR REPLACE UTILITIES IN THESE EASEMENTS AND WILL NOT BE IN ANY WAY RESPONSIBLE FOR REPLACING THE LANDSCAPING, FENCING OR OTHER STRUCTURES, SHRUBS OR TREES THAT MAY EXIST OR BE PLACED IN THESE EASEMENTS. THE PUBLIC IS REQUIRED TO GIVE ADEQUATE NOTICE BEFORE SUCH ACTIVITIES ARE COMMENCED AND SHALL LIMIT ACTIVITIES TO THAT NECESSARY TO ACHIEVE THE PURPOSE OF MAINTAINING SAID UTILITIES.

RANDAL S. SEBASTIAN PRESIDENT
RENAISSANCE DEVELOPMENT CORPORATION

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
COUNTY OF CLACKAMAS)

THIS CERTIFIES THAT ON THIS 1ST DAY OF MARCH, 1999, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED RANDAL S. SEBASTIAN, PRESIDENT OF RENAISSANCE DEVELOPMENT CORPORATION, WHO BEING FIRST SWORN, SAY THAT HE IS THE PRESIDENT HEREIN NAMED AND DOES HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE A FREE ACT AND DEED.

Frank W. Lambert
NOTARY PUBLIC

OFFICIAL SEAL
FRANK W LAMBERT
NOTARY PUBLIC-OREGON
COMMISSION NO 056164
MY COMMISSION EXPIRES MAR 13 2000

CITY RESTRICTIONS:

1. CITY RESTRICTIONS: SUBJECT TO CONDITIONS OF APPROVAL IN THE CITY OF OREGON CITY PLANNING FILE NO. PD97-08. THESE CONDITIONS ARE JURISDICTIONAL AND NOT A PART OF THIS PLAT.

NOTES:

1. BOUNDARY DETERMINATION: PER PS 28051, CLACKAMAS COUNTY SURVEY RECORDS.

2. LAND'S END IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 99-049426, CLACKAMAS COUNTY DEED RECORDS.

3. TRACTS "A", "B", AND "E" WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

4. TRACTS "D" IS TO BE RETAINED BY RENAISSANCE DEVELOPMENT CORPORATION.

5. TRACT "F" IS A ACCESS CONTROL STRIP AND DEDICATED TO THE CITY OF OREGON CITY BY RECORDING OF THIS PLAT. TRACT "F" SHALL BE AUTOMATICALLY DEDICATED FOR PUBLIC ROAD PURPOSES UPON RECORDING OF A SUBDIVISION OR PARTITION PLAT ON ADJACENT PROPERTY WHICH WILL ACCESS THROUGH THIS TRACT, OR A PUBLIC ROAD DEDICATION (RECORDING) EXTENDING THE ROAD.

6. THERE IS NO OCCUPIABLE GEODETIC CONTROL MONUMENT WITHIN ONE-HALF MILE OF THIS PLAT.

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE SUBJECT PROPERTY 15.86 ACRES, SITUATED ON THE WEST SIDE OF MOLALLA AVENUE (MARKET ROAD NO. 22) PER FEE NO. 98-083113. THIS SUBDIVISION REPRESENTS 57 LOTS AND 5 TRACTS. BASIS OF BEARINGS S45°22'32"E BETWEEN G.P.S. MONUMENTS NO. 2139 AND NO. 2138 OF OREGON CITY PER PS 24,286, CLACKAMAS COUNTY SURVEY RECORDS.
666.44 MEASURED.
666.37 GRID PER PS 24,286.
666.37 MEASURED GRID USING SCALE FACTOR (0.99989847).

SURVEYOR'S CERTIFICATE:

I, EDWARD KING PHELPS, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS REPRESENTED ON THE ANNEXED MAP OF "LAND'S END", LOCATED IN THE ROBERT CAUFIELD D.L.C. NO.53, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, THAT AT THE INITIAL POINT OF SAID "LAND'S END", I FOUND A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "MORELAND LS 1033" WHICH IS THE NORTHWEST CORNER OF FEE NO 98-083113 SAID IRON ROD BEARS S13°44'49"W 62.21 FEET AND N18°45'46"E 556.70 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 18, "DAFTNEY LANE ACRES", CLACKAMAS COUNTY PLAT RECORDS; THENCE N78°50'33"E, A DISTANCE OF 1328.25 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MOLALLA AVENUE (80 FEET WIDE); THENCE ALONG SAID RIGHT OF WAY LINE, S28°40'30"E, A DISTANCE OF 492.89 FEET; THENCE S78°54'18"W, A DISTANCE OF 843.98 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP "MORELAND LS 1033" AN ANGLE POINT AS ESTABLISHED PER PS 24,286; THENCE S76°55'24"W, A DISTANCE OF 1010.38 FEET TO A FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "MORELAND LS 1033" AND THE WEST LINE OF SAID DONATION LAND CLAIM; THENCE N18°45'40"E, A DISTANCE OF 556.70 FEET TO THE INITIAL POINT.

CONTAINING 692,159 SQUARE FEET, 15.88 ACRES

POST MONUMENTATION NOTE:

AS PER O.R.S. 92.070(2) I EDWARD KING PHELPS, ALSO SAY THAT POST MONUMENTATION OF THE INTERIOR MONUMENTS WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE PAVING OF IMPROVEMENTS, OR WITHIN ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

INTERIOR CORNER MONUMENTATION:

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MOUMENTS AND IS RECORDED IN DOCUMENT NO. 2001-023223, CLACKAMAS COUNTY DEED RECORDS.

APPROVED THIS 11TH DAY OF April 2001

Carl R. Chester, Deputy
CLACKAMAS COUNTY SURVEYOR

* PER AFFIDAVIT OF CORRECTION RECORDED JUNE 17, 1999 AS DEED DOCUMENT # 99-061602

CONSENT AFFIDAVIT:

A CONSENT AFFIDAVIT FROM ~~IRVING E. BEL~~ EARL SMITHSON AND CAROL SMITHSON TRUST DEED BENEFICIARY, HAS BEEN RECORDED ON VOLUME 114 PAGE 29
CLACKAMAS COUNTY DEED RECORDS. Fee # 99-049426

A CONSENT AFFIDAVIT FROM ~~B.L. BARNHART~~ * CENTENNIAL BANK TRUST DEED BENEFICIARY, HAS BEEN RECORDED ON VOLUME 114 PAGE 28
CLACKAMAS COUNTY DEED RECORDS. Fee # 99-049427

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JANUARY 19, 1983
EDWARD KING PHELPS
2586
EXPIRES 12-31-00

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE PLAT OF "LAND'S END"

EDWARD KING PHELPS PLS NO. 2586

CITY OF OREGON CITY APPROVALS:

APPROVED THIS 26 DAY OF APRIL, 1999

BY: Dean R Nolin
OREGON CITY - CITY ENGINEER

APPROVED THIS 27TH DAY OF APRIL, 1999

BY: Gary Neff
OREGON CITY PLANNING COMMISSION CHAIRPERSON

CLACKAMAS COUNTY APPROVALS:

APPROVED May 13TH, 1999
CLACKAMAS COUNTY ROAD OFFICIAL

BY: Frank Ironshod
DEPUTY

APPROVED MAY 14TH, 1999

R. CHARLES PEARSON By Carl R Chester
CLACKAMAS COUNTY SURVEYOR DEPUTY

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30, 1999

APPROVED May 17, 1999

Ray Erlend
ASSESSOR AND TAX COLLECTOR

BY: Craig Ferrar
DEPUTY

BY: Jeanette Hasbe
DEPUTY

APPROVED May 17, 1999

CLACKAMAS COUNTY
BOARD OF COMMISSIONERS

BY: S. D. Fuemsen

STATE OF OREGON)
) SS
COUNTY OF CLACKAMAS)

I HEREBY CERTIFY THAT THE ATTACHED PLAT WAS RECEIVED FOR RECORD ON THE 17TH DAY OF May, 1999, AT 2:36 O'CLOCK P.M.

John Kauffman
CLACKAMAS COUNTY CLERK

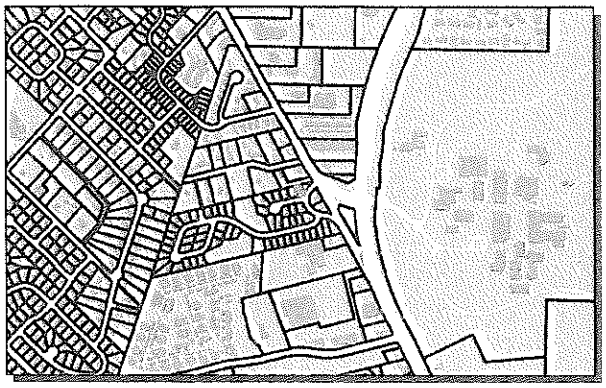
BY: Melissa Taylor
DEPUTY

(SHEET 3 OF 3)
G:\DWG\530\530P3-F.DWG

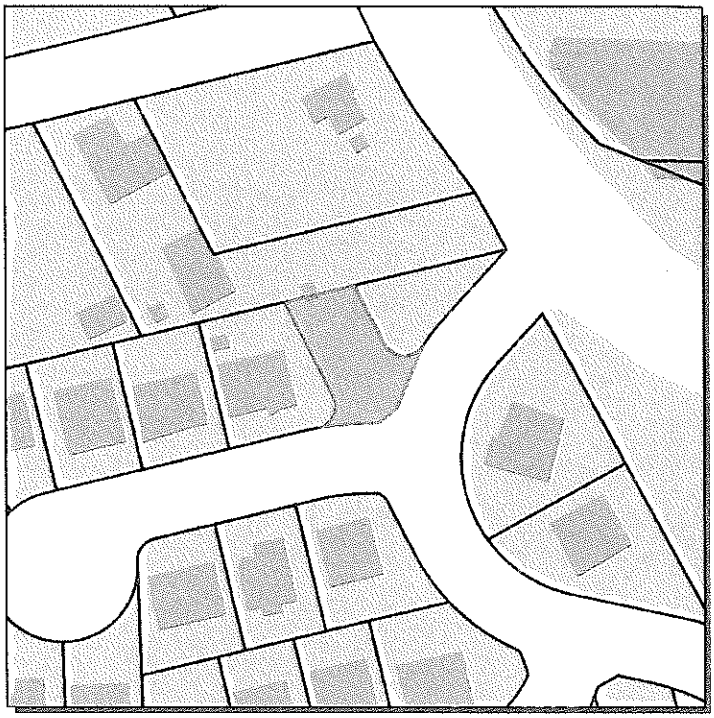
3508

Taxlot Detail Report

Taxlot: 3-2E-08DA-06000



Overview Map



Taxlot highlighted in blue

Taxlot Information

APN: 3-2E-08DA-06000

Alt ID: 01871488

Site Address: NO SITUS ADDRESS

Year Built: 0

Taxpayer Information

Taxpayer: CITY OF OREGON CITY

Address: PO BOX 3040
OREGON CITY, OR 97045

Reference Information

Parcel Area (acres - approx): 0.1

Parcel Area (sq. ft. - approx): 4,791

Twn/Rng/Sec: 03S 02E 8

Tax Map Reference: 32E08DA

Values

Values as of: 01/04/2017

Land Value (Mkt): $20,717

Building Value (Mkt): $0

Exempt Amount: $0

Net Value (Mkt): $20,717

Note: The values above are Market, NOT Assessed values.

Assessed Value: $4,890

Planning Designations

Zoning: R8

- 8,000 Single Family Dwelling District

Comprehensive Plan: lr

- Residential - Low Density

Subdivision: LAND'S END

PUD (if known): PD97-06

Neighborhood Assn: Gaffney Lane NA

Urban Renewal District: Not in an urban renewal district

Concept Plan: Not in a concept plan area

Historic District: Not in a historic district

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In High Water Table Area? Y

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

In 1996/FEMA 100 Yr Floodplain? N

In FEMA Floodway? N

In Sewer Moratorium Area? N

In Thayer Pond Fee Area? N

In Beavercreek Rd Access Plan Area? N

In Barlow Trail Corridor? N

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

Report generated 2/28/2017 9:17 AM

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

After recording return to:
Clackamas County Property Resources
150 Beavercreek Rd.
Oregon City, OR 97045

Until a change is requested all taxes shall be sent to:
Mekhel Tadrous and Madlin Youssef
13951 Venice Court
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2015-033530

NO FEE

01854725201500335300010013

06/03/2015 03:36:12 PM

D-D Cnt=1 Stn=9 COUNTER1
This is a no fee document

BARGAIN AND SALE DEED

CLACKAMAS COUNTY, OREGON, a political subdivision of the State of Oregon, Grantor, conveys its ownership interest to Mekhel Tadrous and Madlin Youssef, *Grantee, all its right, title and interest in that real property situated in Clackamas County, Oregon, and being described as follows:*

Tract 'D', LAND'S END, in the City of Oregon City, County of Clackamas, State of Oregon

The true and actual consideration being paid for this transfer stated in terms of: Five Thousand One Hundred Dollars and 00/100 ($5,100.00) This amount excludes any amount for liens, mortgages, contract, indebtedness, or other encumbrances existing against the above-described real property to which the property remains subject or which the purchaser agrees to pay or assume.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17 CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Clackamas County, Oregon approved by its Board of County Commissioners by Board Order Number 2015-26.

Date this the 26TH *day of* May *, 2015.*

OFFICIAL SEAL
LISA DIANNE MEURS
NOTARY PUBLIC-OREGON
COMMISSION NO. 468993
MY COMMISSION EXPIRES JUNE 05, 2016

CLACKAMAS COUNTY

Director, Business and Community Services or Designee

State of Oregon }
County of Clackamas }

This document was acknowledged before me on 26TH *day of* May *, 2015, by Laura Zentner, Deputy Director of Business and Community Services of Clackamas County.*

Notary Public for Oregon
My Commission Expires: June 5, 2016

RECORDING COVER SHEET (Please Print or Type) this cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

2'

AFTER RECORDING RETURN TO:
Clackamas County
Property Resources
150 Beavercreek Rd
Oregon City, OR 97045

SEND TAX STATEMENTS TO:
Mekhel Tadrous and
Madlin Youssef
13951 Venice Court
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2015-037997

01859563201500379970020021

NO FEE

06/16/2015 03:56:58 PM

D-D Cnt=1 Stn=54 COUNTER2
This is a no fee document

COPY

TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)
Bargain and Sale Deed

DIRECT PARTY(S) – (i.e., DEEDS: Seller/Grantor; MORTGAGES: Borrower/Grantor; LIENS; Creditor/Plaintiff) ORS 205.125(1) (b) and 205.160
Clackamas County, Oregon, a political subdivision of the State of Oregon

INDIRECT PARTY(S) -- (i.e., DEEDS: Buyer/Grantee; MORTGAGES: Beneficiary/Lender; LIENS: Debtor/Defendant) ORS 205.125(1) (a) and 205.160
Mekhel Tadrous and Madlin Youssef

TRUE AND ACTUAL CONSIDERATION-- (Amount in dollars or other) ORS 93.030(5)
$ 5,100

JUDGMENT AMOUNT-- (obligation imposed by the order or warrant) ORS 205.125(1) (c)
$ N/A

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:
"RERECORDED AT THE REQUEST OF Clackamas County, Property Resources
TO CORRECT The grantee vesting should be Mekhell Tadrous and Madlin Youssef
PREVIOUSLY RECORDED IN BOOK/PAGE/FEE NUMBER 2015-033530

Oregon
Kate Brown, Governor

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

March 24, 2017

Ms. Diliana Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 17-0430
City of Oregon City, PA 17-10, Sebastian Way and Venice Court
Vacate city owned tract
Corner of Sebastian Way and Venice Court (3S 2E 8), Oregon City, Clackamas County

Dear Ms. Vassileva:

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

Sincerely,

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

OREGON CITY

Community Development – Planning

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

TYPE II SUBDIVISION APPLICATION
STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL
March 28, 2017

Submitted: October 28, 2016
Complete: January 3, 2017
120 Day Deadline: May 2, 2017
NOD: March 28, 2017

FILE NUMBER: TP 16-02: Five-Lot Subdivision

APPLICANTS: Dane Ellis
489 S Knott Street
Canby, OR 97013

Matt Newman
3409 NW John Olsen Place
Hillsboro, OR 97124

OWNER: Armasabille Ermita
489 S Knott Street
Canby, OR 97013

REQUEST: The applicant is seeking approval of a five-lot subdivision within the "R-3.5" Dwelling District.

LOCATION: 13918 Lazy Creek Lane, Oregon City, OR 97045
Clackamas County Map 3-2E-08A, Tax Lot 2100

REVIEWER: Diliana Vassileva, Assistant Planner
Mario de la Rosa, Development Engineer

DECISION: Approval with Conditions.

PROCESS: Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval
Planning File TP 16-02

(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.

<u>The applicant shall include the following information with submittal of a public improvement and/or grading permit associated with the proposed Subdivision application. The information shall be approved prior to issuance.</u>

1. The applicant shall submit a revised plat demonstrating compliance with:
   a. The dimensional standards in OCMC Section 17.16.040. (P)
   b. Standards for calculations of lot area in OCMC Section 16.12.050. (P)
   c. Building site standards in OCMC Section 16.12.040. (P)
   d. Building site standards for lot and parcel lines in OCMC Section 16.12.060. (P)
   e. Lot 4 shall be reconfigured to not be a flag lot. (P)

2. The applicant shall submit documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130.

3. Applicant shall comply with all applicable sections of City of Oregon City public works design standards and policies. *(DS)*

4. Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City and obtain a permit prior to construction activities. *(DS)*

5. Applicant shall provide 8-inch public water main in Lazy Creek Lane to west end of project frontage. *(DS)*

6. Applicant shall provide 8-inch public sewer main in Lazy Creek Lane to west end of project frontage, and two-way cleanout on each service lateral. *(DS)*

7. Applicant shall provide on-site vehicle turn-around per Clackamas County Fire District requirements. *(DS)*

8. The driveway for Lot 3 shall be relocated to access the shared driveway. *(DS)*

9. Applicant shall provide ADA ramp to west side of Lazy Creek Lane. *(DS)*

10. Molalla Avenue improvements will need to be coordinated with upcoming City improvements for the Molalla Avenue Corridor. Specific dimensions of the improvements along the site frontage will be determined prior to construction plan approval. Site frontage improvements along Molalla Avenue will require approximately 10 feet of right-of-way dedication along the northerly segment of the frontage for a total of 40 feet from centerline. From centerline of Molalla Avenue, half street improvement will consist of 23-feet of pavement, 6-inch curb, 10-foot sidewalk and 6-inch monument strip at back of walk along the frontage of the subject site. Fee in lieu of the Molalla Avenue improvements may be accepted at the discretion of the City Engineer. *(DS)*

11. Applicant shall construct along Lazy Creek Lane frontage a half-street consisting of, 16-foot pavement, 0.5-foot curb, 5-foot planter, 5-ft wide sidewalk and 0.5-foot monument strip at back of walk and provide the associated dedication along the Lazy Creek Lane frontage.

12. A stormwater report shall be submitted with the public facilities construction plans to fully address all applicable Stormwater and Grading Standards, including downstream analysis and management (conveyance, treatment and detention) of stormwater runoff from the public right-of-way. *(DS)*

13. A Residential Lot Grading Plan shall be required as part of the public facilities construction plans per the City's Residential Lot Grading Criteria and the International Building Code. *(DS)*

<u>The applicant shall submit the following information prior to final plat of the Subdivision.</u>

14. In the event that Lazy Creek Lane has not become a public street as required per Minor Partition application, MP 16-01, the applicant shall revise the proposed configuration of the subdivision in order to:
    a. Provide frontage on a public street for each of the proposed lots in accordance with OCMC Section 16.08.045. (P)
    b. Meet the flag lots standards in OCMC Section 16.08.050. (P)
    c. Meet the dimensional standards in OCMC Section 17.16.040. (P)

15. The strip of Lazy Creek Lane along the subject site frontage (flag pole of TL 3-2E-08A-01900, 13834 Lazy Creek Lane) shall be dedicated as public right-of-way prior to approval of the proposed plat. *(DS)*

16. The plat shall include a non-vehicular access strip along Lot 3 and Lot 4 frontage of Molalla Avenue. *(DS)*

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

18. The applicant shall record the access and maintenance agreement for the shared driveway. (DS)

19. The applicant shall provide the City with a copy of the recorded perpetual reciprocal access easement and maintenance agreement for the flag lot(s). (P)

20. The applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. (P)

<u>The applicant shall include the following information with submittal of a Building permit associated with the proposed Subdivision application. The information shall be approved prior to issuance of building permit.</u>

21. The developer shall execute the City's standard non-remonstrance agreement for future public improvements benefitting the properties. *(DS)*

22. The front setback and most architecturally significant elevation of future homes located on Lots 3 and 4, shall be oriented towards Molalla Avenue. Due to the configuration of Lot 3, the front setback

of the new home on Lot 3 may be taken from Lazy Creek Lane, however, for fencing and home orientation purposes, the front setback of Lots 3 and 4 shall be towards Molalla Avenue. (P)

I. BACKGROUND:

1. Existing Conditions

The property is located at the southwest corner of Lazy Creek Lane and Molalla Avenue, at 13918 Lazy Creek Lane. The property is approximately 22,000 square feet in size and currently developed with one single-family residence. The site is mostly flat with limited vegetation and does not reside within an overlay district or historic district. With the exception of retail uses located along Molalla Avenue, surrounding properties are residential in nature, including the Land's End Subdivision just south of the property.

Access to the property is via a driveway located on Lazy Creek Lane. At this time, Lazy Creek Lane is a private road owned by the property owner of 13834 Lazy Creek Lane; however, a two-lot Minor Partition application (MP 16-01) was conditionally approved on November 23, 2016, with a condition to dedicate all of privately-owned Lazy Creek Lane as public right-of-way. Therefore, it is anticipated that Lazy Creek Lane will become public, however, that is dependent on the platting of MP 16-01.

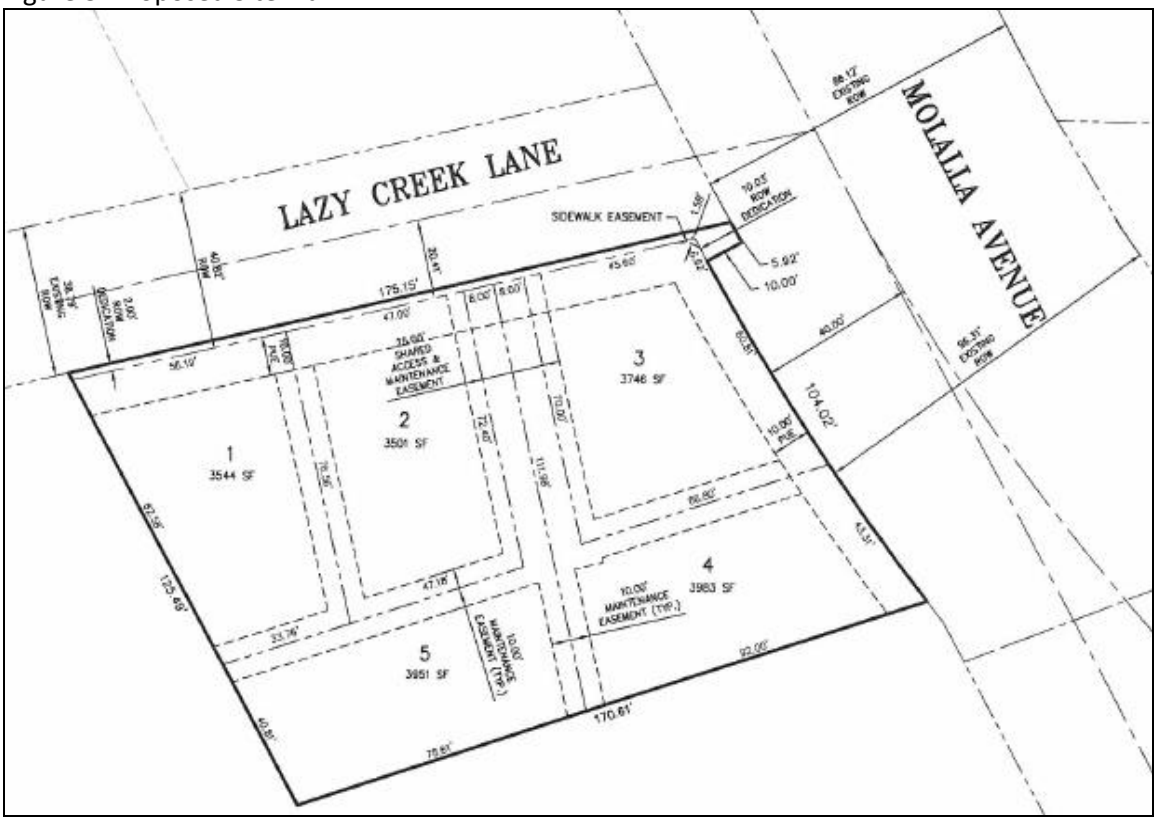
Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant is requesting to divide the property into five lots, ranging in size from 3,501 square feet to 3,983 square feet, each developed with a single-family residence. The existing house is proposed to be demolished. The proposed lots would be accessed from Lazy Creek Lane. As proposed, Lots 4 and 5 would have a flag lot configuration and a shared driveway, while Lots 1, 2, and 3 are proposed to have direct driveway access from Lazy Creek Lane. The applicant is proposing utility extensions of sanitary sewer, storm, and water west on Lazy Creek Lane from Molalla Avenue in order to serve the development. A fire hydrant is also proposed on the corner of Lazy Creek Lane and Molalla Avenue.

Figure 3: Proposed Site Plan



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

   12.04 - Streets, Sidewalks, and Public Places
   12.08 - Public and Street Trees
   13.12 - Stormwater Management
   15.48 - Grading, Filling and Excavating
   16.08 - Subdivisions-Process and Standards
   16.12 - Minimum Improvements and Design Standards for Land Divisions
   17.16 - R-3.5 Single Family Dwelling District
   17.41 – Tree Protection
   17.47 - Erosion and Sediment Control
   17.50 - Administration and Procedures
   17.54.100 – Fences

   The City Code Book is available on-line at www.orcity.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. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. No public comments were received.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.16 – "R-3.5" DWELLING DISTRICT

17.16.040 Dimensional standards.
Dimensional standards in the R-3.5 district are:
A. Minimum Lot Areas.
1. Residential uses, three thousand five hundred square feet per unit.
2. Non-residential uses, zero minimum;
B. Minimum lot width, twenty-five feet;
C. Minimum lot depth, seventy feet;
Finding: Complies with Condition. The proposed lot dimensions are identified in the table below. The five resulting lots would exceed the minimum lot size and minimum lot width; however, it appears that Lot 3 does not comply with the minimum lot depth. Although the applicant has indicated that the depth of Lot 3 would be 70 feet, based on the scaled site plan submitted by the applicant and the lot depth definition in OCMC Section 17.04.675, it appears that the depth of Lot 3 would be approximately 68 feet. Prior to final plat, the applicant shall submit a revised plat demonstrating compliance with the dimensional standards in OCMC Section 17.16.040. Additionally, in the event that Lazy Creek does not become a public street as required per Minor Partition application, MP 16-01, the applicant shall submit a revised plat that provides frontage on a public street as required per OCMC 16.08.045, and demonstrates compliance with dimensional standards for all proposed lots. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Lot	Size	Width	Depth
1	3,544 sq. ft.	47 ft.	79 ft.
2	3,501 sq. ft.	47 ft.	75 ft.
3	3,746 sq. ft.	55 ft.	68 ft.
4	3,983 sq. ft.	41 ft.	82 ft.
5	3,951 sq. ft.	40 ft.	84 ft.

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum Required Setbacks:
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: Not Applicable. The existing residence onsite is proposed to be demolished. Compliance with maximum height and minimum setback requirements would be reviewed upon submittal of a building permit application.

F. Garage standards: See Chapter 17.21—Residential Design Standards.
Finding: Not Applicable. The existing residence onsite is proposed to be demolished. Compliance with garage standards and residential design standards in Chapter 17.20 would be reviewed upon submittal of a building permit application.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.
Finding: Not Applicable. The existing residence onsite is proposed to be demolished. Compliance with maximum lot coverage standards would be reviewed upon submittal of a building permit application.

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 includes a preliminary site plan and the necessary submittal requirements. This standard is met.

16.08.025.B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
Finding: Complies as Proposed. The development application included a preliminary site plan as well as a Transportation Analysis Letter (TAL) from DKS Associates (Exhibit 3). Comments from the City's

Transportation Consultant, John Replinger (Exhibit 4), confirmed that the TAL submitted addresses the City's requirements and provides an adequate basis to evaluate impacts of the proposed subdivision.

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 includes preliminary site and drainage plans as well as the proposed lots, street, and trees proposed to be removed. The subject site is not within an environmental overlay district.

16.08.025.D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the
level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the
Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.
If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

Finding: Complies as Proposed. A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various Tribes for review. Comments received were provided to the applicant.

16.08.030.B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:
16.08.030.B.1. Water
Finding: Complies with Condition. An existing City owned 14-inch ductile iron water main is located along the frontage on the east side of Molalla Avenue. Additionally, there is also a 2-inch water main located along the frontage on the west side of Molalla Avenue nearest the subdivision. The applicant proposed to provide an 8-inch water main service to the subdivision along Lazy Creek Lane from the 14-inch water main to serve Lots 1, 2, and 5. Lots 3 is currently served from the 2-inch water main which will need to be disconnected and served by the 14-inch water main. Lot 4 will also be required to be served from the 14-inch water main. All lots shall have a minimum 3/4-inch water service. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.2. Sanitary Sewer
Finding: Complies with Condition. An existing 8-inch PVC sanitary main is located along frontage of Molalla Avenue. The applicant proposed to install manhole over existing 8-inch sanitary main and provide 8-inch sewer main service along Lazy Creek Lane to end of frontage. A sanitary manhole will be provided at the upstream end. Each lot will be served with a 4-inch sanitary lateral and a two-way cleanout at the right-of-way line. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.3. Storm Sewer and Storm Water Drainage
Finding: Complies with Condition. An existing 12-inch public storm line is located along frontage of Molalla Avenue. The applicant proposed to install manhole over existing 12-inch storm sewer main and provide 12-inch storm sewer main along Lazy Creek Lane to end of frontage. A storm manhole will provided at the upstream end.

The new storm sewer system will have to be designed per the City of Oregon City Public Works Stormwater and Grading Design Standards. Detention and water quality will be required for the development to mitigate for impacts to downstream receiving waters.

Prior to final construction plan approval, the storm water report shall be finalized based upon the City Design Standards. The applicant has proposed to provide stormwater facilities for each lot via flow through planters to capture and treat stormwater, prior to connecting to proposed storm sewer system.

Storm sewer improvements will be required as part of the proposed development. Storm sewer improvements will be designed to collect and convey on-site drainage. The storm water in the proposed right-of-way will drain along proposed gutter and will be collected in catch basins and discharge to public storm system. Applicant states that due to constraints in public right-of-way, stormwater runoff from the streets will not be treated or detained. The design needs to include management of stormwater for the project as a whole. Should the applicant be able to justify this in the final stormwater report, and show no impacts to downstream system will result, fee in lieu of the improvements will be applied.

The applicant provided infiltration testing results and Site Assessment and Planning Checklist for the City's review. While the preliminary storm evaluation is sufficient to show that the proposed method of

addressing storm drainage will work, it needs to be finalized in compliance with the City standards and acceptable to the City staff.

The downstream evaluation will need to be conducted on the existing collection system to determine if larger pipes are required. Additional detention or off-site capacity improvements may be required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.B.4. Parks and Recreation
Finding: Complies as Proposed. Park System Development Charges will be paid at the time building permits are issued for each lot within the subdivision.

16.08.030.B.5. Traffic and Transportation
Finding: Complies as Proposed. A transportation analysis letter (TAL) dated October 18, 2016, was prepared for this project by Kevin Chewuk of DKS Associates (Exhibit 3). The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who wrote in Exhibit 4:

> *I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the five-lot subdivision can be assessed. The subdivision will result in minimal additional traffic. The TAL provides adequate justification for an exception to allow the placement of driveways with the limited sight distance. There are no transportation-related issues associated with this development proposal requiring mitigation.*
>
> *1. Trip Generation. The TAL presents information on trip generation from the construction of five single-family houses. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation Manual. The five proposed dwellings are calculated to produce 4 AM peak hour trips; 5 PM peak hour trips; and 48 weekday trips.*
>
> *2. Access Locations. Access will be four driveways intersecting Lazy Creek Lane. Three will serve individual houses; one will be a shared driveway serving two houses. The existing driveway access will be removed. The preparer provides justification for a design exception for the access locations. I concur with the rational and support an exception. The access locations are appropriate.*
>
> *3. Driveway Width. The TAL includes a discussion of driveway widths and indicates the driveway will meet city driveway width standards applicable to residential properties.*
>
> *4. Intersection Spacing. The proposal involves only driveways and would not create any new intersections.*
>
> *5. Sight Distance. The TAL includes a discussion of sight distance at the proposed driveways on Lazy Creek Lane. Sight distance to the west exceeds applicable stopping sight distance for the statutory speed of the street. Sight distance to the east is limited by the distance to Molalla Avenue. The TAL provides a good discussion and justification for an exception based on the low volume and the absence of likely conflicts since vehicles from the subdivision are unlikely to travel westbound on Lazy Creek Lane, a dead end street. The preparer states that safety will not be adversely affected. I concur.*
>
> *6. Safety Issues. The TAL does not include a crash summary but there is no reason to expect that safety will be adversely affected. The preparer states that there are no inherent safety issues*

associated with the design and location of the site driveways. I concur with the preparer's conclusion.

7. Consistency with the Transportation System Plan (TSP). Based on the materials submitted it appears that the street frontage would be developed in accordance with city standards and would be consistent with the TSP. According to the TAL, the frontage improvements along Lazy Creek will include right-of-way dedication, half-street improvements, a sidewalk and planting strip. Improvements along Molalla Avenue will include half-street improvements and the installation of sidewalk meeting residential major arterial standards.

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. No comments from the Oregon City School District were received on this development application.

16.08.030.B.7. Fire and Police Services
Finding: Complies with Condition. Clackamas County Fire District No. 1 will provide fire services to the subject site. The applicant proposes to install a fire hydrant at the intersection of Lazy Creek Lane/Molalla Avenue intersection and provide an on-site emergency vehicle turn-around. 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. Prior to public facilities construction plan approval, the applicant shall submit the proposed development plans to the City for Clackamas County Fire District review and install fire hydrants and access as needed for the proposed development.

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

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the Applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;
Finding: Not Applicable. As described above, all public systems have adequate capacity to serve the development. Therefore, this standard does not apply to this application.

16.08.030.C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.
Finding: Not Applicable. This application did not include any requests for variances.

16.08.030.D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;
Finding: Complies with Condition. The applicant has not submitted a copy of the draft CC&Rs for the subdivision. Prior to final plat, the applicant shall submit CC&R's for the subdivision (if applicable) which

do not conflict with the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.08.030.E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;
Finding: Complies as Proposed. The applicant has indicated that the subdivision will be developed 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 22,215 square feet in size. However, after required right-of-way dedications, the resulting net developable area for the project would be approximately 18,748 square feet. The net developable area divided by 3,500 (the minimum lot size) provides a maximum density of 5 units. The Oregon City Municipal Code requires a minimum of 80% of the maximum density be constructed. Eighty percent of 5 is 4 units (5*0.8 = 4). The applicant has proposed 5 lots. Therefore, the application complies with the maximum allowed density and achieves at least 80 percent of the maximum density of the base zone for the net developable area. All lots will be developed with single-family dwellings.

16.08.045 - 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 with Condition. Proposed lots 3 and 4 have frontage on Molalla Avenue. Proposed lots 1, 2, and 5 have frontage on Lazy Creek Lane, which is currently a private street. Per the conditions of approval of Minor Partition application, MP 16-01, Lazy Creek Lane must be dedicated as public right-of-way, thus becoming a public street. In the event that Lazy Creek Lane does not become a public street, the applicant shall revise the proposed configuration of this subdivision in order to provide frontage on a public street for each of the proposed lots. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies with Condition. The applicant has proposed a flag lot for Lots 4 and 5. A flag lot for Lot 5 is necessary in order to provide frontage on a public street as required per OCMC 16.08.050. However, since Lot 4 already has frontage on Molalla Avenue, Lot 4 does not need to be a flag lot. Prior to final plat, the applicant shall revise the configuration of Lot 4 to not be a flag lot. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
Finding: Complies with Condition. The applicant has indicated that the two proposed flag lots will utilize a 16-foot wide joint accessway with a perpetual 25-foot reciprocal easement and maintenance agreement. In order to comply with the requirements in OCMC Section 16.08.050.A, Lot 4 should not be a flag lot, however, access for Lot 4 can still be taken through the pole portion of Lot 5. Prior to final plat,

the applicant shall provide the City with a copy of the recorded perpetual reciprocal access easement and maintenance agreement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. The pole portion of the flag lot shall connect to a public street.
Finding: Complies with Condition. The applicant has proposed two flag lots with poles connecting to Lazy Creek Lane, which is a private street. Per the conditions of approval of Minor Partition application, MP 16-01, Lazy Creek must be dedicated as public right-of-way, thus becoming a public street. In the event that Lazy Creek Lane does not become a public street, the applicant shall revise the proposed configuration of this subdivision in order to meet the flag lots standards in OCMC Section 16.08.050. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. The pole shall be at least 8 feet wide for the entire length.
Finding: Complies as Proposed. The applicant has proposed two flag lots. The poles of both proposed flag lots are eight feet wide for their entire length. Per OCMC Section 16.08.050.A, Lot 4 will be revised so it is not a flag lot configuration.

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.
Finding: Complies as Proposed. The applicant has indicated that the pole portions of the two flag lots will be under the same ownership as the flag portions of the lots. Per OCMC Section 16.08.050.A, Lot 4 will be revised so it is not a flag lot configuration.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS[3]

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*: Not Applicable*. No new blocks would be created as part of this Subdivision application.
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*: Not Applicable*. No new blocks would be created as part of this Subdivision application.

16.12.040 - Building sites.
The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.
Finding: Complies with Condition. As conditioned, the building sites proposed are appropriate in size, width, shape, and orientation for medium-density residential development, similar to other development within the "R-3.5" Dwelling District. The applicant is not requesting a variance to any dimensional standard. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.045 - Building sites—Minimum density.
All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.
Finding: Please refer to the analysis in Section 16.08.030.F of this report.

16.12.050 - Calculations of lot area.
A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.
Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.
A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.
When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.
Finding: Complies with Condition. All proposed lots are at least 3,500 square feet, and meet the minimum lot size requirements of the "R-3.5" Dwelling District. The applicant is not utilizing the lot averaging allowed by this section, and the property does not abut a public alley. Per the conditions of approval of this staff report, the subdivision configuration must be revised in order to meet requirements for flag lots and lot depth. The revised configuration shall comply with standards for calculations of lot area in OCMC Section 16.12.050. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.055 - Building site—Through lots.
Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.
Finding: Complies as Proposed. No through lots are proposed.

16.12.060 - Building site—Lot and parcel side lines.
The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
Finding: Complies with Condition. As far as practicable, the proposed lot lines and parcels run at right angles to Lazy Creek Lane. However, pursuant with the conditions of approval of this staff report, the plat must be revised in order to meet requirements for flag lots and lot depth. The revised configuration shall comply with building site standards for lot and parcel lines in OCMC Section 16.12.060. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.
Finding: Complies with Condition. The applicant has submitted a preliminary grading and erosion control plan. Applicant is required to provide a grading plan demonstrating compliance with the City's Public Works requirements for grading standards.

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

16.12.070 - Building site—Setbacks and building location.
This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.
A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.
B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.
C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.
D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.
Finding: Complies with Condition. Molalla Avenue is classified as a major arterial, and Lazy Creek Lane is classified as a local street. Therefore, the front setback and most architecturally significant elevation of homes located on Lots 3 and 4, shall be oriented towards Molalla Avenue. Driveway access from Molalla Avenue is not proposed. Due to the configuration of Lot 3, the front setback for the new home may be taken from Lazy Creek Lane; however, for fencing and orientation purposes, the front setback is Molalla Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.075 - Building site—Division of lots.
Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets

which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.
Finding: Complies as Proposed. No lots within the subdivision have sufficient lot area for further division.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
Finding: Complies as Proposed. The applicant has proposed 10-foot wide public utility easements (PUE's) along all street frontages. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans will be dedicated to the public on the final plat. The applicant has proposed a shared access and maintenance easement between Lots 2, and 3 and maintenance easements between all lots. All existing and proposed utilities and easements shall be indicated on the construction plans.

16.12.085.B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
Finding: Not Applicable. There are no unusual facilities proposed or required within this development.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
Finding: Not Applicable. The land division is not traversed by a watercourse.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.
Finding: Complies as Proposed. A 25-ft access easement is proposed between Lots 2 and 3 to provide access for Lots 4 and 5.

E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.
Finding: Not Applicable. The land division is not traversed by a water feature.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:
A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.
C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.
D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.
E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.
Finding: Complies with Condition. The applicant has indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. As required by these standards and city policy, inspections will occur during construction of these improvements. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. A condition has been applied to ensure compliance with all City design standards and policies. **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 or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.
Finding: Complies with Condition. Final civil plans for road improvements will be submitted after issuance of the staff report. This will include half-street improvements along both street frontage of Molalla Avenue and Lazy Creek Lane.

The applicant's submittal shows Lazy Creek Lane as right-of-way, while it is currently a privately owned property with access easements serving nearby residents. The proposed access and improvements to Lazy Creek Lane will not be feasible until it has been dedicated as public right-of-way. Dedication of Lazy Creek Lane to public right-of-way has been made a condition of MP 16-01, a partition of 13834 Lazy Creek Lane, approved November 23, 2016. A condition will be applied stating that the proposed street and access configuration is contingent upon this dedication.

The proposed right-of-way dedication of 2.0 feet along Lazy Creek Lane appears to comply with the City's Local Street Section. The submitted typical cross-section inaccurately shows the location of the centerline. The majority of the length of Lazy Creek flag pole is 50 feet wide. Based on available survey data, it reduces down to 40-foot width along the easterly end, at the frontage of the subject site. The reduction occurs on the north side. Therefore, it is appropriate to measure the centerline of this (future) right-of-way at the approximate centerline of the 50-foot width. By doing so, the proposed frontage improvements can still provide the standard Local Street section on the applicant's frontage (south side), and a total paved width of 20 feet for emergency vehicle passage. Upon future development on the north side of Lazy Creek Lane, it appears that additional right-of-way dedication and completion of the Local Street section can be provided.

The public improvement plans will need to be refined to reflect adequate data to determine existing pavement width on Lazy Creek Lane, and provide right-of-way dedication and improvements to adequately serve the development. It is reasonable and likely that the standard can be met with application of conditions. Due to the non-traditional existing configuration of Lazy Creek Lane, the City may entertain a Constrained Local Street section.

The applicant will sign a non-remonstrance agreement against the formation of a local improvement district for street improvements that benefit the applicant's property. **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 with Condition. Refer to section 16.08.030.B.3 of this report for a discussion of storm water. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's

sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.
Finding: Complies with Condition. Refer to section 16.08.030.B.2 of this report for a discussion of sanitary sewer. **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.D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.
Finding: Complies with Condition. Refer to section 16.08.030.B.1 of this report for a discussion of the water system. **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.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. Sidewalks are proposed along project frontage of Lazy Creek Lane and Molalla Avenue.

16.12.095.F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.
Finding: Complies as Proposed. Please refer to the analysis in chapter 12.04.199 of this report.

16.12.095.G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.
Finding: Complies as Proposed. The applicant will install street signs as required, which will be evaluated at time of public facilities construction plan review. No signal is warranted.

16.12.095.H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.
Finding: Complies as Proposed. The applicant has stated that streetlights will be install as required. Streetlight design will be evaluated at time of public facilities construction plan review; however, it appears that streetlights will need to be installed.

16.12.095.I. Street Trees.
Finding: Please refer to the analysis in section 12.08 of this report.

16.12.095.J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
Finding: Complies as Proposed. The applicant has indicated that at least one bench mark will be provided within subdivision.

16.12.095.K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
Finding: Complies as Proposed. The applicant has indicated that all necessary arrangements with utility companies or affected parties for the installation of underground lines and facilities will be made.

16.12.095.L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
Finding: Acknowledged. The applicant has acknowledged that the City may require oversizing of facilities and has indicated compliance with this standard if determined to be necessary by City Engineer. However, it is not anticipated oversizing will be required for this development.

16.12.095.M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.
Finding: Please refer to the findings in Chapter 17.47 within this report.

16.12.100 Same—Road standards and requirements.
A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
Finding: Please refer to the findings in chapter 12.04 within this report.

16.12.105 Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.
B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.
C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.
Finding: Complies with Condition. Construction of public improvements will comply with City standard procedures described in this section. **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 permitee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.
A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.
B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:
1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.
2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.
C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their

discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.
Finding: Complies with Condition. Construction of public improvements will comply with City standard procedures described in this section. The applicant will submit the required performance guarantees or will perform the improvements required for this application. **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 subdivision, this chapter is applicable.

12.04.005 *Jurisdiction and management of the public rights-of-way*
A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.
E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
Finding: Complies as Proposed. The applicant has acknowledged the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.

12.04.007 Modifications.
The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a

transportation engineer or others to verify compliance. Compliance with the following criteria is required:
A. The modification meets the intent of the standard;
B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
C. The modification is consistent with an adopted plan; and
D. The modification is complementary with a surrounding street design; or, in the alternative,
E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
Finding: Not Applicable. No modification to these standards is proposed.

12.04.010 Construction specifications—Improved streets.
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Finding: Complies with Condition. See section 12.040.180 for findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.020 Construction specifications—Unimproved streets.
Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Finding: Complies as Proposed. The applicant proposes to construct curb and sidewalk along frontage of Lazy Creek Lane, which is an unimproved street.

12.04.025 - Street design—Driveway Curb Cuts.
12.04.025.A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.
12.04.025.B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

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

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the

driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).
12.04.025.C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single –Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.
12.04.025.D. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.
4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.
12.04.025.E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.
Finding: Complies with Condition. The applicant has proposed four curb cuts along Lazy Creek Lane with this development. Lots 4 & 5 will share a curb cut. Curb cuts are shown in accordance with these standards. Due to its close proximity to Molalla Avenue intersection, and its proposed location in the fire turnaround, the driveway for Lot 3 will need to be relocated to access the shared driveway. A condition will be applied to ensure the driveway access is placed in a safer location. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.030 Maintenance and repair.
The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.
Finding: Complies as Proposed. The owner is responsible for maintaining said sidewalk and abutting curb.

12.04.031 Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.
B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.
Finding: Not Applicable. The criteria are applicable to injuries incurred on public sidewalk and will be administered at such time as necessary.

12.04.032 Required sidewalk repair.
A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.
B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.
Finding: Not Applicable. The criteria are applicable to repair of sidewalk and will be administered at such time as necessary.

12.04.033 City may do work.
If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.
Finding: Not Applicable. The criteria are applicable to repair of sidewalk and will be administered at such time as necessary.

12.04.034 Assessment of costs.
Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.
Finding: Not Applicable. The criteria are applicable to repair of sidewalk and will be administered at such time as necessary.

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

Finding: Not Applicable. The criteria are applicable to repair of sidewalk and will be administered at such time as necessary.

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

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

Finding: Complies with Condition. See discussion in 16.12.095.A. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.050 Retaining walls--Required.
Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.
Finding: Not Applicable. The applicant has not proposed construction of a retaining wall.

12.04.060 Retaining walls--Maintenance.
When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The applicant has not proposed construction of a retaining wall.

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

Finding: Not Applicable. The applicant has not proposed a retaining wall.

12.04.080 Excavations--Permit required.
It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Finding: Not Applicable. The criteria are applicable to singular permitting of excavation; this development will be permitted within the regulations of a comprehensive construction plan certified by professional engineer and administered by the City. A condition has been applied to ensure the work is performed in accordance with all public works standards and policies.

12.04.090 Excavations--Permit restrictions.
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Finding: Not Applicable. The criteria are applicable to singular permitting of excavation; this development will be permitted within the regulations of a comprehensive construction plan certified by professional engineer and administered by the City.

12.04.095 - *Street Design—Curb Cuts.*
To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:
A. To provide adequate space for on-street parking;
B. To facilitate street tree planting requirements;
C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
D. To assure that adequate sight distance requirements are met.
Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.
Finding: Complies as Proposed. The applicant will comply with City standards regarding number and design of curb cuts for driveway approaches.

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 as Proposed. The applicant has proposed work in the public right-of-way that will require pavement restoration. This includes new pipe lines. The applicant shall restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards and meet the Full Standard for all cuts. This work will be addressed as part of the required public facilities construction plans.

12.04.110 Excavations--Nuisance--Penalty.
Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. No violations or nuisances have been identified.

12.04.120 Obstructions – Permit Required
Finding: Not Applicable. The applicant has not proposed an obstruction requiring a permit.

12.04.130 Obstructions--Sidewalk sales.
A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.
Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this application.

12.04.140 Obstructions--Nuisance--Penalty.
Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. No violations or nuisances have been identified.
12.04.150 - Street and alley vacations—Cost.
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 Street vacations--Restrictions.
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 *- Street design—Purpose and general provisions.*
All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies with Condition. The applicant has proposed standard street improvements and other public facilities work in accordance with adopted public facility plans, and is required to conform to all public works standards and policies, which apply to any development requiring provision of public facilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 Street Design--Generally.
The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the ***objectives of street extensions.***
Finding: Complies as Proposed. City staff has reviewed the street system in the vicinity of the subject development with the City's transportation consultant, and determined that the circulation needs are met with Lazy Creek Lane future public right-of-way and Molalla Avenue; no new streets are required through the development.

12.04.180 Street Design.
All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.
Table 12.04.180 Street Design
To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

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

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

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

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

Finding: Complies with Condition. Molalla Avenue is a Residential Major Arterial with a city-adopted Corridor Plan. Molalla Avenue improvements as depicted will require approximately 10-feet of Right-of-Way dedication for a portion of the frontage as shown on the Preliminary Plat for a total of 40 feet from centerline of Right-of-Way. The half street improvement along the applicants frontage includes but is not limited to 23-feet of pavement, 6-inch curb, 10-foot sidewalk and 6-inch monument strip at back of walk to Right-of-Way. See discussion in 16.12.095 regarding Lazy Creek Lane improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.185 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: Not Applicable. No stub streets are proposed.

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. The applicant has acknowledged 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: Not Applicable. New street locations are not being created with this application.

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

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***
Major Arterial Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*175 ft.*
Collector Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other 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 project complies with the minimum 25-ft. driveway spacing standards as measured from the Molalla Avenue/Lazy Creek Lane intersection.

12.04.199 Pedestrian and Bicycle Accessways

Finding: Complies as Proposed. Pedestrian/bicycle accessways are not proposed or required with this application.

12.04.205 Mobility Standards.

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

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

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

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

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

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

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

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

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

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.

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

I-205 / OR 99E Interchange
I-205 / OR 213 Interchange
OR 213 / Beavercreek Road
State intersections located within or on the Regional Center Boundaries

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

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

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

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

Finding: Complies as Proposed. A Transportation Analysis Letter has been prepared by a registered engineer which addresses the applicable sections of this code (Exhibit 3). The letter was reviewed by the City's transportation consultant whom concurred that no mobility issues were identified with this proposal (Exhibit 4).

12.04.210 Street design--Intersection Angles.
Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.
Finding: Complies as Proposed. The Molalla Avenue/Lazy Creek Lane is not designed as a 90 degree intersection. Lazy Creek Lane intersects at a slight angle. However, since this is an existing condition, no changes to the intersection geometry are warranted as a condition of this development.

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: Please refer to the findings in chapter 12.04.180 within this report.

12.04.220 Street Design--Half Street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets.
When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.
Finding: Complies with Condition. The applicant has proposed a half street for Lazy Creek Lane as described in 16.12.095. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.
The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as

determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.
Finding: Not Applicable. There are no cul-de-sacs or permanent dead-ends proposed.

12.04.230 Street Design--Street Names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.
Finding: Not Applicable. No new streets are proposed as part of this development application.

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 development occurs along existing streets; therefore, new grades and curves will not be created.

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 with Condition. Lots 3 and 4 have frontage that abuts Molalla Avenue. Fencing is proposed to screen Molalla Avenue from the homes. A condition will be applied to limit access to Molalla Avenue. **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: Complies as Proposed. Lazy Creek Lane and Molalla Avenue will be provided with sidewalks for pedestrian access. It has not been determined that a crosswalk will be warranted at this location.

12.04.255 Street design--Alleys.
Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.
Finding: Not Applicable. No alleys are proposed.

12.04.260 Street Design--Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Finding: Complies as Proposed. Both Molalla Avenue and Lazy Creek Lane are designed with sidewalks which promotes pedestrian safety. Bicycles will be within the bike lane on Molalla Avenue. Transit facilities are not warranted at this location.

12.04.265 Street design--Planter Strips.
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.
Finding: Complies as Proposed. Please refer to section 12.04.180.

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

within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.
Finding: Complies with Condition. A condition has been applied to ensure compliance with all public works standards and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Chapter 12.08 - PUBLIC AND STREET TREES[2]

12.08.015 - Street tree planting and maintenance requirements.
All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.
Finding: Complies with Condition. The applicant has indicated that this standard will be met and submitted a street tree plan from the Oregon City Street Tree List. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
Finding: Complies with Condition. The applicant has indicated that one tree will be planted for every 35 feet of frontage, but did not submit the calculation to demonstrate compliance with this standard. The street tree plan submitted also does not appear to comply with this standard. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.
Finding: Complies with Condition. The applicant has indicated that it is their intent to comply with this standard, but the street tree plan submitted does not comply with all public and street tree standards in OCMC Chapter 12.08. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
Finding: Complies with Condition. The applicant has indicated that it is their intent to comply with this standard, but the street tree plan submitted does not comply with all public and street tree standards in OCMC Chapter 12.08. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Condition. The applicant did not identify compliance with this standard. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.020 - Street tree species selection.
The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.
Finding: Complies with Condition. The applicant has indicated that it is their intent to comply with this standard, but the street tree plan submitted does not comply with all public and street tree standards in OCMC Chapter 12.08. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.025 - General tree maintenance.
Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.
Finding: Complies with Condition. The applicant did not identify compliance with this standard. Prior to final plat, the applicant shall submit a revised street tree plan to include tree species from the Oregon City Street Tree List or approved by a certified arborist, in accordance with OCMC Chapter 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - 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.
Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		*Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist*	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	*Number of Replacement Trees to be Planted*	*Diameter of tree to be Removed (Inches of diameter at 4-ft height)*	*Number of Replacement Trees to be Planted*
Any Diameter	*1 Tree*	*Less than 6"*	*1 Tree*
		6" to 12"	*2 Trees*
		13" to 18"	*3 Trees*
		19" to 24"	*4 Trees*
		25" to 30"	*5 Trees*
		31" and over	*8 Trees*

Finding: Not Applicable. The applicant has not proposed to remove any existing street trees.

12.08.040 - Heritage Trees and Groves.
Finding: Not applicable. The applicant has not proposed to designate or remove a heritage tree or grove.

<u>Chapter 13.12 - STORMWATER MANAGEMENT</u>

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.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.
Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.
Finding: Applicable. Construction of improvements to public stormwater conveyance facilities is required to serve this development.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.
Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area.

C. Exemptions. The following exemptions to subsection B of this section apply:
1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:
a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the city.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.
Finding: Not Applicable. The proposed development does not meet the criteria for exemption.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;

7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.
Finding: Not Applicable. The application does not contain elements requiring additional stormwater management practices.

13.12.080 - Submittal requirements.
A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.
Finding: Complies with Condition. The submittal did not include a stormwater report to address proposed stormwater management facilities. public facilities construction plan submittal shall include stormwater report to fully address stormwater management facilities for the site, the public street improvements, and downstream analysis. **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 Condition. A stormwater report was not submitted to address proposed stormwater management facilities. A report shall be submitted with public facilities construction plans to fully address proposed stormwater management facilities. A condition will be applied to ensure the public improvement plan submittal includes a drainage plan/report in compliance with the 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.
The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that

sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.
Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the Application will be reviewed and approved by the City Engineer as required.

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 Condition. A condition has been applied to ensure construction is performed per applicable Public Works standards and policies. **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. Grading activities will exceed the stated thresholds.

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

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - *Applicability.*
A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.
B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
Finding: Applicable. The applicant has proposed to construct a new subdivision with associated street improvements.

17.47.060 - *Permit required.*
The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.
Finding: Complies with Condition. The applicant has proposed to construct a new subdivision with associated street improvements. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - *Erosion and sediment control plans.*
A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;

2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
Finding: Complies with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 17.41 - TREE PROTECTION STANDARDS</u>

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.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures ofChapter 12.08.050 shall be subject to the standards of this section.
Finding: Not Applicable. The proposed development includes a Subdivision, therefore this section is applicable. However, the applicant's tree survey indicates that all trees onsite have been removed and there are no existing trees on the property identified for mitigation or protection. Therefore, OCMC Chapter 17.41 does not apply.

17.41.130 - Regulated tree protection procedures during construction.
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.
Finding: Complies with Condition. While there are no existing trees onsite, it appears that there is a tree on a neighboring property whose dripline encroaches onto proposed Lot 5. Prior to issuance of a grading and/or building permit associated with the proposed development, the applicant shall submit documentation demonstrating compliance with standards for tree protection during construction in accordance with OCMC Section 17.41.130. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES</u>

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

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

17.50.050 Preapplication Conference
A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B.A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.
Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 16-37) on August 9, 2016. The land use application was submitted within 6 months of the pre-application conference on October 28, 2016. The application was deemed incomplete on November 23, 2016 and after the submittal of additional information on December 5, 2016, the application was deemed complete on January 3, 2017.

17.50.055 Neighborhood Association Meeting
Finding: Complies as Proposed. The applicant scheduled a special meeting with the Gaffney Lane Neighborhood Association on October 17, 2016, where the applicant's representatives presented the subdivision proposal. The application submittal included the meeting flyer, a sign in sheet of attendees, a summary of issues discussed, and an email from Amy Willhite, the Gaffney Lane Neighborhood Association Chair, confirming that a Special Land Use Meeting took place.

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

17.50.070 Completeness Review and 120-day Rule.
Finding: Complies as Proposed. The land use application was submitted within 6 months of the pre-application conference on October 28, 2016. The application was deemed incomplete on November 23, 2016 and after the submittal of additional information on December 5, 2016, the application was deemed complete on January 3, 2017.

17.50.080 Complete Application--Required Information.
Finding: Complies as Proposed. The land use application was submitted within 6 months of the pre-application conference on October 28, 2016. The application was deemed incomplete on

November 23, 2016 and after the submittal of additional information on December 5, 2016, the application was deemed complete on January 3, 2017.

17.50.090 Public Notices.
Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, and posted on the Oregon City website. Staff provided email transmittal or the application and notice to affected agencies, and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.
Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

CHAPTER 17.54.100 - FENCES
Finding: Complies with Condition. For fencing purposes, the front setback of proposed Lots 3 and 4 shall be taken from Molalla Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Subdivision located at 13918 Lazy Creek Lane, and identified as Clackamas County Map 3-2E -08A, Tax Lot 2100 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves file TP 16-02 with conditions, based upon the findings and exhibits contained in this staff report.

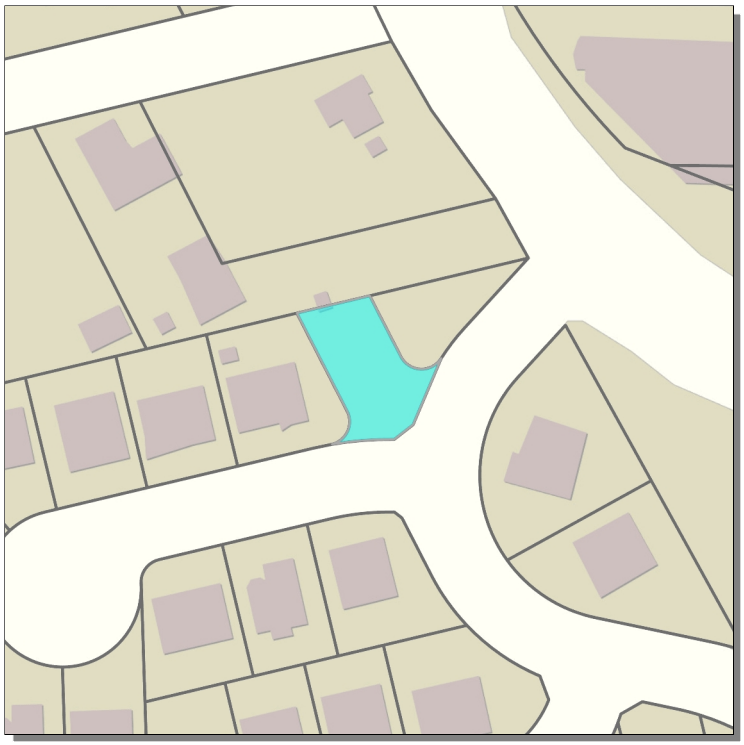
EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Traffic Analysis Letter
4. Letter from John Replinger

Taxlot Detail Report

Taxlot: 3-2E-08DA-06000

Overview Map



Taxlot highlighted in blue

Taxlot Information

APN: 3-2E-08DA-06000

Alt ID: 01871488

Site Address: NO SITUS ADDRESS

Year Built: 0

Taxpayer Information

Taxpayer: CITY OF OREGON CITY

Address: PO BOX 3040
OREGON CITY, OR 97045

Reference Information

Parcel Area (acres - approx): 0.1

Parcel Area (sq. ft. - approx): 4,791

Twn/Rng/Sec: 03S 02E 8

Tax Map Reference: 32E08DA

Values

Values as of: 01/04/2017

Land Value (Mkt): $20,717

Building Value (Mkt): $0

Exempt Amount: $0

Net Value (Mkt): $20,717

Note: The values above are Market, NOT Assessed values.

Assessed Value: $4,890

Planning Designations

Zoning: R8
- 8,000 Single Family Dwelling District

Comprehensive Plan: lr
- Residential - Low Density

Subdivision: LAND'S END

PUD (if known): PD97-06

Neighborhood Assn: Gaffney Lane NA

Urban Renewal District: Not in an urban renewal district

Concept Plan: Not in a concept plan area

Historic District: Not in a historic district

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In High Water Table Area? Y

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

In 1996/FEMA 100 Yr Floodplain? N

In FEMA Floodway? N

In Sewer Moratorium Area? N

In Thayer Pond Fee Area? N

In Beavercreek Rd Access Plan Area? N

In Barlow Trail Corridor? N

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

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City of Oregon City
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Oregon City, OR 97045
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CITY OF OREGON CITY
PLANNING COMMISSION MEETING
APRIL 22, 1997

COMMISSION MEMBERS PRESENT
Jim Bean, Chairman
Jim Hall
Mary Johnson
Matthew Mattsson
Paulette Merrill
Randy Rutherford
Mike Shirley

STAFF PRESENT
Tamara DeRidder
Dan Kearns
Paul Espe
Richard Ullian

COMMISSION MEMBERS ABSENT
None

CALL TO ORDER

Chair Bean called the meeting to order at 7:00 p.m.

CONSENT AGENDA -- March 25, 1997

It was moved by Commissioner Merrill and seconded by Commissioner Mattsson to approve the minutes of March 25, 1997, as corrected. Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 7-0.

PUBLIC HEARINGS

Dan Kearns, City Attorney, read the hearing process for the nine public hearing items related to land applications scheduled for tonight.

File No. TP97-01(PD) *Cascade Communities, Inc.* Preliminary and Final Development Plan approval. 136 lot planned development. 3-1E-1 tax lots 1000,1090; 3-1E-1AB tax lot 401; 3-1E-1AA, tax lot 1000, 3100, 3200, 3300, 5300 and 5400; 2-1E36DD, tax lot 5200.

Chair Bean re-opened the hearing for a preliminary and final development plan approval for Cascade Communities, Inc. He explained that this hearing was re-opened for decision only. A directive was given that Staff draft conditions and the applicant's attorney draft findings of fact and submit them for Commission review and approval. Each commissioner has received the revised staff report with the findings and conditions.

The commissioners made the following comments on the revised staff report:

1. Page 5(2), first paragraph, "It has been determined that the proposed subdivision does not require additional review from the Historic Review Board..."

   Page 5, Second paragraph, "The applicant has conducted three meetings with people from the Canemah neighborhood on this project, including a site visit with participants

   Page 8, Procedural and Jurisdictional Issues (1), last sentence, "...**Therefore, Planning Commission concludes that the Metro Functional Plan does not apply as a criteria to this application...**"

   Page 9, top paragraph, last sentence, "...**For the above stated reasons, the Planning Commission finds that this testimony regarding access to adjacent land by private easement, is not relevant to the criteria applicable to these proceedings, and, accordingly, does not require any land use action by the Commission...**"

   Page 10, Item 3, first paragraph, "...**In addition, the Commission agrees with staff that an alternative access into the site and the reduction of ~~posted~~ speed limits along Highway 99E through Canemah,...**"

   Page 11, Item 4, last paragraph, "...**Based upon this statement of City intent, the plan which Mr. Wherley's references, therefore, ~~has no relevance~~ is not applicable as a criteria to this land use application...**"

   Page 12, Item 5, last paragraph, last sentence, "**The Planning Commission concurs with the City staff report dated April 10, 1997 and City Attorney recommendations and, since the Historic Review Board's role with regard to public improvements is to forward recommendations to the City**

Commission, the Commission finds no grounds to ~~comply with Mr. Wherley's's request of this Commission to~~ require further public hearings by the Historic Review Board...."

Page 13, Item 6, Issues for Design Review, after **(5) Detention facilities, if required by ODOT**, add: "Signage..."

Page 15, Item 3B, last sentence, "**Condition #8 addresses and implements this finding....**"

Page 18, Item 6, first sentence, "**Construction Access: The Commission finds that heavy equipment traffic through the neighborhood during rough site grading and construction of the public facilities ~~should~~shall be discouraged to reduce noise and disturbance to the existing Canemah Neighborhood..**"

Page 21, Item 4, "...Based on the above findings to ~~be~~ consolidate the Preliminary..."

Page 27, C. **Water and Sanitary Sewer.,** "...**The City is ~~considerig~~requiring the installation of an oversized**..."

Page 32, Recommendation: "Based upon the foregoing analysis and findings of fact, the Planning Commission ~~do~~ hereby ~~recommend~~recommends to the City Commission approval of the consolidated Preliminary..."

Page 32, Recommendation (1): "The front yard setbacks for properties identified as Historic Lots 66 and 67 shall be increased to 20 feet...Table 4 are acceptable through an "Area Variance"..."

Page 32, Recommendation (2), "...as approved by the Planning Manager, prior to any disturbance of **any regulated wetland**..."

Page 32, Recommendation (4A), "Civil Engineering Construction Drawings. The ~~civil~~ construction drawings, once approved by..."

Page 32, Recommendation (4A): "...responsibility of the developer, and the consultant, to bring the ~~civil~~ engineering construction documents and plans..."

Page 36, Item 9, Sanitary Sewer: "The Developer will be responsible for providing these all necessary sanitary sewer improvements to this development...limited to, mains, manholes, laterals to the property line as approved by City Engineer...."

Page 36, Bottom, Move "10. **Storm Drainage:**" to next page.

Page 39, Item 20(A), "...All ~~planned~~ blasting shall be performed ~~under~~ during phase 1 of this project, except that **some** incidental blasting **may be** allowed as necessary during Phase 2, **upon prior approval by the City Engineer.** ~~**Provide erosion control as appropriate for all phases**~~ **All blasting** must ~~be~~ occur between 8am-5pm on Mondays through Fridays (excluding holidays). Area of notification for Phase 1 shall apply to Phase 2 including all ~~sites~~ structures and notified residents of Phase 1.

Page 40, Item C, "...Signs shall be prominently displayed according to OSHA regulations informing the general public that blasting will be..."

Page 40, Item E, "...**The Blasting Plan included as Technical Appendix K of the Canemah Ridge submittal application, dated January 31, 1997,** ~~**shall be implemented**~~ **is hereby incorporated herein as a condition of approval....**"

Page 40, Item 21, "...**The** ~~**owner**~~**Developer shall install** all required public works..."

Page 40, Item 22(B), "...Fire hydrants are to be operational prior to the start of structural framing..."

Page 41, Item 25, second sentence, "...Any traffic control signs and traffic striping shall be installed as determined by the City Staff..."

Page 43, Item 38, Fencing, "...prior to the commencement of any development at Canemah Ridge, ~~**consistent with**~~ **fence type and material subject to design review approval by staff....**"

Page 44, second line, "...The CC&R's for Canemah Ridge will require that the fence ~~is~~ be maintained in perpetuity..."

Page 44, Item 41(A), "...Provide adequate ~~bldg. #~~building numbers (UFC 10.301) Minimum of 4" and easily readable from the street..."

Page 45, Paragraph 44(B), "...**Type of Fencing along bluff and public areas...**"

Page 45, Paragraph 44(D), "...**Location of storm water detention facility, if required by ODOT**..."

Page 45, Paragraph 45, **Phasing of Trail construction: (1),** "...**All remaining trails shall be constructed as part of the public improvements of Phase 2, prior to approval of the final plat. No home construction**..."

Page 46, Item 47, "**Archeological: If any protected archeological ~~evidence is~~ objects or remains are uncovered during the course of construction, the developer shall be required to immediately stop work in the vicinity and immediately notify SHPO, the City's Planning Manager, and any agencies as required by state and federal law...**"

It was moved by **Commissioner Hall** and seconded by **Commissioner Shirley** to approve the findings of facts with conditions as presented and revised tonight. Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chair Bean, Aye. MOTION CARRIED 7-0.

Tamara DeRidder announced that hearings File No. TP96-16, Phil Gentemann and Tom Wright; File No. TP96-19, Tom Wright and Curl; and File No. TP96-15, Jeffry Armstrong and Cardinal Investments. These meeting are continued to May 8, 1997, at 7:00 p.m.

Chair Bean asked Staff to bring to the hearing two forms, approval and rejection, that can be signed that night. There are just enough days to get these Applications before the City Commission, if appealed, and still meeting the 120-day rule.

File No. CU97-01. *Metro's. Annual Review of Operations*. Modifications to Conditional Use Permit. Map 2-2E-29, tax lot 902, 2001 Washington Street.

Chair Bean opened the hearing for File No. CU97-01 for Metro's annual review of operations. He asked if there were any conflicts of interest or ex-parte contacts to declare. There are none.

Tamara DeRidder reviewed the Staff Report with the Commission. There are two applications before the Commission tonight, the annual review of operations and impact of the Metro South station and modification of the Conditional Use Permit.
The Conditional Use Permit would allow small quantities of hazardous waste from generators, a site modification to improve access, addition of quad-retaining walls, addition of scale and scale house, construction of a 2500-sq.ft. wood debris recycling area, and construction of 5,000 sq.ft. Latex paint recycling building.

With the renewal of this Application, passed on was the criteria for consideration of sidewalks along the frontage on Washington Street. At this time, Staff recommends no sidewalks because it will interfere with the Regional Center Master Plan that may affect the intersection of Washington Street and Highway 213. It was suggested to continue this issue until such time as there is further development in the Regional Center in this area.

The Applicant is opening up their facility to a small amount of increased use of management of SOLV, quantity hazardous waste, and commercial generators.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Mattsson asked if this review was necessary for every building? **Tamara DeRidder** stated that Commission in the past has felt that this is a useful exercise.

Commissioner Merrill asked how the agreement with Metro is coming? **Paul Espe** stated that negotiations are still going on with the City Manager.

PUBLIC TESTIMONY

Speaking: Terry Petersen, Manager of Transit Station 4

Mr. Petersen stated that he is here tonight if there are any questions on the Application. He stated that they have been negotiating an intergovernmental agreement (IGA) with Oregon City since the beginning of the past year. However, they have been collecting the 50 cent enhancement fee, waiting to give it over to the City when the IGA is in place.

Mr. Petersen stated that Staff had mentioned that they had not moved back into hazardous waste building since the flood. This building was reconstructed three months after the flood and they have been back in the building since June.

Mr. Petersen explained that what they are doing is rearranging the use on-site, not asking the Commission to approve a new use for the property. Right now they are doing their latex paint recycling program in a tunnel which used to be a load-out area for transit trailers. It was never designed to process paint. There are some health and ventilation issues in this building. Part of the Application is to move the operation to the back corner of the lot. Most of the other issues deal with increased traffic at the site, cuing space on-site, and improve scale house operations. The Application does include a request to expand the hazardous waste program. None of the improvements will require a change in the operation or change in the facility. Their disposal permit has been reviewed by the DEQ and they have issued a new SOLV disposal permit that included the acceptance of the conditional exempt generate waste in the existing facility.

Mr. Petersen agrees with Staff's recommendation for the sidewalk. Metro will be willing to work on the sidewalk after highway improvements are made. They have proposed in next year's budget $700,000 for traffic improvements in the area.

Chair Bean asked Mr. Petersen to point out the flood control measures proposed. **Mr. Peterson** stated that there will be a 4-ft. high retaining wall in front of the pond. When there is a flood, the water backs up through the pond and flows into their hazardous waste building.

Commissioner Johnson asked to what extent will the additional scale and scale house reduce the amount of traffic on Washington Street and the stacking problem that is currently there? **Mr. Petersen** stated that it is their goal to rarely have stacking on the street. As part of the larger package of improvements in the operations, he does not think there will be any stacking on Washington Street. The operations at the station is up for rebid right now. They are requiring the new operator to have more staff on site for traffic

control. That improvement combined with construction work will take care of the problem for at least the next five years.

Commissioner Johnson asked to what extent the latex building will be screened from the traffic on Highway 213? **Mr. Petersen** stated that he is committed to do any landscaping work that Oregon City wants to see to shield the house. They have planted a lot of trees, they will plant more.

Commissioner Merrill stated that she would like to see additional tall trees for screening. She feels that site does not look last a waste station, and she likes that and want it to continue to be that way.

Commissioner Mattsson asked for the reason why the latex paint building was moved so far from the other buildings? **Mr. Petersen** stated that the only logic was the space available on the site. This is the only space on site now that could accommodate this building. Also, it is an independent operation from the rest of the site. The drop off is up at the front and employees move the paint to the back and process it.

Commissioner Mattsson asked for clarification of what is new and what is existing on the drawing? **Mr. Petersen** pointed out the specific areas on the map.

Commissioner Mattsson asked if there was a master plan proposal for the next five years, or can other construction projects be anticipated? **Mr. Petersen** stated that this is a one-year plan. The are looking at some other possibilities, in fact, they are going through a master facilities plan at Metro for both Metro South and Metro Central in Portland. There will be other changes that will be before the Commission.

Commissioner Mattsson asked about programming; how much has been done at this point and has it been projected for the next five years? **Mr. Petersen** stated that program in terms of hazard waste customers and in terms of the traffic problem, they predict out five years. The changes proposed here will take care of the site for five years.

There has not been much done in terms in waste reduction and recovery. They would also like to add some recovery potential to the facility that it doesn't currently have. This would be a major site modification. They would need to get the public out of the building to free up space inside for recovery operations.

Commissioner Mattsson asked where the public part would go to? **Mr. Petersen** stated that the only spaces available on site is the lot behind. The trailers would have to be removed off of the property. The master facilities plan will be done in about six months and then it will go to the Metro Council for adoption. This would be a master plan for the next ten years.

Commissioner Mattsson asked how wide the pavement will have to be widened to go from two to three lanes? **Mr. Petersen** stated that 15 feet is needed. There is a grassy area about 5-feet wide before you get to the fence that goes into the wetland area. This area has been promoted, sold, and advertise to everyone that it is a covered wetland. It could be used as a flood control device, even though it is not.

Commissioner Mattsson stated that they are starting to see some piece-meal planning and construction. He has concerns about reviewing and approving something when they should be looking at a master plan proposal and more information for a longer period of time. He is concerned about the latex building be located where proposed, from an aesthetic standpoint it does not address design issues. There are circulation issues and future expansion issues that needs to be addressed before approval.

Chair Bean asked for the schedule for the five-year master plan? **Mr. Petersen** stated that he is not sure. They are committed to getting the draft done in six months,. It will probably be a year before metro council will have a chance to review and approve it.

Commissioner Johnson asked what kind of practical problems will be encountered in the operation of this facility if it is not approved tonight? **Mr. Petersen** stated that he would not like to see another year of long lines. If there is a delay, it will delay the in the time that they can offer services to small businesses in this area who dispose of their waste. It will be the quality of service that they are able to provide.

Commissioner Johnson asked if Mr. Petersen could get traffic information to the Commission if this Application was continued? **Mr. Petersen** stated that he could if the consultants have finished the work on the traffic study.

Commissioner Hall asked if the intergovernmental agreement approval of the location and operation of the facility? **Tamara DeRidder** stated that the intergovernmental agreement spells out all the criteria and conditions. **Mr. Hall** stated that this Application should not be before them if there is no formal agreement with the city.

Dan Kearns stated that the intergovernmental agreement requires Metro to obtain approvals, but this agreement does not have to be in effect before this Application can be considered.

Commissioner Mattsson noted that the stacking is a result of the amount of staff available to handle people coming in and out. He asked when the operations person will be hired, and what will the new operator be required to do to increase staff? **Mr. Petersen** stated that the existing contract expires October 1, 1997. A new operator, or perhaps the same operator's contract will be in place on October 1. In the new contract, there will be four new people on site than currently. Personnel staffing is only one factor that causes the line up (stacking). The most significant factor that causes the line, is tipping space inside the building. This is why it is important to them to additional cuing space inside and get the trucks and cars off of Washington Street.

It was the consensus of the Commissioners that this hearing should be held over until more information is submitted. The following information was requested:

-- Traffic impact information.
-- How many lanes in and whether or not there is a need for lengthening the right-turn lane to allow more stacking on Washington Street.

-- Master planning and long-term goals
-- Number of time traffic is backed up on Washington Street on Saturday

Mr. Petersen stated that there has not been a major traffic study done on the corridor. There has been done a smaller scale traffic study from consultants.

It was noted that there was 30% growth this year. Is there is a capacity that this facility can handle? **Mr. Petersen** stated that without some improvements, they are going to be very close in the next few years. In terms of capacity of transferring waste, they have much more capacity. The consequence of this is the long lines.

It was asked if Metro has addressed this problem, or planned for that contingency? **Mr. Petersen** stated that there has been a lot of planning in terms of transfer stations. The current plan is to stay with the transfer stations that they have. The nature of the transaction is changing.

Commissioner Merrill stated that she agrees the sidewalk is not appropriate from the driveway to the corner. The time to look at the sidewalk issue is when the Visitor's Center comes in.

Commissioner Johnson moved and it was seconded by **Commissioner Hall** to continue file #CU97-01 - Metro Transfer Station Annual Renewal and Expansion of Use until the Planning Commission hearing on May 27, 1997, at 7:00 p.m., here in the Commission Chambers. It is required that the applicant provide staff with additional material for review as follows:

1. Traffic impact information.
2. How many lanes in and whether or not there is a need for lengthening the right-turn lane to allow more stacking on Washington Street.
3. Master planning and long-term goals
4. Number of times traffic is backed up on Washington Street on Saturday
5. Clear site plan identifying what vegetation and wetland areas are to be removed for the additional lane and what the final design is going to look like.

File No. ZC96-19 *Renaissance Development Corporation.* Rezone from County Zone "FU-10" to City Zone "R-6" Single Family Residential (Map 3-2E-8D tax lots 100,101, and 201) and a rezone from "R-10" Single Family Residential to "R-6" Single Family Residential (Map 3-2E-8D tax lot 200).

A Planned Development does not require that the lots meet the size requirements of a R-10. It does not require a variance. Lots can be 6,000 sq.ft. In a planned development. Chair Bean asked how many units of density can be transferred based on zoning? If you have an R-10 zone you have fewer lots than if you have R-6 zone. Mr. Ullian stated that I R-10 , the density transfer would be 8 lots; R-10 without the wetlands, it would be 7 lots.

The total number of units on the 15.68 acres. The northeast corner down to the southeast corner (shown in yellow) is not a portion of the multiple family area. This is a total acreage figure and multiplied that number by 20 percent (deducted for streets), divided that by the minimum lot size that is being requested (R-6), and the total number of units come to 91. Subtract the 57 (proposed), it yields a balance of 34 units that are being reserved for the cluster portion of the development (part of the yellow area). This yellow

portion is not a part of the planned development that will be addressed at another time. All of the yellow portion is not in the ownership of the applicant; only about half. This is the reason for the difference in figures proposed and staff's figures.

Using these calculations on the R-10 zoning, there are a total of 54 units on the 15.68 acres that the applicant is requesting a rezoning for tonight. There is a difference of three units. R-8 zoning will result in 68 units.

15.6 acres is owned by the applicant. This includes a piece that will not be developed. This piece is included in the zoning request change and not included in the Planned Development. Only the areas of the map that are in the red highlighted border is subject to the Commission in this zone change application.

Chair Bean asked if there was anything planned in the circle that is disclosed in the Planned Development? Mr. Simpson stated that nothing is planned at this time.

Chair Bean stated that not including the .08 of an acre, there is 14.8 acres of property that if zoned for R-10 would produce about 52 units. If all of the property is used, it will be 54. If it were R-8, 68 units will be allowed; and if it is R-6, 91 units will be allowed. With a planned development, R-10 zoning is possible and 54 lots could be allowed. Without a zone change 54 units can be on the property.

Applicant's representative stated that in earlier discussion with staff, they were told to deduct the wetland area from the calculations. Mr. Ullian's interpretation was to not deduct the wetlands. The wetlands were not deducted and the request for R-6 zoning change was based on those calculations and trying to get the same number of units on the site.

There is no access to the north. Mr. Sebastian has queried all the residents to the north to try to buy as ask if they would dedicate a portion of their land for access to the north. Letters have been submitted showing that no one is interested in helping towards the access. Land to the west, Gafney Lane, was developed several years ago and no access was stubbed out to this property. The apartment development to the south could have provided access, but was not. Adjacent to the property is a school; no way of getting a physical access through there. So, it leaves only the border left to provide ingress and egress. The City does not agree with the proposed access.

The only possible alternative would be to realign the roadway to provide additional stacking and better site distance for the traffic. In the process of realigning the road, a portion of the land was set off. It was concluded that the land be given some other consideration for use. This land and the set off piece (between Molalla Avenue, Highway right-of-way, and Molalla Avenue), a portion which belongs to the Community College and a portion which belongs to Mr. Sebastian, it was suggest that these two pieces go together. Mr. Ullian pointed out the fact that this portion of land was not owned by the applicant and requested a letter from the College. The person who would handle this was not around, so the college property is not being considered a part of this zone change. Both underlying zones are County FU-10.

When you consider that the separation of the property, no other access, a wetland that has to be crossed to get to the back of the property, and the density calculations, there is a lot of obstacles that must be solved before this property can be developed. What he is trying to do is achieve some degree of equity in the use of the land in relationship to the high intensity development, the low intensity development, and the existing intensity of the property.

This land and its proximity to the traffic link, shopping, mass transit, etc. is a classic for a higher use than R-10. This is the reason for the zone change request.

Commissioner Merrill stated that she disagrees, the wording in the Code says, "..it shall be designated R-10." The extreme water feature on this property makes it a good choice for a Planned Development. However, the code is clear. Even if it is zoned R-10, there is a possibility to get the same number of dwelling units as allowed if there were no natural feature. Mr. Vincent stated that he would agree with this if the wetland were included as part of the density calculations.

Legal Counsel stated that there can be several interpretations to the code (Section 17.06050). It deals with land to be rezoned upon annexation. If the property was rezoned on annexation, the applicant could apply to rezone to something else and this section would no longer apply. It is not reasonable to require a two-step process to rezone this property. Traditionally the city has been the applicant on rezones for annexation, it is not the case here. The applicant could partition off the wetland, and the balance would no longer be constrained by wetlands at all. This Section does not preclude approval of the proposal.

The rezoning of the property when it is annexed to the City is a legislative process. The city has to put the property in a zone that is closest to the county designation. What happens after that is what the land is used for. That's what he is here for this evening.

QUESTIONS FROM THE COMMISSIONERS - None.

Speaking: Mark Vandeley, Professional Traffic Engineer, 610 SW Alder, Suite 700, Portland 97205

Mr. Vandeley stated that the key transportation issue on this site is access. Renaissance Development Corp. retained his firm to solve the access issue for this project. He showed a diagram of the proposed intersection. Several alternatives were explored to move the access away from the intersection. The access constraint is a problem for any use that is developed on this site in terms of zoning. The analysis as documented in his study is demonstrated as a relevant affect of the R-10 versus R-6 zoning.

Mr. Vandeley then showed charts which he used to address comments in ODOT's letter. The biggest concern is that ODOT's does not seem to be aware of the magnitude of the impact of the zone change. This is important because there is a difference in rezoning of a shopping center and rezoning a subdivision in terms of the traffic impacts.

One chart illustrated the difference between the R-6 and R-10 during the study time period (morning peak hour and evening peak hour). Given 48 versus 57 units, there is a difference of 6 trips total during the morning peak hour and 10 trips during the p.m. peak hour.

Another chart showed the impact of the zoning and the relevance to existing conditions between the two different zoning scenarios, and it addresses ODOT's comments regarding the trip distribution pattern and what they think the pattern should be.
In both cases, it shows the site developed in total has little impact on Molalla Avenue (the nearest intersection) and Highway 213. With the addition of site-generated traffic, the numbers had little change. Secondly, under the applicant's assumed distribution pattern, it doesn't change the results in any way.

The last chart addresses ODOT's comments with respect to the impact of concern about the zone change at Beavercreek and Highway 213. There are two columns that reflect the increase of peak hour traffic at Beavercreek and Highway 213 as a result of the zone

change. This is a net increase of 2 cars and 3 cars versus 5,000 cars. Using ODOT's figures, it would be 3 and 5. The most recent count was done in October 1996.

The bottom line is that build-out of the development has insignificant affect to this intersection, particularly in light of the zone change. The developer is only making the situation better than what is there now.

Commissioner Johnson asked if there is a need for a left-turn lane from Molalla onto going north on Highway 213? Mr. Vandeley stated that the turn does not have enough stacking volume. With the proposed development, improvements will be made by making this intersection further away. The stacking will be extended. With the proposed design, all of the left-turn cuing can be done here.

Commissioner Johnson asked if there is currently enough pavement width to strip a left-turn lane extension? Mr. Vandeley stated that there is adequate pavement width. There will be some widening associated with this improvement that is better for the left-turn traffic.

DISCUSSION AMONG THE COMMISSIONERS

Chair Bean closed the public hearing to further testimony from the public and opened it to discussion among the Commissioners.

Commissioner Hall stated that the only way he can calculate the number of units allowable on this property is as per indicated in the report. There is a density issue. Some time in the future, some one could come in and demand the right to put 91 units on this property and the Commission would have to approve it. He is concerned about this.

Traditionally, the Commission has reviewed R-8 zoning and no higher. Metro is trying to raise the density, but Oregon City is different. A R-8 density is high enough. There has been no justification for rezoning the property to a R-6. The only issue addressed on density was the wetlands. Being that the request is from R-10 to R-6, he feels the recommendation to City Commission should be for denial of the application.

Chair Bean stated that he would like to see the property zoned R-8. He would like to see enough lots to make the development that preserves the wetland areas. An R-8 can be approved, even though R-6 is being requested.

Commissioner Mattsson stated that he could compromise on R-8 zoning; he has a problem with R-6. The traffic report shows that certain levels of density can be handled adequately, he supports R-8.

Commissioner Johnson stated that the traffic study went up to 67 units. To approve R-8 would be approving 68 units and the traffic study does not support this.

Dan Kerns stated that the request can be approved for R-8. The only issue is if the notice is adequate. He suggested approval with the condition of notice to advise the public at large that a more intensive designation was being proposed. This condition would make the development less intensive.

It was moved by Commissioner Hall and seconded by Commissioner Mattsson to recommend to City Commission approval of the request by Randal Sebastian to rezone the property from FU-10 to R-8 and for that portion of 13.68 acres; and rezone from R-10 to R-8 the portion of property that comprises a 2-acre parcel. Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 7-0.

File No. TP97-02 (WR)(PD), *Renaissance Development Corporation.* Preliminary Development and Program for a 57 lot Single Family Residential Planned Unit Development. Reduction in a wetland transition area. Map 3-2E-8D tax lots 100, 101, 200 and 201.

Chair Bean opened the hearing for File No. TP97-02, a Preliminary Development and Program for a 57-lot Plan Unit Development, requested by Renaissance Development Corporation. He asked if there were any conflicts of interest or ex-parte contacts to declare. There were none.

Richard Ullian reviewed the Staff Report with the Commission. He emphasized that this is a preliminary plan development application. Once this is approved, the applicant will come back with a more detailed plan for a preliminary subdivision. Issues have been discussed relative to density, traffic, and to comments made by different agencies on the

zone change and are relevant to the Planned Development. A list of comments from the agencies relative to layout has been submitted.

There is a main roadway that enters into the project, does a loop at the eastern limits and a stub to the south that would terminate on the Clackamas Christian School play field. The comments from the Site Review Meeting conducted on April 7, 1997, had to do with technical consideration and concerns of different agencies and department heads. He reviewed the comments with the Commission.

The city staff has been working with an adjacent property owner to the north, and if a minor partition is filed as proposed, there may be the possibility of a stem/connection to the north. This would also have to include a section of property on Lazy Creek Lane, which may also be coming in for a partition, to grant an easement for a section of Lazy Creek Lane.

Other issues reviewed were the transition area, mitigation measures for standards for development within an adjoining areas, and area variances relative to the development standards. Staff recommends approval of the preliminary development plan and program with the reduction of the transition area to 25 feet, based on the findings and exhibits presented by the applicant and subject to the conditions 1-7 as indicated in the Staff Report. One of the conditions is, "The Commission incorporate and make a part of the approval, the comments submitted by Staff (Highlighted), and that the adjustments be made to the specific development plan as requested by the applicant as far as area variance is concerned, the peripheral yard be provided as required in the PD section of the Zoning Code, and that all the mitigation measures be incorporated and employed in Section 17.49080, with the exception of small letter "a," Bridges over the wetlands. Further that the Planning Commission allow the reduction, based on the applicant's environmental consultant's findings from 50 feet to 25 feet from the edge of the wetland boundary. The approval of this application is contingent upon the successful outcome of the FU-10 and R-10 rezoning to R-8."

QUESTIONS FROM STAFF -- None.

Chair Bean announced that the testimony and comments of the rezoning application be incorporated into this public hearing records.

PUBLIC TESTIMONY

Speaking: Bill McMonagle

Mr. McMonagle stated that he has no problems at all with the seven conditions except for a possible modification to Condition number four, periphery yards. It would be appropriate to add a 20-foot rear yard addition to Gaffney Lane development on the west boundary; to the south, where the apartments and school are (much higher density uses), there should be a 15-foot rear yard addition; and to the north (adjacent to larger parcels of ground), a 15-foot rear yard there for transitional grounds. The 20-foot rear yard setback would be appropriate along the west boundary and 15-foot setback towards the south.

Commissioner Mattsson asked for the reason for the setback variances? Mr. McMonagle stated that the reason for the reduction in the side yards and rear yard, front yards staying the same, 20-feet to the garage, and 15-feet to the house is to allow more flexibility in the placement of in the placement of the house on the site.

Commissioner Mattsson stated that the intention with the variances to the setbacks was to allow variation and flexibility in placing buildings to preserve trees and mitigate slope problems. This site does not have a problem with either of these issues. Mr. McMonagle stated that the variances allows flexibility to be able to build a multiiplexity of different types of houses.

Commissioner Mattsson asked if there were a lot of trees around the wetlands area? Mr. McMonagle stated that there are a few significant trees that are in the size category that would need to be cataloged. There are trees inside the wetlands and outside the wetlands. Of the trees that are in the wetland area, there are some that are six inches or larger. Many are small because they are smaller-type trees. There are fir trees in the back northwest portion of the site and there are a few scattered trees on the east portion of the site. There are no significant or great grouping of trees on any portion of the site. Significant trees will be located and specifically shown on the preliminary plat.

Commissioner Hall stated that the plat is predicated on the R-6 zone. The Planning Commission is recommending an R-8 zone to the City Commission. He asked if the applicant is comfortable with this? Mr. McMonagle stated that he is comfortable with the density calculations following Mr. Ullian's interpretation.

Commissioner Hall stated that the proposed configuration for access into the proposed subdivision is awkward, particularly the sharp angle to get back into some of the westerly

lots. Why was this not more of a "T" form and come in at a better angle to the stub; thereby, not separating the land in the semi-circle. Mr. McMonagle stated that the object of the realignment of this road was request of them by the State. After looking at several scenarios, this seemed to meet the criteria. The curb is as sharp as it could get. The intersection occurs perpendicular to the radio and so it is 90 degrees to the arch of the curve. This is the very best that could be done to accommodate the turn. To create more of a "T" would require another turn for the school to the south, and would create another 90 degree turning angle very close to the intersection at Molalla. It was better to have lots that did not front directly on the curb access and to have the access continuous rather than interrupted with a secondary intersection. It would require a stop and go not only for interior traffic, but mostly for the school buses and other traffic coming up out of the school.

The thought was to try and get the road as quickly as possible back into the alignment and not create a separation of the land to the extent that the land would become undesirable because of the road and the traffic generated. Some properties would be pushed towards the highway and separated from the balance of the development. The intention was to keep the transportation link to the east and the single-family homes to the west and separating the two without allowing access on the road.

Both the staff report and the ODOT report agree with the road configuration. They agree that if the adjacent land ever come under development, it should access onto this road and the current access be closed. A trunk is being created that would provide for future access of this property. They have tried to do everything they could to help the betterment of the traveling public now and in the future.

Commissioner Hall noted that part of the application is a request to reduce the wetland's buffer from 50 to 25 feet. He asked why the request for the reduction? Mr. McMonagle stated that based on the consultant's report, in their evaluation of the wetlands, their interpretation is that the whole spring area that goes through this general wetland area is a very low grade wetland; it is not in the class of an sanctuary, habitat, fish, or animal bearing wetland. They feel the a 25-foot wetland buffer is sufficient to provide the separation of the uplands and the wetlands. The Department of State Lands does not require a buffer. Buffers are required on a certain classification of a wetland.

DELIBERATION AMONG COMMISSIONERS

Chair Bean closed the public testimony portion of the hearing and opened it up to deliberations among the commissioners.

Several of the Commissioners voiced concerns about the access. Chair Bean stated that he would like to see a condition that when the final plat is filed, if there is development that allows an additional access road, that it connect to this subdivision.

Chair Bean asked if there was a condition for a waiver of remonstrance. Staff will make a provision for this by adding a condition.

A concern was raised about the requested reduction to setbacks on the buffer zone without more information. Chair Bean suggested that the setback decisions be made with the approval of the final plat.

It was the consensus of the Commission that the applicant provide:

-- A more specific review of the 25-foot buffer, where it is needed and where it is not needed, justification for it, and what it does to the trees;
-- More specific identification of the buildable area within the lots and the setbacks that will be requested;
-- Justification for changes to standard setback provisions;
-- Condition to allow access to the north in the area of lots 53 and 54;
-- A larger scale map;
-- Lot specific information showing tree itemization and building envelopes;

Mr. Ullian restated that there were two separate property owners, one who has control of Lazy Creek Lane (private), although he does not have full control of that property and the city could not deem his application complete. The second property owner is at the western most end Lazy Creek Lane who discussed the possibility of having a stub at Tax lot 1702, at least participating on providing dedication of at least 25 feet additional right-of-way to the south, with the understanding that maybe 1700 would contribute at the time he came in for partition for the remaining 25 feet. This is a private street and not developed to code.

There is going to be a lot of incentive for properties in this area to redevelop in the next 10-20 years. It would be a mistake not to get a stub in there. There is enough land here that it will be prime redevelopment land in the future.

It was moved by Commissioner Rutherford and seconded by Commissioner Hall to approve File No. TP97-02, a preliminary development and program for a Planned Unit Development by Renaissance Development Corporation, with conditions as modified per discussion tonight and restated by the Chair Bean prior to the motion. Poll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall; Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 6-0. Commissioner Johnson left at 10:20 p.m. and did not vote on this issue.

File No. TP96-20/VR96-30, 32 & 33. *Preliminary Plat Approval* 19 lot single-family residential subdivision. Map 3-2E-7B tax lot 201. Sheldon Development, Inc.

Chair Bean opened the public hearing for File No. TP96-20/VR96-30, 32 & 33, preliminary plat approval for Sheldon Development, Inc. He asked if there were any conflicts of interest or ex-parte contacts to declare? Commissioner Rutherford stated that he knows the Applicant's representative, Mr. Sisul, and he is familiar with the site. He does not feel this will interfere with his ability to vote on this issue. Commissioner Johnson stated that she works with Sheldon Development as their attourney and stepped down from this item. There were no other conflicts of interest or ex-parte contacts to declare.

Paul Espe reported that this is a preliminary plat approval for a 19-lot single-family residential subdivision. The Applicant is also asking for a variance to the 45-width frontage requirement for Lot 10, and a variance for the reduction from the normal lot width of 70 feet for Lots 1 and 2. This is infill property.

The Applicant received Planning Commission approval for a zone change from R-10 to R-8 on March 25, 1997, and City Commission approval on April 16, 1997.

The lots proposed conform to the current zoning. Traffic study was reviewed at the time of the zone change. There are no issues for the traffic impact on an infill development like this. Primary issues center around the variances.

Staff is asking the Planning Commission to allow the Applicant to work with Staff for an alternative street design where it meets up with Auburn Drive to come down into the open space. Staff recommends approval and findings and variance requests are in the Staff Report.

QUESTIONS FROM THE COMMISSION

Commissioner Merrill asked if Condition #29 and #30 are the same? **Paul Espe** stated that Condition #29 could be deleted.

Commissioner Merrill stated that the subdivision the west has saved a lot of the trees. She stated that she does not agree with Condition #10 be changed to reflect: "...The developer may use a replacement tree that is less than ~~1.5~~2 inches with the approval of the Planning Manager..."

Commissioner Merrill suggested changing the wording in Condition #27, "...The developer ~~should~~shall provide a specified area of off street parking..."

Commissioner Merrill asked that the Applicant explain what will be done with the open space when he makes his remarks.

PUBLIC TESTIMONY

Speaking: Tom Sisul, 375 Portland Avenue, Gladstone, OR 97027

Mr. Sisul stated that he was here tonight to represent the Applicant, Sheldon Development, Inc. He reported that there is no need for the variance on Lot 10.

In regards to Item 4C, **Mr. Sisul** stated that the intersection will function the same whether it is 70 degrees or 80 degrees. **Dan Kearns** stated that the purpose of this code section is to avoid strange angles. It looks like 90 degrees to him. **Mr. Sisul** stated that it is his preference to leave it as it is.

In regards to Item #27, the parking is referring to the infrastructure. **Chair Bean** stated that this is for site construction.

In regards to the open space area, **Mr. Sisul** stated that the intent would be that the property owners backed up to Country Oaks could possibly redevelop again with the current zoning. If there is no development, there will have to be a homeowner's association formed to take care of the land.

Sheet three shows the trees on the location. Most of the significant trees are on the rear portion of Lots 1, 2, and 3. It was asked if there is enough foot print or building pad to orient the home towards the front of the lot and keep the trees in the back? **Mr. Sisul** stated that the Oaks on Lot 2 are very likely to be saved, the firs may be lost. The trees on Lot 3 the two towards the back may remain, but the ones closer to the street may have to go.

Chair Bean stated that he hopes that the site development will not result in having to take out the trees. **Mr. Sisul** stated that it is not his policy to do that. The grading plan is reviewed with the intent to save trees. Mr. Mackenroth and he have circled trees to be saved and he is willing to make provisions to meander sidewalks to save trees. It is the intent to save the maples on Lot 11 and 19.

Speaking: Bob Mitchell, 19199 S. Central Point Road, Oregon City

Mr. Mitchell stated that pointed out his property on a map. He has been in contact with Sheldon Development to purchase some of his property of the possibility of purchasing some of their property to make two buildable lots. Sheldon Development, Inc. responded to his request three days ago. They suggested that he ask again after the development is legal to see if he could purchase some of their property or sell part of his land to the people buying one of his lots.

He feels that whoever has the money, gets what they want. If this development goes in, there is property (his access strip and the Winstead property) that will be landlocked. He asked that the Commission review this Application to see if something can be done so that the land doesn't just sit there.

Speaking: Jeff Bosler, 13600 SE Sunnyside Road, Clackamas, OR 97015

Mr. Bosiar stated that he represents Sheldon Development, Inc. Mr. Wistead was contacted about the back half of his property. Mr. Winstead's asking price was very high and he wanted to sell the back 45 feet of his property. This was not useful to the Applicant.

DELIBERATION AMONG THE COMMISSIONER

Chair Bean closed the public testimony portion of the hearing and opened it up to discussion among the Commissioners. He stated that it is unfortunate about the 40' property strip, but resolution of this matter is not under the purview of the Planning Commission.

Commissioner Shirley asked for a condition that an easement is created that the property can be sold off to the adjacent property owners so that the trees are protected.

Chair Bean suggested that another condition be added that, "The open space have a conservation easement imposed on it to preserve the trees."

It was moved by **Commissioner Hall** and seconded by **Commissioner Mattsson** to approve File No. TP96-20, VR96-30 and 32, preliminary plat approval for a 19-lot subdivision with a variance for lot width for Lots 1 and 2, and conservation easements on the open space. Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 6-0.

File No. ZC96-22. *Zone Change for annexed properties* Zone Change from County Zone FU-10 to City Zone R-8. Single Family Dwelling District. 3-2E-8, tax lot 701. 19261 Meyers Road. Continued from March 1997 Planning Commission hearing. William Even.

Chair Bean opened the hearing for File ZC96-22 for a zone change for annexed properties from County Zone FU-10 to City Zone R-8. He asked if there were any conflicts of interest or ex-parte contacts to declare. There were none.

Staff submitted the Staff Report into the record.

There is no public present at this time, so there was no public testimony.

It was moved by **Commissioner Merrill** and seconded by **Commissioner Mattsson** to approve File No. ZC96-22 with the findings and recommendation as found in the Staff Report. Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 6-0.

UNFINISHED BUSINESS -- None.

ADJOURNMENT

The meeting was adjourned at approximately 11:30 p.m.

Jim Bean, Chair

Tamara DeRidder, Planning Manager

PLANNING COMMISSION MEETING
AUGUST 26, 1997

COMMISSION MEMBERS PRESENT

Jim Bean
Jim Hall
Mike Shirley
Matthew Mattsson
Randy Rutherford

STAFF PRESENT

Paul Espe, Assoc. Planner
John Nelson, City Attorney
Stacey Sacher, Assoc. Planner
Dan Kearns, City Attorney
Tamara DeRidder, Planning Mgr.
Lydia Neill, Sr. Planner

COMMISSION MEMBERS ABSENT

Mary Johnson

1.0 CALL TO ORDER

Chairman Bean called the meeting to order at 7:00 PM.

Tamara DeRidder introduced **Mary Palmer**, in charge of the Neighborhood Assoc. Mary announced that in the City Hall Lobby will be displayed photographs of all the volunteers who have done so much work over the years. Northwest Images has been contracted to photograph the Planning Commissioners on September 20th at 11:20 AM. Commissioner Hall has a prior commitment for that date, but all other Commissioners are available.

2.0 CONSENT AGENDA – JUNE 2, 1997

The amended minutes of June 2 were presented in the Staff Report showing new wording with italics and strike outs.

MOTION

Commissioner Hall motioned to approve the June 2 minutes as republished. **Commissioner Shirley** seconded.

ROLL: Commissioner Mattsson, Abstained; Commissioner Rutherford, Abstained; Commissioner Hall, Aye; Commissioner Shirley, Aye; Commissioner Bean, Abstained. **MOTION CARRIED 2-0, 3 Abstained.**

3.0 PUBLIC HEARINGS

Dan Kearns gave the instructions and procedures of public hearings.

File No. ZC97-03,VR97-05, TP97-04. Subdivision Zone Change, Variance. Westlake Construction. 32E 7AA Tax Lot 8900, Clackamas Co.; Westlake Estates with 18 lots, reduced lot depth & "R-8" zone. *These items are brought back to the Commission due to a procedural error.*

Ex-Parte Contacts or Conflicts

Commissioner Rutherford reclused himself from this hearing.

Commissioner Hall stated he participated in reviewing this application about 30 days ago.

STAFF REPORT

Stacey Sacher reported that these items were being brought back due to a procedural error (the date on the public notice was incorrect). Stacey was notified on August 4 by Maria Ericksen that she appear for the hearing at the date on the notice (the Commission actually met three days earlier). The City Attorney advised Staff to bring the application back to the Planning Commission to allow Maria Ericksen to testify. Stacey provided Ms. Ericksen with the entire record and minutes from that meeting.

Stacey recommended that for the sake of the Commission's time to open the public testimony and go from there.

Dan Kearns, City Attorney, stated that was a good start. New public testimony could raise new issues, so the Commissioners could consider all the previous testimony and discussions, plus new testimony and issues, and even render a different decision. Also, the applicant may rebut any new testimony.

PUBLIC TESTIMONY

Speaking: **Scott Field**, 18961 SW 84th, Tualatin, OR, representing Tracy Crone, Westlake Construction

Mr. Field reserved the right to address any new issues that come up.

Speaking: **Jonathan Brown**, 19055 S. Leland Rd., Oregon City OR 97045, representing Maria Ericksen

Mr. Brown stated that he and Mr. Ericksen would like to have been present at the first hearing to have some questions answered, which they have since had answered by their attorney. However, they have some concerns about this application. Primarily, that this house is an adverse possession of this encroached land. No arrangements have been made for the lot variance that the Commission granted. Also, he feels that there is an issue of traffic and public safety because of the vehicles moving swiftly over the hill south of his property at Whitcomb Dr.

Mr. Brown does believe in this area being developed and filled in. However, he does not know how this lot line adjustment can be done with no agreement in place.

Commissioner Shirley asked Mr. Brown is he had any suggestions as far as traffic concerns to make this development better. **Mr. Brown** agrees with Mr. Crone and Mr. Field that the south side of the property is the best place because that is farther away from the top of the hill.

Commissioner Shirley replied that the biggest power the Planning Commission has is to make sure that the area is developed properly including sidewalks and adequate safety controls. He encouraged Mr. Brown the talk to the Traffic Committee because speed is real problem and this Commission has no control over that.

Mr. Brown said that the Commission's authority is in the development of these spaces, which directly leads to traffic; and this Commission should not continue to allow these developments without regard to increased traffic and public safety. Maybe this should to made a joint issue with the Traffic Committee.

Commissioner Hall said that the traffic speed issue would still be there whether the land was developed or not. What the developer is required to do with the portion that he fronts on Leland Rd. is to develop half of Leland Rd. to the proper construction standards and proper width. Then, at a later time, the City will develop the remainder. As to the issue of adverse possession, this needs to be raised in court.

Commission Mattsson asked for a clarification of the encroachment issue. He asked Mr. Brown if there was any particular reason why he did not want to rectify the property line through a lot line adjustment. **Mr. Brown** has been informed that the developer's procedures thus far are correct and he can make the lot line adjustment at a later date although he has already planned for it. Mr. Brown feels the developer's agreement with him is basically that the developer will give Mr. Brown part of the land he already possess in exchange for another piece of land he already possesses. **Commissioner Mattsson** disagrees and says (per map on page 64) that the developer is giving Mr. Brown property to correct the issue and relieving him of a legal liability. **Mr.**

Brown says it is yet to be decided whether this slice of property is his or not. He has always maintained and fenced this property and thought he was legal owner as the deed stated.

REBUTTAL

Mr. Field stated that there is a definite encroachment and the applicant has offered to give the property to Mr. Brown in an effort to resolve this issue. This offer does not contain every foot of land that is fenced by Mr. Brown, but the applicant cannot resolve that until a court decides that adverse possession has occurred, so that part of the land is Mr. Crone's for now.

Mr. Field rebutted the comments on sight distance south on the hill on Leland Rd. He says there is adequate distance and that the developer has no control on the speed of traffic on that street.

DISCUSSION

Chairman Bean asked about the standard condition of waiver of remonstrance for future improvement necessary in the whole neighborhood. So, there are 8 lots that have waived the right to remonstrate against LID's for the kind of improvements as needed in the area. Right now we do not have that waiver, but will have if this is approved. **Dan Kearns** agreed and said the applicant is proposing a sidewalk along the land he owns on Leland Rd.

Commissioner Hall stated that the issues raised in opposition this evening have nothing to do with the specific design, layout or legalities for developing this property. Adverse possession is not an issue this Commission can consider in any way; speed is a problem no matter what the limits.

Stacey pointed out the Non-remonstrance Agreement on page 32, condition 39.

Commissioner Mattsson asked if a condition might be needed that requires the lot line adjustment to be accomplished; otherwise, the variances are a problem. If they do not adjust the property, how do the conditions for the variance still apply if it does not look like what is drawn on the engineering maps.

Chairman Bean suggested adding to the condition on the variance stating that the variance is approved on the condition that the lot line adjustment is done.

Commissioner Mattsson is most concerned about there being a legal issue pertaining to the clear title on the properties and rendering a land use decision on those with that kind of question looming.

Dan does not think it is an issue because the applicant could proceed (based on the title records) with an application and ignore the presence of the house and show title to all the property they are seeking a subdivision for. Then we could approve it on that basis. He assumes the applicant

will proceed to get a lot line adjustment, but may not be able to. What they are seeking is the platting of this property with this wedge taken out of it and that is what the Commission has reviewed. If they are able to make a deal with the neighbors – fine; but if they cannot make a deal, they should still be able to plat this property with the wedge taken out of it. The plat that the Commission approves should reflect this wedge taken out of it. Meanwhile, the development can proceed and the courts can decide the lot line.

MOTION

Commissioner Hall motioned the approve the subdivision subject to the Staff comments with 40 conditions, including #39 Non-remonstrance Agreement. **Commissioner Shirley** seconded.

ROLL: Commissioner Mattsson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 4-0.**

This is a decision which can be appealed in ten calendar days. The zone change is a recommendation to the City Commission which will be heard the third Wednesday of September.

At this point **Tamara** introduced Lydia Neill, new Sr. Planner on the Staff of the Oregon City Planning Department.

File No. AP96-04. G.T. Danielson, Thriftway. Tax Lot 500, Clackamas Co.
LUBA Remand: Appeal of Walgreens/Village Properties

Ex-Parte Contacts and Conflicts

Chairman Bean disclosed that he used Kittleson's firm, but this does not affect his judgment. **Commissioners Shirley and Hall** were familiar with the area.

STAFF REPORT

Tamara reported that the application was reviewed by Staff as site plan and design review. The original application was approved in April 1996 by Staff and was appealed to the Planning Commission by Walgreens and Danielson's. The decision by the Commission had procedural errors and was appealed to LUBA by both parties.

Dan then stated that the record is closed as far a new evidence is concerned, but is open for summary and legal arguments based on facts in the record. The Commission has the option to accept the original decision with conditions, or change the decision by denying it or approving it

with different conditions.

Dan said there was one dispute in August 1996 when the applicant attempted to submit a traffic report dated August 5, 1996, and a legal memo. The legal memo is now part of the record, but the traffic report is not.

Commissioner Mattsson asked if there was a list in the Staff Report which itemizes all the issues of appeal from LUBA. **Dan** stated that one of the requirements on the LUBA remand is that all the issues raised by the parties be addressed (this does not refer to the attorneys' letters which are in the briefs and not part of the Commission record). They are all substantial evidence and adequate findings issues presented to LUBA. If a decision is reached tonight Staff will come back with findings at the next meeting for adoption. Staff will make sure there are references to the evidence in the record on all the design review issues with a complete explanation as to why those criteria are met. The procedural errors are being corrected by going through this procedure on remand.

Tamara stated that condition 7 came from the final decision and there was not chance for rebuttal. It was stated that there was not adequate findings to support it. Issues like this one can be taken care of by setting up the findings and conclusion for the next public hearing. The Staff and City Attorney has recommended re-adopting the earlier decision on Files AP96-03 and 04 (which is responding to SP95-57), supporting Staff's original decision of approval and with modified condition 7.

Chairman Bean wished to capsulize the position on condition 7. On page 167 of the Staff Report is the plat of the property involved and some of the adjacent property. Condition 7 relates to the exit out of the shopping center onto Warner-Milne Rd. and the possibilities of traffic jams jutting into the street while trying to enter the Walgreen parking area very near that point.

PUBLIC TESTIMONY

Speaking: **Christe Carlson White**, 101 SW Main St., Portland OR 97204, representing Village Properties

Ms. White stated that this issue has gone on long enough. Village Properties only issue is condition 7 which limits the Warner-Milne Rd. access to egress only. This condition was a modification of a prior Staff recommendation to relocate the access 50 ft. south of its current location. Planning Staff imposed that condition without benefit of a traffic report. Village Properties, through Kittelson & Associates, conducted and in depth study of the Warner-Milne access, ingress and egress. That traffic report is in the record, dated July 18. This study concluded that this access would continue to operate at acceptable levels of service, and be safe and operatable as a full access.

In an August 5 memorandum Village Properties proposed an alternative condition for the access. As Ms. DeRidder has stated that was an allegation of procedural error and this case was remanded. Now, Ms. White believes there is full concurrence from Staff and City Attorney that the August 5 memorandum should be before the Commission for review. This memo is now in the record and reiterates Mr. Kittelson's conclusions in the July 18 traffic report.

This memo also acknowledges the Commission's concerns to relocate this access 60 ft. south. So, Village Properties proposed a condition that they thought was responsive to that concern (on the second page of the memo, midway down) which reads:

> The traffic studies completed for the site demonstrate that the shared access driveway onto Warner-Milne Rd. will operate in a safe and acceptable manner. While the current location of the shared access is acceptable, in the future, the City would like to move the access 60 ft. south of its current location. At such time as the City deems it necessary to relocate the share access, the Applicant shall contribute to the relocation effort in an amount not to exceed $11,500.

She continued that they thought that the condition would provide the City with an effective means of dealing with future traffic impacts at that intersection should they arise. LUBA case law supports the idea that a City, when faced with a traffic access condition that requires an applicant to make improvements on property they do not own, can defer a condition to a later time when the applicant may acquire the property or the City may acquire the property, or other development may occur that would warrant relocation of that access.

With regard to Commissioner Mattsson's request for a check list, Ms. White suggested the table of contents of the LUBA brief.

> Speaking: **Wayne Kittelson**, 610 SW Alders, Ste. 700, Portland OR 97205, representing Kittelson & Associates for Village Properties

Mr. Kittelson concluded from his traffic report that two cars generally did not block the Walgreen driveway, but three cars do. On the basis of that, we could maintain acceptable levels of service and acceptable queuing conditions with full access to this site. He felt that the Commission recommendation of an egress only alternative is that you force more of the site generated traffic to enter or leave the site via the access drives that exists along Molalla Ave. or travel through the Molalla – Warner-Milne intersection. Both of which seem contrary to good traffic planning.

> Speaking: **Jim Helfrick,** 101 SW Main St., Ste. 1100, Portland OR 97204, representing Village Properties

Mr. Helfrick chose to defer at this time, but reserved his right to rebuttal.

Speaking: **Carol Suzuki**, 201 Ogden Dr., Oregon City OR 97045, representing Danielson Hilltop Mall

Ms. Suzuki stated her history in the development of the Hilltop Mall since 1971 with various tenants and economic ups and downs. Through it all they have been selective in the businesses chosen as tenants. These tenants in the past have been more interest in the Molalla Ave. access more so than Warner-Milne. However, with Walgreen at that corner, access for ingress or egress will be more difficult. She requested that this Commission reconsider Staff's original recommendation to close access to this site at Warner-Milne Rd.

Chairman Bean asked **Ms. Suzuki** what use could Walgreen make of the triangle-shaped property if this access were closed. She replied that they would buy it.

Commissioner Hall asked where Walgreen's ingress and egress would then be is the Warner-Milne access were closed. **Mr. Suzuki** stated there is an access on Molalla Ave. between them and Kentucky Fried Chicken.

Speaking: Jon R. Gilbert, 1200 SW Main, Portland OR 97205, attorney representing Danielson Thriftway, G.T. and Virginia Danielson

Mr. Gilbert stated that the LUBA order requires that the Planning Commission remand all issues raised in the petitions for view by the parties. So, to be sure a record is made, he is offering their petition for review into the record.

Dan asked if this contained any new evidence. **Chairman Bean** said that a brief is not new evidence but an argument about the evidence.

Mr. Gilbert stated that as a preliminary matter under the code 17.62.050 A16 traffic section, this requires the applicant as part of the traffic review to address the traffic impacts created by their development. So, a proposal that relies on third party actions, which is what the revised condition would do, seems inappropriate under the code.

In the original decision Staff recommended closing the access onto Warner-Milne Rd. Danielson's hired DKS Associates to do a traffic study and they concurred with this recommendation based on actual observed conditions at the site and a traffic study analysis. Also, Mr. Gilbert stated that the Kittleson Report contains unwarranted assumptions which will be addressed by Carl Springer of DKS. Therefore, Danielson's would ask that the Planning Commission adopt the City Engineer's recommendation to close that access or adopt a previous

decision and limit that access to egress only. It is up to that development to address the traffic impacts generated and caused by that development.

Mr. Gilbert says they object to Mr. Kittelson's statement that the egress-only is flawed because it would cause more traffic to be forced onto Molalla Ave. Well, this is new evidence and was not before the Commission previously.

Commissioner Mattsson asked what his objection was to complying to the request of moving the access back 60 ft. **Mr. Gilbert** said that was requirement on a third party who is not a party to the land use application. It is asking Danielson's to do something to facilitate the Village Properties development. Walgreen's did not approach him until Staff had rendered its decision.

Speaking: **Carl Springer**, 921 SW Washington St., Ste. 612, Portland OR 97205, DKS /Associates, Danielson's traffic engineer

Mr. Springer began by recapping the findings is his July 29 report. First, that two cars in the driveway does block the throat of the driveway into the bowling alley which is an unsafe situation (page 2 of his report). Next, the assumption in the Kittelson Report that spacing between cars is 20 ft., is not always true. Also, the Kittelson Report showed that with Walgreen on site and with existing traffic, that traffic would be operating at level D; our report showed service level F. There is also a substantial difference in the traffic growth percentage from their report and ours. So, his bottom line is that the driveway as proposed by Walgreen would be an unsafe situation for egress or ingress.

There was further discussion by Mr. Springer and Commissioners about the Warner-Milne access and its dangers for ingress or egress and possibilities of a right turn only onto Warner-Milne.

Speaking: **John Saganda**, 4282 Imperial Dr., West Linn OR 970
owner of Midway Cleaners at Hilltop Mall, 1520 Molalla Ave., Oregon City OR 97045

Mr. Saganda commented on his history at this location and his concerns and worries about the traffic and growth in this area. He stated that the decision the Commission makes today cannot be undone ten years from now.

Speaking: **Ed Burton,** 18872 Roundtree Dr., Oregon City OR 97045, ex-football coach at Oregon City High School, representing Penny's Hallmark

Mr. Burton wished to emphasis, to those involved in the decision making, the importance of what the Danielson's Shopping Center has meant to this community. It has been very involved

with the area schools and fund raising. Also, the access from Warner-Milne is very important to certain businesses along the Hilltop Mall.

Speaking: **Don Vedder,** 126 Cherry Ave., Oregon City OR 97045

Mr. Vedder stated he was here to verify that what he told Carol Suzuki was the truth about the history of the area.

Speaking: **Jo Crenshaw**, 1450 Molalla Ave., Oregon City OR 97045

Ms. Crenshaw chose to defer at this time.

Speaking: **Sheila Salveson**, 358 Warner-Milne Rd., G115, Oregon City OR 97045, operator of Hilltop Video for 11 years

Ms. Salveson uses the entrance referred to on a daily basis. She is particular concerned about this entrance during the evening hours of 5:00-6:00 PM. That access is hard to get out of and she comes from the opposite side. It very often at those times have 3-4 cars stacked up. Her concern is for the safety of her employees and customers and herself.

Speaking: **Kathy Hogan**, 19720 S. Central Point Rd., Oregon City Or 97045

Ms. Hogan asked what the difference was in traffic concerns between this application and the previous one. Chairman Bean stated that the previous application was a subdivision which is specifically authorized and can proceed. However, this application is a different criteria and there are issues of traffic.

She stated that there are other accesses like Red Soils and Molalla Ave. and perhaps redesigning the parking lots. In other words, other options should be considered..

REBUTTAL

Ms. White stated that in response to Mr. Gilbert's concerns about whether or not they have complied with section 17.62.050 A16, she hope everyone concurs that they have been addressed fully.

She thought the egress-only was the only issue to be decided and was surprised to see that closing

the access had come to the forefront when it wasn't considered at the last meeting. She also commented on the difference of the Kittelson report being a study of the traffic situation over one month whereas the DKS report was a study of only one day of traffic.

Mr. Kittelson challenged that some of Mr. Springer's findings in his report were not altogether different from his report, especially in regard to the queuing of cars. He said that two queued vehicles can block the driveway; two queued do not generally block the driveway; three queued vehicles might not even block the driveway, but three queued vehicles generally do block the driveway.

He stated that the level of service between his acceptable level and Mr. Springer's level F was based on different assumptions. Mr. Springer is assigning a heavy level of traffic to the intersection to the point where it overloads the intersection.

Also, he stated he remembered the City Engineer recommending moving the access 60 ft. to the south, not closing it as mentioned by some opponents tonight. The only one to mention closure at the last hearing was DKS. This then puts more pressure on Molalla Ave. which does not need this.

Mr. Helfrich stated that the Danielson property used to be a part of the Village Properties and both properties freely accessed both Molalla Ave. and Warner-Milne Rd. He does agree with the City Engineer's recommendation to move the access back 60 ft. and the proposed condition 7 clearly states that they are willing to fund the cost.

Ms. White wished to submit their petitions for review to the City Attorney and he can delete any information he felt was new so there is no further risk of appeal.

Chairman Bean asked if anyone had any procedural objections of any kind.

DISCUSSION

Commissioner Rutherford stated that one of the options that the Planning Commission has is to remain with their original decision and not change anything. Considerable testimony was heard at the first hearing from the traffic experts and from the applicants and their attorneys. **Commissioner Mattsson** concurred with that observation and his concern now is aimed at the other items of the appeal.

Commissioner Hall feels that since he was not at the first hearing and has not reviewed the record, he should abstain.

Chairman Bean feels there is enough of a question as to whether or not is it safe to allow cars to come into this area with an ingress that he is concerned about allowing the ingress. Most of the

evidence in the City Engineer's review demonstrates that there is a danger. He feels that it makes sense to let them use the space for an egress and a right turn.

Commissioner Shirley said that this access is really not a desirable situation. Closing it off seems to have more undesirable effects than leaving it egress only. He urges both parties to continue to work on this, because the opportunity is there if they keep working at it.

Chairman Bean said that each item will need to be responded to which he will leave for Staff to prepare the proposed findings that respond to all of the things that Commission was instructed to respond to. Then this can be given to the Commission in their report for review. Also Commissioners can call Staff with their comments. **Tamara** said Staff would like to have a tentative approval with a follow-up.

MOTION

Commissioner Shirley motioned to re-adopt the substance of earlier decision on Files AP96-3 and AP96-04 and including condition #7. **Commissioner Rutherford** seconded.

Commissioner Mattsson asked if that included revisions to the balance of the findings contingent on Commission's review of Staff's recommendations. **Chairman Bean** said yes.

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 4-0, one abstained.**

This is a tentative decision. The final decision will come when the Commission receives written findings from the Staff (September 23, 7:00 PM).

Commissioner Mattsson took the chair at this point. Chairman Bean left due to personal scheduling conflict.

File No. PD97-06/TP97-02(PD). Planned Development Final Plan and Program. Renaissance Development. 3 2E 8D Tax Lots 100, 101, 200 and 201; 32E 9C Tax Lot 800, Clackamas Co. Land End Subdivision: 57 lots.

Ex-parte Contacts or Conflicts

Commissioner Rutherford visited and is familiar with the site and knows the applicant through business; however, will not affect his ability to make a decision here.

STAFF REPORT

Lydia Neill reported that the Planning Commission reviewed this matter on April 22 and gave preliminary approval for the plan development on the site for the Lands End Subdivision. The Commission approved the preliminary design and in that meeting deferred the variances to the final approval. Some of the specific items that the Commission requested that the applicant address in the final approval were:

(1) the specific review of the 25 ft. buffer requested around the wetland resource area (where needed, how much area, justification for the reduction, and the impact of the existing trees on the site);

(2) buildable lot area, footprints, setbacks of the single family homes to be developed in that subdivision;

(3) justification of the requested setback variances;

(4) condition to allow the access to the north through lots 52 and 53;

(5) more information on specific lots as far as building envelopes and tree location.

The first major issue relates to safety. Staff has looked at the possibility of realigning Molalla Ave. to allow a future access to Lazy Creek Ln. to the north. This shifts the intersection further away from the Hwy 213 intersection. This is important for the long term safety serving this project as well as other developments in the area. Code 16.2.050 states that intersecting collector arterial streets shall be 500 ft. between center lines.

The second change in connection with this intersection realignment is the reversal of the cul-de-sac that the applicant proposes. Instead of allowing it to access onto Molalla Ave., it will internally be accessed from the development.

The third recommendation is to locate the street stub to the south, further west because of the developed school property.

Some of the other areas which Staff feels is of critical concern pertains to the perimeter setbacks. There are perimeter setbacks in the plan development which are required to be as deep as the front yards of the adjoining properties and the applicant has not addressed this issue. Staff believes the applicant should meet that criteria.

Applicant has asked for relief of some of the front, rear and side yards. Staff believes the applicant should meet those requirements.

Regarding open space, this is integral to the wetland resources located on the property. There is

an inclusion in the plan development ordinance that requires a 15 % of open space for the project which is about 2 ½ acres. In order to meet this Staff would like to see a detailed landscape plan. Staff does not recommend fencing the wetland from the development. The wetland buffer is proposed to be decreased to 25 ft. Staff would like to see the buffer increase on several of the lots, and require some replanting with native species and trees and also install fencing along the buffer area to prevent any sedimentation of the wetland.

Lastly, Staff is recommending offsetting the garages from the front facade of the house. This makes sense for the lots that front Molalla Ave. so that access for those lots directly onto that street, but instead access from an alley.

Commissioner Hall asked if lot 57 was part of the gross to determine the maximum number of lots that can be obtained or is lot 57 accepted. **Lydia** said that the way she reads the ordinance is that it should be included in the calculation.

Commissioner Hall also asked how that cul-de-sac is accomplished from a legal standpoint. **Lydia** replied that when the property to the north is developed to urban density, the developer would be required to extend that stub street to intersect with Lazy Creek Ln. **Commissioner Hall** wanted to know how far back inside the realigned Molalla Ave. that would be. **Lydia** said Staff had not determined that and what they are asking to have done is an additional traffic study to determine the location of that stub street.

Commissioner Hall asked the Staff to review item 17 on page 188 and make it more specific. **Dan** recommended substituting page 32 condition 39.

PUBLIC HEARING

Speaking: **Randy Sebastian**, 1672 Willamette Falls Dr., West Linn OR 970
owner of Renaissance Development and Custom Homes

Mr. Sebastian stated that he had never had a Staff report an onerous as this one, nor did he ever oppose one til now. He has been working on this since the spring of 1996 and has had seven planners with no continuity. There are 17 conditions of approval of which he can live with most, but some are so far out they will kill his project. One example is having the Planning Staff determine what his homes will look like and how the garages are oriented.

About the intersection, it was designed and approved months ago. Now, at the 11th hour, Staff wants to change it and redesign his project. Staff has taken the road through the Crone's property who have stated that they are not interested in selling.

Mr. Sebastian stated that to increase the buffer from 25 to 50 ft. takes away 6 of his lots; he has already lost two lots through stub streets.

He was upset that his biologists report had not even been read by one Staff member. His traffic engineer's layout was approved and now Staff is trying to change it. He also brought his attorney to go over the imposed conditions and the code. He is asking the Commission for help in making fair decisions.

Speaking: **Bill McMonagle,** 12555 SW Hall Blvd., Tigard, OR 970
of Harris-McMonagle Engineering, representing Renaissance
Development Co.

Mr. McMonagle wished to review the conditions one by one:

(1) as he reads the ordinance, it is those trees within the wetlands that are removed, not all trees on the site. He stated that the layout only shows homes that might possibly be on those lots and the possible lot coverage. The eventual home owner may choose a different house plan so it would not be possible to determine which trees would have to be removed.

(2) applicant shall provide a detailed landscape plan for the entire site. Again, the only place that he sees anything about a landscape plan is for the mitigation area that we have submitted a conceptual landscape plan for. A final plan would be prepared at the time of approval.

(3) as far as the street configuration is concerned, he will leave that to Kittelson Associates to respond.

(4) as for the peripheral setbacks of 25 ft., along the north and west line, those homes are setback 25 ft.

(5) we will be creating a Home Owners Assoc.. At the request of Staff we will be providing for the maintenance of the wetlands and the mitigation area. Fishman Environmental will be retained to oversee that maintenance project.

(6) the zoning has already been done.

(7) Christie Galen from Fishman Environmental will comment on this. He believes they have shown the information that is needed based on your ordinance as to what is required to

reduce the buffer. The area where the buffer is being reduced is not affected by any trees. Two lots might be affected if the buffer is larger – lots 28-29. Perhaps he can propose a conservancy easement on the back of lot 29.

(8) he has found no reference is any City ordinance where any of this kind of oversight is allowed and asks where Staff is coming from.

(9) the building envelopes are established by City setback ordinances. He is asking for a variance of the 9 ft. in the ordinance and a variance to the front setback of the house to 15 ft. for more rear yard and the more trees will be saved.

(10) to (17) he has no problem with.

Commissioner Hall created some discussion with the applicant regarding plan developments, wetlands within, tree replacement, street design and setbacks.

Commissioner Rutherford asked what the applicant's justification of the reduction in the buffer from 50 to 25 ft. **Mr. McMonagle** said that within the City ordinance there are several criteria regarding reducing the buffer on certain criteria. A biologist is one who can evaluate this. Fishman Environmental evaluated this as to whether this project met the criteria. **Commissioner Rutherford** wanted to make sure the criteria was spelled out before the public hearing portion of this meeting was closed.

Speaking: **Cristie Galen**, 434 NW 6th Ave., Portland OR 97209,
Ecologist for Fishman Environmental Services, representing
Renaissance Development

Ms. Galen stated that what she did to determine whether it was justified to have a reduced buffer was to follow City ordinance exactly. It says "the Planning Commission may decrease or increase the size of the transition area in a case by case basis (17.49.070)." The slope of the transition area is 10% or less. The soils in the transition area are not described in the U. S. Soils Conservation Survey Publication for Clackamas Co. as having high erosion potential. The soils in this area are the Bornstedt silt loam, moderate erosion potential. The reduction in the transition area would not cause a reduction is wildlife habitat. In most areas there are no additional trees in the 25-50 ft., except at lot 29 and one tree on lot 28.

Commissioner Hall asked the slope of the ground within the suggested buffer. **Ms. Galen** said maybe 2-3%, but definitely less than 10%.

Speaking: **Marc Butorac**, 610 SW Alder, Ste. 700, Portland OR 972
of Kittelson & Associates, representing Renaissance Development

Mr. Butorac first submitted 5 letters into the record that were is the previous record for the zone change application. There are 3 letters from Randy Sebastian offering to buy the property to the north of this development. One letter from Kittelson & Associates responding to an ODOT letter (which is in the record). One letter from Gary Crone, the property owner, saying he is not willing to sell his property. There are other letters which the Staff has and are in the other record.

He said there is some confusion as to where the driveway will be located. Renaissance tried to acquire property so that they could get over to the Lazy Creek Ln. alignment. All of the responses were negative. The existing driveway is 250 ft. back (not the proposed access). The proposed access is back 305 ft. At the time of the development this was basically their only alternative.

Mr. Butorac wished to correct some items in the Staff Report at this time:

Page 177, under Transportation Advisory Committee, Molalla Ave. should not be vacated at this time – he believes this is everyone's aim, but there has been some confusion in the process. Under (7) merge lane – he said this was a confusion point. He said that due to future growth there may need to be a acceleration lane at there. This is not from the development, but is a transportation system improvement.

Page 177 (bottom) under City Engineer, secondary access – he hopes what is meant by that if lot 57 in back of the development

Page 185, condition 3 – he knows they need to move as far away as possible; Lazy Creek Ln. being the best.

There are other areas in the report that relate to the above comments – the letters on pages 254 and 289.

Commissioner Hall stated that he had concerns in a previous application similar to this one regarding the intersection of streets and queuing capacity at the intersection when there is a sweeping curve. He raised the issue on this particular application at the original hearing about the configuration of that road with Molalla Ave. It is very short if you have only 350 ft. from the existing Molalla Ave. (or Hwy 213) back to this intersection. The City Engineer says a minimum of 200 ft. is needed, and only 85-100 ft. is left. Commissioner Hall wanted to know how to mitigate against that issue when the City Engineer's requirement is to have a minimum of 200 ft. of holding perpendicular to the road. Also nearby there is a school, a plat of 50-60 lots and commercial area; therefore, this becomes a very congested access way. He said he just does not like this layout.

Mr. Butorac said his first concern was storage and the back to back left turns because the vehicles are on the collector street and can block the road. The queues on the side street has no interference caused by them. With the 200 ft. what you are looking at is that are you blocking an

access driveway or a local street where you cannot turn in.

Speaking: **Manish Babla** of David Evans & Associates,
working as on-call traffic engineer for the Oregon City

Mr. Babla did review the Kittelson Report. He feels the plan as proposed would work very well. There is adequate storage for the back to back left turns and for the right turn also. The issue, however, is the long term. The applicant's 305 ft. is not enough distance to make it work for the left turns. Also, the right turn would block traffic from the access point onto Molalla Ave. – right or left. The Transportation Advisory Committee had some suggestions that would work and he exhibited this in detail.

Commissioner Hall stated that in addition to that a nearby church was moved and a commercial enterprise put in its place with access to Molalla Ave. He foresees all of this making a real problem.

Tamara referred to a letter from Sonya Kayson of ODOT (which is in the record) which refers to the need for a frontage road that would lead between the existing intersection at Hwy 213 and Molalla Ave. all the way to Meyers Rd. This was viewed as the extension of the old Molalla Hwy which now ends in a cul-de-sac and into the properties which you are talking about. There are a number of acres between this site and Meyers Rd. which that would service.

Chairman Mattsson asked for clarification of how it will be accomplished for the proposed extension of the frontage road to the northwest to Lazy Creek Ln.

Tamara stated that it would only be accomplished when the property owner in that area would develop. How they would get in is how it is now. What Staff is asking for is a dedication be stubbed out directly to the north, then it would hooked around into the Lazy Creek Ln. entrance.

There was more conversation between Commission and applicant on the technicalities of the intersection and stub street and current and future traffic considerations.

Mr. Babla interjected that the intersection as proposed does address the problems and moves further away from Hwy. 213. In addition maybe a provision can be made that when the area to the north develop, it can be extended as proposed by the City to have a frontage road onto Molalla Ave. More technical clarification was discussed and questions asked by Commissioners with references made to the maps on display.

Mr. McMonagle offered that what they would be willing to do is to commit lot 1 as a non-buildable site for 3 years. If during that 3 years the City can acquire the way through and access through Lazy Creek Ln., which is a private road, then this road could be extended.

Chairman Mattsson said more clarification is needed from a traffic standpoint and the real impact of the cul-de-sac being that close to the queuing distance. He feels the 3 year stipulation is not much of an option.

Lydia asked Mr. Babla to address the cal-de-sac location via the current intersection. Also, regarding the lots fronting onto Molalla Ave., that is an arterial street and we are trying to eliminate driveways accessing that street. That is the reason for Staff's proposed redesign with the alleys so that access can be from the alley and the fronts of those properties can actually front onto the street and not be masked with as fence. There are problems throughout Oregon City with double frontage which can make unsafe situations where fences are directly on the sidewalk with no way to watch the street or pedestrians. Again, the cul-de-sac makes sense from a safety perspective.

Mr. Babla said the cul-de-sac is about 100 ft. from Molalla Ave. The applicant indicated that the level of service of the left turn from the stop street onto Molalla Ave. is level F. There would be quite a bit of queuing at the stop street trying to turn left onto Molalla Ave. Having the cul-de-sac that close would hamper the traffic there. It would be desirable to have more distance so that the queues would not block the access point. **Commissioner Hall** clarified that this would be coming out of the cul-de-sac turning left to get on the access street and then another left turn onto Molalla Ave. **Mr. Babla** said the queue he was referring to would be at the stop street intersection with Molalla Ave. That would block the traffic trying to come out of the cul-de-sac. He pointed out that the back to back left turns are very serious. At the same time, when you look at it from the side access it would be less of an issue because right now it would be used just for the side access. Also when it is extended to Lazy Creek Ln. as a frontage road, then the problem goes away. So it is an interim issue.

Chairman Mattsson said this is still contingent of what happens to adjacent properties, because this subdivision will not create enough traffic to create that problem all by itself. He asked if condemnation was possible and at what point would the City finally determine it is critical enough to take action beyond what has been done. **Tamara** said that is an issue only the City Commission can answer and it does no happen very often.

Mr. Butorac commented that the applicant has now been involved in this process for 1-1 ½ years with several planners and Staff people. It was only this past Thursday that this current recommended long term solution was presented. It is difficult to deal at the 11th hour. He is confused as to why the expertise of the City was not put forth earlier in the process; thereby, allow the applicant to deal with this issue the last time it came through. **Tamara** said she had no good answer for that; however, the applicant had a previous pre-application conference in 1995, only good for 6 months, and they refused to come back in for another pre-application. Meantime, the Staff had changed and the new personnel did not have a chance to talk to them about this point of access. She said it is a tough issue and the applicant has worked very hard. This issue did not come up at the preliminary review.

The applicant made a point of clarification saying that they were told by Staff that the first meeting was for zone change and use of the land as opposed to how you use the land, which is what we are here for tonight. Regarding the pre-application conference, we did say we did not need another one. We feel we had and 8-9 month pre-application process because of all the involvement of transportation and how we were going to address all of these issues. It was a constant, on-going process with City Staff on a weekly basis.

Chairman Mattsson said that obviously there has been some breakdown in the whole process. All we can do now is bridge that gap, put the information on the table and make a decision.

Speaking: **Frederick (Rick) Carman**, 220 NE 3rd, Hillsboro OR 970
Lawyer for Renaissance Development

Mr. Carman addressed condition 8 relating revision of building designs and alleys (page 186). In the building code 16.20.150 it says that alleys shall be permitted in residential. Permitted means we can use them if we want. It does not say you can make us use them, so he does not feel the Commission has any authority to make the applicant use them. The applicant does not want alleys because effectively you have a street in front and another street (alley) behind you.

His second issue was the extent the Commission controls or influences the design of the houses built on this property. He stated that the proposal before the Commission does not involve the construction of any houses. It is to subdivide land into parcels. The structures that are going to be built are going to be chosen by people who decide to buy a lot in this subdivision.

Commissioner Hall agreed with Mr. Carman.

Chairman Mattsson stated that Staff presented the alleys as a solution trying the contribute to the process.

Speaking: **Joe Morgan**, 18860 Shenandoah Dr., Oregon City OR 97045
representing N. Clackamas Christian School

Mr. Morgan asked how the testifying process works; can he speak once or come back or what. **Chairman Mattsson** said that in this public hearing forum once you have spoken that is basically your opportunity. If there is an appeal, then whatever you enter into the record basically becomes your appeal. **Tamara** added a clarification that this is a final plan and program which does go to the City Commission for final review. So, there is the opportunity to testify at the City Commission hearing.

Mr. Morgan gave the chairman a copy of his prepared comments. He was speaking in behalf of N. Clackamas Christian School, in existence for 25 years serving the community. The school

owns and occupies property adjoining (to the south) the proposed Lands End site and fronts on Old Molalla Ave. The school enrollment is 4 ½ times large than the anticipated population of the Lands End project. This is a significant number of people whose needs and land uses have been considered but little in the proposed project. There are four areas of concern: traffic and safety, zoning and lot size, compatible-incompatible land uses and property boundary concerns as owner of adjacent land, and environmental concerns. He read his complete prepared statement submitted for the record.

Speaking: **Carl Duhrhoop**, 19314 Rollins St., Oregon City OR 97045
Parent and board member of N. Clackamas Christian School

Mr. Duhrhoop stated that most of his concerns were addressed by the previous report. He spoke of the access problems. He feels only one access to the development is not good; for example, the development he lives in and others have two accesses. He likes the Staff recommendation of the access north and out on Lazy Creek Ln. Traffic is heavy at times and this needs to be done.

Speaking: **Jim Goertz,** 113 Barclay Ave., Oregon City OR 97045
representing N. Clackamas Christian School

Mr. Goertz stated that due to the incompatible use of the development next to the school, he would suggest at least a 20 ft. setback along the back lot lines and a 6 ft. masonry wall be constructed before construction on the development starts because students are distracted by the construction noise, lawn mowing and loud music. He sees no planned play area for this development which could have 100 children living there. The only play area is across Hwy. 213.

Commissioner Hall asked if the school had a position on the stub street that comes down from the north to the south. It was commented that the school does not want the road.

Speaking: **Dr. Michael Egger**, 19705 S. Turquoise Way, Oregon City OR 97045
parent of students at N. Clackamas Christian School

Dr. Egger is concerned that the Transportation Advisory Committee is not meeting until after this meeting because he would like to see the studies of the traffic flow before a decision is made. He did not see in the traffic report any consideration for all the students and parents that would be in that area. He thinks the egress should be further north as proposed. He suggested that the traffic is already a problem without considering future commercial traffic.

Speaking: **Don Wheeler**, 810 Harrison St., Oregon City OR 97045
parent and board member of N. Clackamas Christian School

Mr. Wheeler is concerned about all the water in that area that has not been mentioned. An adjacent building with a 5 ft. crawl space has sump pumps running all the time. He showed the area in question on the map. Also, regarding traffic between 2-5:00 PM, is difficult.

Speaking: **Kathy Hogan**, 19721 S. Central Point Rd., Oregon City OR 97045

Ms. Hogan referred to page 217 about wetland fill, which says they are going to fill in the wetland to get across to another section. People buying these homes would be very angry when their yards flood. **Lydia** replied that the applicant is crossing the wetland to get access to the back half of their property. They applied to the Army Corps of Engineers and Div. of State Lands and they are mitigating a portion of the site to replace the wetland that they are filling.

REBUTTAL

Mr. Butorac said Staff and applicant are in agreement and just coming to a solution might be a way to overcome some of the transportation problems. The traffic of the church, the school and the college were taken into account (in April during normal sessions). The City's traffic engineering consultant pretty much agreed with the report outside of the access issue. Renaissance proposed to the Planning Commission that the development be approved as is with condition 3 being altered to basically say that lot 1 would be preserved for 3 years to allow for future access to the north assuming that property and access is secured at Lazy Creek Ln. within this time period. The existing access would be vacated and would be available for right of way at that point. The City would take that property and in return the developer would get the property back that is vacated. The cul-de-sac would work as is. The stub street to the south could be left as is, eliminate it, or put in a path so that the students who live there can walk across to school instead of all the way around.

Speaking: **Bruce Vincent**, 180 E. Main St., Ste. 215A, Hillsboro OR 97123
Bedsall Consulting, representing Randy Sebastian, Renaissance Dev.

Mr. Vincent commented on the land use issues brought up by opposition testimony. To clear up the confusion of what a PD is, it does allow variations in lot sizes. Mr. Duhrhoop said the wetlands would be squeezed down, but that can't be because we are putting a 25 ft. buffer around those wetlands. Dr. Egger brought up a very good point about why the TAC is having a meeting after this meeting. We certainly recommend doing away with the stub street to the south if no one wants it.

Tamara replied that TAC had a work session on this application primarily on how it affects the long range Molalla Ave. connection to Meyers Rd. They are going to have another meeting because they did not have a quorum to make a recommendation and that's the whole standing that committee has.

Commissioner Shirley asked Dan with respect to the area variance and the setback variances, does the Commission have specific criteria that we are supposed to address or is that just open to our discretion. **Dan** said that the interpretation adopted in other applications is that a specific application variance is not needed. The variance criteria set out in the code arguably do not control Commission's decision on those variances. The Commission can use its discretion.

Commissioner Shirley then stated to Mr. Vincent that he felt that his responses to the justification for variances is kind of weak and would he like to add anything. **Mr. Vincent** pointed out that a lot of the area variance issues are tied to condition 4 and we have shown we can meet the peripheral setback issue which then would take care of rear yards. The area variances boil down to side yards in this case. We are already restricted by the wetland and parceling the property into adequate size lots. He could not understand the 9 ft. side yard setback, except that in the past it was for a carport, RV parking, etc. He feels a 5 ft. setback would give them more leeway because some of the lots have had to be narrowed down.

Mr. Sebastian stated that he is going to make the traffic better, not cause it to be worse than it is. He should not be charged with potential commercial projects down the street. It is a viable project. He would be agreeable to building a path and delete the stub street.

Tamara asked Mr. Sebastian if he had one more lot because of the deletion of the stub street is there any problem with a permanent dedication to have Molalla Ave. stub out to the north toward Lazy Creek Ln. instead of a 3 year limitation. **Mr. Sebastian** said no, as long as it would be a dedication and he would not be forced to build both road stubs.

PUBLIC TESTIMONY CLOSED

Mr. Sebastian asked what the purpose of the stub street to the south was. **Lydia** said to provide access to commercial property to the south. Staff proposed setting the stub to the south, off further west and would not have encroached on the school property.

Lydia wanted to make some clarifications. She said the PD ordinance does allow for tree replacement and what Staff is referring to is replacing trees in the buffer area around the wetland. The applicant's consultant even recommends that the buffer area be enhanced and that native plants be used in this area. A landscape plan is being asked for because Staff wants to know more about the actual mitigation work being done to compensate for the loss of the wetlands due to road construction. Also, the buffer area could be enhanced to improve the quality of the wetland itself and enhance it as an open space. With a landscape plan specifics are needed with regard to how it is going to meet the 15% requirement for open space in a PD. With regard to the perimeter setback issue, there are a couple of lots the applicant has shown that do not need this requirement. We believe it is imperative that they do meet those setbacks. As far as turning the cul-de-sac around and not having it access onto Molalla Ave., this is a safety issue and does not meet our standards for intersection distances. Accessing off of an alley – we do not want houses

that turn their back on street frontage and have driveway access onto a very busy street. Tamara spoke of some of the conditions we can live with as far as allowing for a future stub street to the north and eliminating the stub to the south in lieu of a path to the school and an unlimited time period for that stub to the north. The CC&R should address maintenance of the wetlands by a qualified professional and have that person address DSL's concerns with the establishment of the mitigation area which is a 3 year period.

Commissioner Hall received the large packet for this application on Thursday, 8/21/97 and has not had enough time to digest all of the information and he would also like to see the formal TAC report. He does not want to make a decision tonight. He is concerned with the accesses, traffic problems and safety issues for the present and future usage. He needs to hear any justification of variances or research this in the records. He would like Staff to give the Commissioners more information on traffic and a layout of streets.

MOTION

Commissioner Hall motioned to continue based on the basis that he setup.

Tamara asked Dan if Staff presented a new layout of streets that would constitute new information. With that there would have to be a chance for rebuttal.

Commissioner Hall answered that if that be the case it would be opened for that specific issue.

Chairman Mattsson stated that the Commissioners needed a consensus on what they want to have happened with the traffic, the cul-de-sac, storm drains, etc.

Commissioner Shirley said he would like to continue this meeting because it is hard to retain this information and meet again in one month. He wants to hear more about the storm drains and cul-de-sac, access, etc. before they are turned back to Staff.

Chairman Mattsson clarified with Staff that they wanted a landscape plan as a condition of approval.

Commissioner Rutherford agreed with Commissioner Hall about receiving the packet late and not having time to digest the over-400 pages and he is not prepared to make a decision tonight. He is willing to work longer tonight, however. He also still is perplexed by what is meant on condition 3.
Chairman Shirley has no problem with how the cul-de-sac lays now, but is concerned about imposing upon the developer design considerations that he does not want to get into such as alleys.

Here was more conversation about traffic conditions now and in the next 20 years, and clarification of the cul-de-sac between Staff and Commissioners.

Commissioner Hall sees this subdivision with increased density as a result of the wetlands without any of the amenities typical with a PUD except by requirement of the wetlands themselves. This is supposed to be a PD – it is a subdivision with a couple wetlands.

Chairman Mattsson stated that the primary purpose of the PD and the application is to preserve wetlands and that is what it is doing. However, it is also maintaining a density level that creates and exacerbates existing traffic problems. He has a shopping list of issues that need to be addressed issue by issue and that cannot be done tonight at midnight. He suggested continuing the hearing for discussion and pick up the discussion where we leave off tonight into next hearing, giving time to go through the information, digest the testimony, formulate new questions or concerns, and make sure we have all the information covered.

Commissioner Rutherford suggested getting initial feedback from the City Engineer on the storm drainage, 5 ft. crawl space, 2 in. puddle on the soccer field, etc.

Duane Launder, City Engineer, addressed the storm water run-off. He said the site is required to submit a final drainage plan and report on how they met all the criteria. They also must submit a geotechnical report for the Building Dept. to review. Under this proposal there is no area proposed for water detention other than the wetlands.

Tamara stated that a utility map has been submitted but no grading plan because there is only a minimal grading needed for the site.

Duane added that no civil construction package has been submitted to the Engineering Dept. yet. Engineering's initial review found that the utilities in their location as presented are adequate to service all the lots, but as far as the actual design and location of those, those are tentative based on the actual final design of the civil construction drawing. Engineering cannot require that level of detail up-front; they are restricted by the DIS and initial hydrologic investigation of data.

Commissioner Hall suggested that what is needed is some additional hydro-engineering work to be submitted to the Commission through Duane to see what impact the development's roofs, roads and other hard surfaces will have downstream.

Chairman Mattsson said that the public testimony has raised enough concerns in his mind to require more detail that he agrees with Commissioner Hall. The ordinance for a PD is very clear about what is required and we have not even complied with the letter of the ordinance.

The applicant stated that there is information in the packet pertaining to storm drainage and detention and down site capacity of the system. He added that there are a number of ways this can be done.

Commissioner Hall said that each particular way has its consequences and that needs to be determined.

Commissioner Rutherford reiterated that there has not been ample time to digest the information provided by the applicant which may have addressed some of the items the Commissioners are bringing up. This does not reflect the competence of the Planning Commission, rather the time that we have had to absorb this information.

Tamara recommended continuing the remaining of the items on the agenda due to the late hour. There is a 120-day issue with the cell tower which could be scheduled on the work shop night, 9/11/97, with two other items and have a continuance for the PD on 9/23/97.

Here was more discussion on the details for rescheduling. The applicant for the office and the applicant for the cell tower requested that their cases be heard tonight.

Commissioner Rutherford stated that he is not prepared to move on to two additional items on the agenda that he has not had an opportunity to review the reports for.

MOTION

Commissioner Shirley motioned to set over Files CU97-06/VR97-06, CU97-07 and ZC97-06 until 9/11/97. Seconded by **Commissioner Hall.**

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye . **MOTION CARRIED 4-0.**

Discussion then continued on the Lands End issues.

Commissioner Rutherford does not have a clear picture on where Staff intended the stub street to be in the first place. Then, the ability of Staff to give up that stub street to the south in exchange for a dedication on what would have been lot 1.

Chairman Mattsson explained that the intention behind the stub street was to provide alternate means of access that would alleviate the impact at the intersection of Hwy. 213 and Molalla Ave. It just got put in there with no specific reason. That's why Staff was talking about eliminating that one and getting the dedication.

Tamara added that the lot is large and undeveloped. The fire department likes two ways in and out of every site. This is zoned LO or LOC so it has an opportunity for a lot of different uses. This was just a way to provide access to that vacant land.

Dan asked the Chairman is they want the applicant to supply more information on storm drainage which requires reopening the record. With the amount of information requested the proposal will have to be essentially redesigned between now and next hearing. He said the Commission was

entitled to require a amount of information to make threshold determination as to whether it is feasible or not. The Commission is not asking for final detailed calculations and drawings on any particular design, but there should be enough information to know if you need detention.

Tamara said that in order to do that Staff needs a clarification on the direction of the Commission on the cul-de-sac issue.

Chairman Mattsson views it as an intermediate problem that will go away with the extension of the side street. He is not that concerned about it. He is concerned about developing a strategy for extending that road in the future. Progress was made by getting the dedication of the property to facilitate that; however, he does have a problem regarding the use of that property left over. He feels that there is enough direction stated on the traffic issue and the storm drainage issue. He wants to review the setbacks and masonry walls.

Commissioner Rutherford says we do not know about the traffic because Staff's condition 3 created something that we have not seen. The testimony from the City Traffic Engineer was relative to something we are looking at that inferred that what is being proposed at least in the short term fix is what is not good now.

Tamara said that it is her understanding that Staff will come back with a site design with a cul-de-sac shown as is with a stub (as she pointed out on the map) and without the south stud – also, addressing the storm drainage and how that is going to be accommodated.

Chairman Mattsson said that based on the testimony from the adjacent property owners the concern is about standing water and storm run off. How does this project relate to that. Will it create more of a problem or can it help solve the problem.

Discussion continued on exact details of what should be reported at the continuance and to what extent.

Commissioner Hall asked about spending SDC money to solve road problems. **Dan** replied that SDC money can only be spent on improvements that are in the City's Capital Improvement Plan. So the Molalla-Hwy. 213 intersection could be fixed that way.

Chairman Mattsson asked if there were any TPR requirements applied to this site. **Tamara** said it is difficult to establish some of those connections to already developed sites . The site to the west if already developed. She said Staff can double check the abutting uses and find out if there is any existing pedestrian easement from the apartments to the south and west. At this point, there is nothing,

Chairman Mattsson asked about the purpose of the secondary access that is referenced by the City Engineer. **Duane** said that in that particular case it is a secondary access to provide circulation for Lazy Creek Ln. which is a private driveway. It provides the property owner with

access to his property so that he can parcel it out.

Chairman Mattsson said that the only other issue would be addressing the variances and setbacks and to revise the plan to incorporate all the discussion and comments on those. There was discussion on a conservation easement so we will need more discussion about the buffer area and disposition of that, which can happen at the next meeting.

After some discussion on architectural design and condition 8, **Dan** stated that the Commission had the authority to implement the condition as stated under the compatibility-livability standards. They are design issues but they have to do with how a community functions. There was more in depth discussion of architectural design, alleys, landscape designs used in making a development more livable.

MOTION

Commissioner Hall motioned to close the hearing, continue for decision only to the next meeting (9/23/97 at 7:00 PM in the Commission Chambers), unless we get some additional information from the applicant and Staff that has not been presented this evening. We will open it at that time for consideration of only that additional information. **Commissioner Shirley** seconded.

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Hall, Aye; Commissioner Shirley; Aye. **MOTION CARRIED 4-0.**

4.0 ADJOURNED

James Bean, Chairman

Tamara DeRidder, Planning Manager

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
SEPTEMBER 23, 1997

COMMISSION MEMBERS PRESENT

Jim Bean
Jim Hall
Mary Johnson
Mike Shirley
Matthew Mattsson

STAFF PRESENT

Dan Kearns, City Attorney
Marnie Allen, City Attorney
Stacey Sacher Goldstein, Assoc. Planner
Tamara DeRidder, Plan. Mgr.
Lydia Neill, Sr. Planner
Duane Launder, City Engineer
Nancy Kraushaar, Sr. Engineer

COMMISSION MEMBERS ABSENT

Randy Rutherford

1.0 CALL TO ORDER

Chairman Bean called the meeting to order at 7:05 PM.

2.0 CONSENT AGENDA - JUNE 2, 1997 MINUTES

MOTION

Commissioner Johnson motioned to approve the minutes of June 2nd as submitted. **Commissioner Hall** seconded.

ROLL: Commissioner Mattsson, Abstain; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 4.0.**

Chairman Bean announced that **Cynthia Nelson** has been appointed to serve as new member of the Planning Commission.

3.0 PUBLIC HEARING

Dan gave the instructions on procedures for the public hearings.

> **<u>File No. AP96-03 & AP96-04.</u>** G. T. Danielson, Thriftway 32E 5C, Tax Lot 101 22E 31BD, Tax Lot 500, Clackamas Co. LUBA Remand: Appeal of Walgreens/Village Properties - *Continued from August 26, 1997.*

Chairman Bean stated that this application is for adoption of findings only tonight. This is for the development of property at the corner of the Danielson's Shopping Center for the Walgreen application. It had been before the Commission is August 1996, then appealed to LUBA and remanded to the Commission. There was another heairng and a tentative decision for approval was made with instructions to Staff to prepare findings based on the record to support those decisions. Those findings were submitted to the Commission for a decision tonight.

Commissioner Hall abstained from this hearing because he had not participated in the original hearing.

Commissioner Johnson stated that she was not present at the August 26th hearing, but has reviewed the record of that hearing and intends to vote tonight.

MOTION

Commissioner Shirley motioned to approve Staff's findings of fact and conclusions of law and final order. **Commissioner Johnson** seconded.

ROLL: Commissioner Mattsson; Aye; Commissioner Hall, Abstained; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 4-0.**

This is a final decision of the Planning Commission which can be appealed under State law within 21 days of when it is signed.

> **<u>File No. TP97-06.</u>** Renaissance Development 32E08D Tax Lots 100, 101, 200, 201 – 32E09C Tax Lot 800; Clackamas Co. Final Plat approval for a 56 unit Planned Development. *Continued from the August 1997 hearing.*

Chairman Bean chose to abstain from this hearing as he did not attend nor has he read the reports of the last hearing. **Commissioner Johnson** had attended the preliminary hearing, did

not attend the last hearing, but has reviewed the minutes and reports and feels sufficiently informed.

Commissioner Hall stated a *point of order* that this hearing is continued to obtain additional information limited to two items: (l) traffic, street pattern, etc. and (2) storm water.

Dan stipulated that this is a continuation of the public hearing. The applicant will provide testimony which will be considered new evidence; therefore, other people need to be able to respond to that new evidence given tonight and evidence of the other hearings.

STAFF REPORT

Lydia stated that she has deleted and added information to the Staff Report previously presented based on discussion at the last meeting. She indicated in **bold** and *italics* additions to the original report. She has struck through text which would no longer be pertinent to the development of findings that would support approval of this request.

Commissioner Hall asked how much of this revised report is work by the Staff and how much is work submitted by the applicant. **Lydia** said the work in the Staff Report is hers. The applicant met with Staff on September 4 to discuss some of the issues that the Commission raised at the last meeting. As a result of that meeting the applicant submitted several pieces of information pertaining to the storm drainage and revised street design. The Commission received storm drainage information this evening.

Lydia stated that in the conditions of approval she wished to make some changes:

> Page 44 second paragraph under Conditions – delete lot 32, keep in lots 28 and 29.
>
> Page 44 item 2 – place a period after **buffer** and delete "whichever is greater.
>
> Page 45 item 6 – delete lot 32.

Lydia wished to clear up some information given by the applicant addressing the storm drainage. The detention facility, as stated by the applicant, should be located within the buffer.

Commissioner Hall asked what storm frequency level was the storm drainage information based upon. **Duane** replied that it was based on the Caulfield drainage basin and it is a 2 & 25 yr. storm water detention requirements.

Lydia summarized that the items changed in the Staff Report reflected the Commission's discussion on the realignment of the street to include a stub to the north and to eventually allow Molalla Ave. to be pushed further west; and also to incorporate some of the comments made by the Transportation Advisory Committee. Staff provided a memo adopted by the TAC at its last meeting and added additional comments Staff felt were important to this particular decision. Some of the other discussion items relate to the size of the buffer area which has been reduced to 25 ft. and discussions regarding the peripheral setback which the applicant will meet.

Commissioner Johnson asked, regarding the areas with only a 25 ft setback, if there was a possibility of a conservation easement. **Lydia** said the applicant was asked to do a tree survey on the site and as a result increased the buffer area in some instances. **Tamara** added that by adding a conservation easement that shrinks the building envelope. Applicant did meet the requirements regarding how steep the land is and met the criteria for reducing the buffer from 50 to 25 ft. The buffer was enlarged where there are larger areas of trees. So at this point a conservation easement is not justifiable.

PUBLIC TESTIMONY

Speaking: **Mark Botorac**, 610 SW Alder, Ste. 700, Portland, OR
representing Renaissance Development

Mr. Botorac stated that the concern at the last hearing was the future ability to access Lazy Creek Ln. at the time that redevelopment occurs. He referred to the revised site plan and said that Lot 1 will be dedicated to the City. It will be unimproved until right of way to the north of this property is obtained; then the City can put in their collector facility. Until then, the northern access will be used.

Commissioner Hall asked if it was correct that the developer is not interested in developing that portion of the stub street on the north boundary. **Mr. Botorac** said that was correct because if they did not development it at this time there would be a 4-legged intersection which could create operation and safety problems. This was seen by Staff and the applicant as a future system improvement that would be the responsibility of the City.

Commissioner Johnson asked what the estimated cost of developing the connection into Lazy Creek Dr. at this time. **Mr. Botorac** said no cost analysis has been done, but there is 200 ft. between our point and Lazy Creek. Part of it would be developed if future redevelopment occurs, but our engineer would perhaps have a dollar amount.

Commissioner Hall asked if Mr. Botorac was suggesting that a frontage road with a loop is the best configuration for a frontage along Molalla Ave. **Mr. Botorac** said that is correct. **Lydia** said that she has asked for a non-remonstrance agreement which includes the stub street.

Speaking: **Bill McMonagle**
representing Lands End

Mr. McMonagle said he had prepared plans trying to address the concerns of the Commissioners as to how the water quality would be handled and detention on the site. There was some misunderstanding as to where the water quality might be placed. The solution would be with pollution control manholes or using one of the lots as a water quality facility.

Another question was how the lots would be graded and the homes drained. A typical house drainage pattern was submitted.

Commissioner Mattsson asked Mr. McMonacle to clarify if the manholes only would substitute for moving out of the buffer zones. **Mr. McMonagle** said the manholes would be for water quality only and the water detention would create a dam to the wetland through storm pipes.

Speaking: **Frederick S. Carmen**, 220 NE 3rd, Hillsbororo, OR
Attorney for Renaissance Development

Mr. Carmen stated that they tried to address the concerns of the Commission from the last time and met with Staff to work them out.

Speaking: **Dr. Michael Egger**, 19705 S. Turquoise Way, Oregon City, OR 97045
representing N. Clackamas Christian School as a parent and school board member

Dr. Edgar wished to address the incompatibility of land uses. He read the definition under the Analysis and Findings #3 and feels this project has not been shown to be compatible. He says they are being ignored by the Staff and developers and not even listed as one of the adjoining south properties in #3. He wants this entered into the record under #3 that the school is a major property to the south and zoned LO. They have met with City Staff, but none of their concerns have been addressed in the revised document. Even the developer has not contacted them.

He addressed their concern to have a six foot masonry wall be constructed on or just north of the south property line of the development between their private school and that development. It is for protection and safety of their children. Also the noise factor is not compatible from either side. Another concern is that this is a private school and any cost for the safety and well being of the children comes out of the parents' pockets.

An adjacent property currently houses apartments and the school has problems with vandalism and trespassing. There is a chain-link fence there now, but this is not sufficient. They are not opposed to this development as long as the safeguards proposed are put in place.

Speaking: **Joe Morgan**, 18860 Shenandoah Dr., Oregon City, OR 97045
administrator of N. Clackamas Christian School

Mr. Morgan said that it does not appear from the revised plan that their concern about drainage has been met. The school will be affected the most by this runoff and yet has not been consulted over this issue. The school also has not seen that their concern over traffic and safety have been addressed. Mr. Morgan entered into the record an article from the Oregon City News of September 5 regarding Oregon City's four straight years of highest fatalities of all Oregon cities. One of the ten worst intersections is Hwy. 213 and S. Molalla Ave. This development will increase traffic in that area and exacerbate an already bad problem.

Mr. Morgan stated that the traffic study was done without even knowing that the traffic of N. Clackamas School is all individual vehicles coming and going.

Speaking: **Larry Griggs**, 818 Brighton Ave., Oregon City, OR 97045
Board Member and parent of N. Clackamas Christian School

Mr. Griggs' concern is that he does not want to see any more dangerous a traffic problem than there already is. He also said he is not opposed to the adjacent site, but is also concerned about the water runoff and drainage. He also agrees with the comments of the other speakers before him.

Speaking: **Dr. James Goertz,** 113 Barclay Ave., Oregon City, OR 97045
Broad Member and parent of N. Clackamas Christian School

Dr. Goertz wanted to comment on the drainage and wetland. He is on the Facilities Committee at the school and there is a major drainage problem on that property. During the last two winters there has been 2-4 ft. of water under the high school wing and the soccer field sometimes has standing water (which is adjacent to the development). This proposed development is at a higher elevation than the school. The storm drainage plan for the proposed development should not have any downstream effects on neighboring property.

Speaking: **Don Wheeler**, 810 Harrison St., Oregon City, OR 97045
Board Member and parent of N. Clackamas Christian School

Mr. Wheeler entered into the record an article from Metro that says 982 acres south of the

school is proposed for industrial use which will exacerbate the traffic problem that ODOT and the applicant's traffic report says is already in that area.

Speaking: **Kathy Hogan,** 19721 S. Central Point Rd., Oregon City, OR 97045

Ms. Hogan says she is bothered the most by the fact that the people coming into the community to develop are not working with the people of the neighborhoods. She is also concerned that drainage will definitely be a problem.

Commissioner Mattsson answered Ms. Hogan by saying that where there are neighborhood associations being formed that actually is a part of the review process. The developer is required to meet with the association and discuss issues before they even come before the Planning Commission.

REBUTTAL

Mr. Botorac believes it was not the developer's intent to not personally contact the school. They did hold a meeting with the Hillendale Neighborhood Assoc. but does not recall if anyone from the school was at that meeting.

He said the drainage is a concern to everyone. Everyone upstream and downstream has a responsibility for that drainage. He explained how the water would flow through the pipes and said that would eliminate or greatly reduce the amount of water that is present in the ground.

From the traffic standpoint, he feels the developer worked long and hard with Staff and with Kittleson's to improve the situation. He said they are doing everything then can within the limits of the property they have to help the situation and provide for a future access to the north to connect to Lazy Creek Lane which will subsequently hookup to Molalla Ave. to the north.

Commissioner Mattsson asked if there was a particular reason they did not contact with school personally to meet with them and discuss their concerns. **Mr. Botorac** said the thing the school wants that is objectionable to his client is the brick wall and he is not sure whose responsibility it is to build that. He feels the developer should not have to build a barrier between a residential area and a school, which is closer to a commercial activity. The developer is opposed to building this wall. He knows the school is planning to build a board, good-neighbor fence and this should handle the noise situation also.

Commissioner Mattsson asked if the developer would be interested in participating in an upgrade from the wood fence. **Mr. Botorac** said he would.

Mr. Carmen stated that there is going to be more traffic in that area over time whether they

build there or someone else does. Only if the property were condemed and the City take it over and say no development whatsoever. It is zoned residential and they are dealing with the situation of traffic as best they can. As far as the compatibility, residential dwellings are deemed to be compatible with surrounding developed property. Regarding the drainage, under the conditions of approval, there should be zero offsite impacts.

Duane Launder stated that Staff's position has been that the buffer have trees and wildlife and did not like the idea of the detention being in the buffer zone. However, Staff does not object to the placement of the detention in the wetlands, which are Mother Nature's natural detention ponds anyway. Staff is proposing on the south side to reserve one lot for detention also, if needed. They are willing the allow this development to proceed until they have met the drainage criteria. Lot 39 would probably be the lot used.

Commissioner Mattsson asked if the wetland wouldn't be full of water when it was needed for detention. **Duane** said not necessarily. The wetland has a small pool base at the bottom, and depending on how the sides are sloped, it does not take much of an increase to get the volume needed.

Chairman Bean said the rule is that you cannot have more water leaving the facility or leaving at a greater rate than the 2 yr., 10 yr., 25 yr. storm events than you had before. **Duane** said they have to meet the undeveloped conditions of this site as it is draining now.

Lydia said that any final approval of discharge into the wetlands will have to be approved by the Division of State Lands (DSL) and the Army Corps of Engineers (ACOE), so the number of lots in this development may fluctuate. Also, they have to pretreat all of the storm drainage that discharges to the wetland and that as proposed without pretreatment, would not be approved by DSL.

Commissioner Mattsson suggested drafting a more general condition that does not restrict them to any particular lot. **Chairman Bean** said that the design planning should not be done here.

DISCUSSION

Chairman Bean referred to item 3, page 39 of the Staff Report. It says that if the adjacent land use is other than single family (and it is) then single family, duplex and multi-family units shall be deemed compatible. So he agrees with the Report in that part.

He has observed, through the Planning Commission, that in the community there are a lot of problems with traffic, storm drainage and sewer lines, etc. and it is difficult to find the money to pay for them. One of the things the Commission has been doing consistently for a long time is

imposing waiver of remonstrances on developments so that we have a process by which money can be raised to solve some of these problems.

Commissioner Hall stated that he has been very distressed over this application and over the manner in which it has been presented. He has gone over the Staff presentation report as it was originally presented to the Commission and he stated comments as such:

Page 175, item 7 – there is a reference to the wetland to be filled and approval by the Division of Wetlands and Army Corps of Engineers. The major part of this development is the wetlands, the size of it and the use, and problems of mitigating those issues. He sees that application but no approval in the files. If DSL and the ACOE greatly modifies this, then the entire design is out the window.

Next paragraph down there are six items referenced:

1. A more specific review of the 25 ft. buffer, where needed and, where it is not needed, justification needs to be provided. He did not see anything of that nature.

2. More specific identification of the buildable area. A building envelope, not a building footprint, was provided. A building envelope was presented as to presumptuous design.

3. Justification for change of the standard setback provision -- Again all he heard was conclusionary comments, but no justification.

4. Condition to allow access to the north – this is talked about quite extensively.

6. Lot specific information showing tree itemization for building envelopes – Small maps were presented which could not be adequately read as to tree identification, etc. Even the map in the current packet does not adequately show the tree itemization. He does not think that requirement has been met.

Commissioner Hall also commented that there has been a lot of discussion regarding Molalla Ave. Again, it is his understanding that no application has been made for the vacation of Molalla Ave. As a result, he says it is presumptuous of us to consider anything in reference to Molalla Ave. That information is again presented on page 177 within the TAC original report. He also has not seen a soils report.

There are some items that are referenced by the Planning Manager of page 178 that he could not find. Those requirements were not met.

On page 180 he also found that the school, as major facility of this area, is not referenced as to an adjacent use. This is a major problem with this application.

Fifteen percent of the area needs to be dedicated to open space. He feels the calculations are presumptuous. Things are there that should not be there such as peripheral setback areas for some of the open space.

Page 183, item F, prohibiting development during the wet winter seasons – he is not sure what this applies to. It is not a very good idea to allow development during that time anyway. One of the mitigating measures can be bridges over the water courses, but this has not been looked at in any detail. It states in the report that each of these mitigation measures may be employed with the exception of A & F above; so bridges and non-building cannot be used as mitigation measures. Also, there is no approval for mitigation from the ACOE.

Page 184, regarding area variances and setbacks – he finds nothing but conclusionary statements as to why they should be approved predicated on economic design issues and that is not what this is about. There are other reasons for justifying variances, but he sees none in the report.

Commissioner Hall said he did not see a landscape plan at all, particularly in reference to the buffer areas. He has heard the statement as to "you approve it and we will meet the requirements." So, he is concerned about leaving it to a later date the allowance to have the Staff impose requirements that the applicant does not think are applicable. He would rather have those items conditioned by the Commission and not by the Staff.

He noted that there are too many items that have not been met within this application. The approval of this would be in violation of the ordinance, in his opinion. This would make the "motion to approve" very difficult to write to cover all the aspects and would be impossible to implement and to enforce.

He commented that the Commission was told by their own traffic engineer during the last meeting that this development will cause more traffic problems in that area. The additional development of the commercial area to the south will add even more traffic. It would be unfortunate for the Commission to approve something that they know will cause or compound a problem.

He feels that the way this development is laid out to the Commission it is not good planning for Oregon City.

Chairman Bean said that they frequently do not have the approval from the DSL at the time the Commission makes their approval. That generally comes after the Commission approval. He does agree with Commissioner Hall however, on his objections to the designing of the

building lots. But, this is not the applicant's problem. The City is requiring that this be done and the applicant should not be held to task for that.

He does not understand this application to in any way endorse a vacation of the road. This would be a separate application. He is concerned about the traffic problems, but is also concerned that if the Commission starts denying applications on the basis of traffic only, they'd better be prepared to deny all other applications that would create traffic problems.

Commissioner Shirley stated he was leaning in the same direction as Commissioner Hall. It bothered him that 30% of the open space comes out of backyards. There is a requirement for landscaping and as yet nothing has been specified. The application is full of generalities and things passed off to Staff. Also, it bothered him that, when there is so much community concern over this, that the Commission is passing off many of its decisions to Staff. There have been no hard answers as to how the problems are going to be handled.

Commissioner Johnson said that the issue was whether or not the application was complete for purposes of approval. The Staff has deemed it complete for purposes of processing the application. Her understanding is that the Commissioners are not allowed to approve an application that is incomplete. She says that not enough information on the drainage issues has been presented. She feels it may be possible to condition this application, but that may take some specific findings and detailed conditions, and she does not think the record is developed well enough to do it tonight.

The compatibility issue with the school is a moot point under the ordinance because the school's use is something other than single family and even multi-family uses are permitted. The school is asking for a brick wall and there is nothing in the record justifying one type of fence over another. There is not enough information in the record to make a finding of incompatibility. She does believe the school did get notice of the proceeding and has the responsibility of keeping themselves informed to the maximum extent possible.

Commissioner Johnson does not feel the traffic issues are so out of the ordinary for a contested application. What you get in a situation like this, where you have uncooperative neighbors, you get less than the best kind of development.

Commissioner Mattsson says he does not feel the submittal complies. He stated that looking at the ordinance, the Commissioners conditionally approved the application, in principal, with modifications and guidelines. But, still, the requested information has not been received (see page 175 of the Staff Report – prior to the one for this hearing). The preliminary was approved in concept, so we are struggling to get enough detail on the final to render a decision. He would not be inclined to approve a final. The Commissioners need to get through the concerns that were raised and address those concerns with specific direction and request necessary documentation.

Commissioner Johnson commented that since the initial hearing on the concept, we have also revised the planning and development ordinance. Even though it does not apply to this application, at the applicant's request they may want to modify that application, as the newer statute may be easier for them to use.

Commissioner Mattsson said the traffic is not that big an issue. The area is going to develop anyway and we are making a lot of headway on solving the traffic situation there. No alternatives have been presented that are going to rectify the problem.

The buffer area along the adjacent property, etc. he feels needs more attention and more clarification. The drainage issue needs more specific engineering guidance. The goal is to make sure this development does not exacerbate and existing problem which will require a lot of hydrologic study and more information than has been presented at this hearing. He also has more concerns about detaining in wetlands that have not been clearly delineated.

Commissioner Hall said it is his feeling that the submittal as presented does not meet the ordinance. He stated that the tree survey that was required was not readable.

Chairman Bean says that, as he understands it, the Planning Commission has given preliminary approval in concept only with instructions on areas where they wanted additional information. The majority of the Commissioners present at this hearing do not believe that those standards have been met and that that information has been reached. The Commission now has the option to approve with conditions or deny and those are the only options the Commission has.

Dan reiterated that the 120 days does not run out until the beginning of December, so there is time, but the Commission has done that already.

Chairman Bean asked if the application were denied tonight, there would have to be findings made to sustain that kind of denial, and the denial is not effective until the order is signed. If the applicant withdrawals before the final decision then he can still go forward with a renewed application with the new PD ordinance standards. **Tamara** said no because the analysis that is needed for the new PD ordinance is very different from the current application and they already have preliminary approval. **Dan** said he was not sure how you could mix the old and new ordinance in mid-stream.

Commissioner Johnson said the applicant can modify the application under the old, withdrawal the portion for the final, and redo it.

Dan interjected that the applicant has taken a great risk that the Commission approve this and that permitting process does result in the change of the plat. That is a risk this applicant has run. The applicant would have to modify any approval to incorporate direction and instruction from the Commissioners. The detail that the Commissioners need can be added and approved that way.

Commissioner Hall said it is not the obligation of the Commission to fill in the holes for the applicant and he feels very uncomfortable doing that.

Commissioner Shirley says that he does not identify that many issues that are missing on this application.

MOTION

Commissioner Hall motioned to deny this application based upon the fact that it does not meet the criteria established within the City's zoning ordinance. Applicant has not provided landscaping plans as required, adequate tree inventory plans that are readable, adequate storm drainage mitigation problems and manner in which storm water will be handled, adequately handled all of the impacts of traffic that will emanate from this property and its impact on the adjacent school and commercial property to the south, and no justification for the variance setbacks.

Commissioner Johnson asked Commissioner Hall if he wanted a tentative denial with instructions to the City Attorney to draft findings and conclusions. **Commissioner Hall** said yes.

Commissioner Johnson seconded the *motion.*

ROLL: Commissioner Mattsson, Nay; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye. **MOTION CARRIED 3-1.**

Dan said his understanding of the code they are operating under is that with a denial and an applicant appeal, this then goes to the City Commission. It does not go to the City Commission unless it is appealed. Also, assuming it is appealed, it would be appropriate to send the City Commission an explanation of denial. **Tamara** said that Staff will provide findings reflective of the Commissioners' decision for their review at the next meeting, October 9, in the Commission Chambers.

File No. PZ97-05. Scott Keillor (OTAK), Dayle Lee 32E6CA
Tax Lot 1601; Clackamas Co. 400 block fo Warner-Parrott Rd.
Comprehensive Plan Change for 1.3 acres from Low Density (LR)
to Medium Density (MR); Rezone from R-10 to RD-4.

STAFF REPORT

Stacey reported that this is a request to amend the Comprehensive Plan Map from low density

residential (LR) to medium density residential (MR) and amend the zoning map from R-10 to RD-4 (two-family dwelling) for 1.3 acres. The property is north of Warner Parrott Rd., east of the Assembly of God Church, and west of Brookside Rd.

The intended use of the parcel is a duplex development yielding up to14 units under the proposed RD-4 zoning. The property is vacant, relatively flat and covered with grasses. It is set back from Warner Parrott Rd approximately 150 ft. and surrounding it are to the north two family dwelling units, to the west a church, and to the south and east two single family dwelling units.

Staff recommends approval of this application.

Chairman Bean said there was one concern expressed that is inappropriate and that is the concern as it addresses impact on King School with additional *low-income family children* (this phrase is inappropriate).

PUBLIC TESTIMONY

Speaking: **Scott Keillor, OTAK,** 17355 SW Boones Ferry Rd., Lake Oswego, OR 97035 representing North Slope Construction

Mr. Keillor feels that the neighborhoods concerns over this project as they have been outlined will be addressed in his comments. This request is for a zone change and some of the comments are directly more appropriately to the design or development review stage.

He stated that this project is compatible with the area as there is a similar two family dwelling area to the north, and a mixed use with a church adjacent to the west. Also, all of the infrastructures services are available to the site and primarily on Warner Parrott Rd. The transportation systems are in place and parks and community facilities within the vicinity. Storm drainage would be handled in the development review stage.

He asked the approval of the Commission, a copy of the letter requesting a continuance, and keeping the record open for seven days.

Commissioner Hall asked about the access way (Brookside) into the property. **Mr. Keillor** said that it will be developed to meet all City standards, which is 50 ft., also will provide a fire turn-around, 5 ft. of additional right-of-way, and a half-street improvement.

Mr. Keillor continued, regarding tree removal in the Brookside right of way, that there is an existing street with a platted right of way in place. Any trees that can be saved, will be.

Speaking: **Tracy Hamlet,** 523 Warner Parrott Rd., Oregon City, OR 97045 member of the South End Neighborhood Assoc.

Ms. Hamlet stated she is a affected resident and citizen. She recommends this application to be denied because of the storm drain and traffic problems in the area. She pointed out on the map where the storm drain was on the edge of her property. At the time her home was built they were told that the storm drain was in line with standards. However, her property and surrounding properties flood each year. City engineers and technicians have been there many times inspecting this issue. She was told that the problem was with the initial structure (shallow drains, or small pipes) and that to repair that problem would be very costly to the City. FEMA has even attributed the problem to the City. The City has tried cosmetic surface repairs to no avail.

Ms. Hamlet was astonished to learn that the Staff Report glossed over this issue with only one statement that she could find addressing the storm drain problem. Nancy Kraushaar came to the property and walked over the area with her. Nancy mainly agreed with her regarding the problem but said it would be so costly to fix and the City had no funds to do so. The zone change makes the lots smaller and makes more coverage of the land, which is going to create more water problems.

Ms. Hamlet showed concern for the traffic study done on July 8th, not when schools were in session. There are two schools in the area which include a lot of children walking to and from school and also school busses on Warner Parrott Rd. going to other area schools. The traffic study also does not account for the sporting events at Chapin Park during the summer. This new development has no other place but to dump its traffic onto Warner Parrott Rd. The neighborhood has even tried to get the speed reduced on that street since there are so many children on that road.

She is also concerned that the fire department is asking for a bond measure because they do not have the manpower or capabilities provide service to the South End, Warner Parrott Rd.

She asked that the record be kept open because she is still gathering information that they would like to submit and she submitted to the Commission the information she already had.

Speaking: **Dave Hinkle,** 523 Warner Parrott Rd., Oregon City, OR 97045

Mr. Hinkle submitted a petition with several signatures expressing concern over the impact of multi-unit housing on traffic pedestrian safety and the overall quality and safety of the neighborhood on Warner Parrott Rd.

He reiterated his wife's comments and expressed the concern for the fire and safety issue.
He also asked who would pay for the storm drainage issue – the developer or the citizens.

Speaking: **Mark Epperson**, 507 Warner Parrott Rd., Oregon City, OR 97045

Mr. Epperson agreed with Tracy Hamlet's comments. He had a problem with the Staff Report. He does not believe that adequate field research went into it. He feels it was just echoing back statements made by the applicant.

With regard to traffic safety he feels the figures used in the survey were off – his calculations come out differently. He believes people travel back and forth more than twice a day from their homes. Also the survey done in July totally missing the mark with the school year and congestion at the park during summer events.

He asked the Commission to deny the zone change. Failing that, he asked for a continuance because the Staff Report was not available at the front desk in a timely manner.

Speaking: **John Rudy**, 355 Bind St., Oregon City, OR 97045
owns property (Hartke Loop) surrounding the proposed development

Mr. Rudy questioned the zoning ordinance. He said that if this application is granted it would conflict with the zone change that was already made on Hartke Loop that states that if it has a 60% or more loss they cannot be a two family unit, but must go to a single family dwelling. This is not fair because Hartke Loop could not go back to an RD-4 if there is a fire. He received this information from the title company.

Commissioner Hall said it was his understanding that Hartke Loop is zoned RD-4. If there is a fire on this property, rebuilding can be an RD-4. Issues like this can sometimes be beyond the knowledge of the title companies.

Speaking: **Delbert Scarborough**, 427 Warner Parrott Rd., Oregon City, OR 97045

Mr. Scarborough is concerned that the applicant mentioned a 40 ft., then a 50 ft., roadway. So, where is the other 10 ft. coming from?

Chairman Bean explained that it comes off the adjoining property.

Mr. Scarborough is upset over the poor storm drainage and the continuing development dispite this fact.

Speaking: **Eagle Wyler**,1609 Dwayne St., Oregon City, OR 97045
real estate agent for Coldwell Banker Professional Group

Mr. Wyler stated that he has seen home costs greatly increase in the last few years and sees the need for developments such as this one to bring the cost of housing down.

Speaking: **Kathy Hogan**, 19721 S. Central Point Rd., Oregon City, OR 97045
with the South End Neighborhood Assoc.

Ms. Hogan concern is the safety of children crossing the streets in this high density traffic area. She agreed with the comments of Mr. and Mrs. Hinkle.

REBUTTAL

Mr. Keillor commented on Ms. Hamlet's remarks about the lot lines not being exact on the map, but he said it is the current GIS data base from the City. Also, no site plan was submitted because it is not required. In terms of the Comprehensive Plan, goal 5 does not indicate any of the lands on site as resource lands within the City's Comp Plan.

He agrees with Ms. Hamlet in having the records stay open for more information.

Regarding the right of way issue, he stated this is a development issue.

Commissioner Hall said he failed to see in the applicant's report a justification for need for additional units like this in Oregon City. He suggested the applicant generate this information since it has already been requested to extend this meeting to a later date.

Mr. Keillor said that he would and that comments from a real estate perspective on market need were heard earlier and he would extrapolate further from those findings.

Speaking: **John Hession,** OTAK, 17355 Boones Ferry Rd., Lake Oswego, OR 97035
representing North Slope Construction

Mr. Hession wished to address the storm drainage issues that have been presented. First, as part of this application, they looked at the existing availability of public utilities.

Commissioner Hall stated here that this section is *rebuttal* and not *presentation.* The applicant waived their opportunity to make presentation and only to rebut the presentation.

Chairman Bean said that first there was testimony from those in opposition that just rejected, without anything to support it, storm drain, traffic, etc. studies.

Commissioner Hall stated that he did not like to have someone back door the opponents through a rebuttal procedure. That is not fair.

Mr. Hession injected that was not his intention. There were earlier comments that detention had not been addressed in the application. He is referencing as to where the utility service availability memo which states their findings was provided in the application.

Mr. Keillor reported that the first he was aware of any flooding or drainage problems was last Thursday at the neighborhood association meeting. These problems are on upstream properties and it is unclear as to what the sources are or whether this project would have any affect.

Commissioner Johnson asked how much time Mr. Keillor thought he may need to study the problem and develop further evidence for the record. **Mr. Hession** said he had no answer because it was such a broad ranging problem.

Tamara iterated that two people have requested continuance or an open record for 7 days because of late coming information. The issue with storm drainage is a broad ranging issue. Having one particular property be the sole burden of fixing a basin issue it not necessarily correct, so she felt everyone needs to be aware of that. It is important to understand that this applicant will be responsible for the impervious service that is created on their property and they will not make it any worse.

Commissioner Mattsson stated that is not really the issue as far as zone change, because what he is trying to determine in the record, whether or not there is sufficient capacity in the existing system to handle the run off from this property which has not been shown to him tonight. But, public testimony shows there is some kind of problem there. The direction he would give the applicant is to show where the water goes from his site and whether or not the system downstream has capacity to address it.

Tamara says the biggest issue she has heard is the storm drainage. She would like to focus the attention on the zone change.

Speaking: **Xavier Falconi**, 300 Oswego Dr., Ste. 200, Lake Oswego, OR 97034, of Faconi Consulting Services

Mr. Falconi commented on the traffic issues talked about since he did the traffic study in question. They realized that doing the study in July was not getting the right amount of traffic on the road according to traffic counts. So to compensate for that he added a 3% growth rate into the report plus the level of growth for the planned development. This gave the level of traffic an A rating.

Commissioner Mattsson asked if the time of the year the study was done, would schools have a significant impact on the type of analysis done on this property. **Mr. Falconi** said the Warner Parrott Rd. is a minor arterial. It has the capacity to absorb a lot of traffic.

DISCUSSION

Chairman Bean asked the other Commissioners whether they chose to keep the record open or issue a continuance. He said he would like to close the public hearing but keep the record open for a designated period of time, usually 7 days, so that written material can be submitted and give the applicant, usually 7 days, to respond.

Dan suggested giving the opponents 7 days to review the application and submit comments then give the applicant direction of additional items the Commissioners want to see, which the applicant can have 7 days to review. Also make sure that information is in the record by a certain date. If this is to be continued to another hearing, give the opponents an opportunity to testify at that hearing on those issues.

Chairman Bean suggested keeping the record open for 14 days. If during that time the applicant submits any new evidence, then the opponents would have 7 days after that to respond to the new evidence and then give the applicant 7 days. That would take this time wise to the next hearing, then it could be for decision only at that hearing.

MOTION

Commissioner Shirley motioned to leave the record open for 14 days in which anyone can submit whatever they want. If the applicant submits new evidence, then the opponents will have 7 days, after that 14 days, to respond. The applicant would have 7 days after that for rebuttal. Final decision will be at the October 28th meeting.

Commissioner Johnson said she would like goal 6 to be specifically addressed, along with goal 11, page 157 of the Staff Report, as to what the Commission can and cannot require at this level. As far as the transportation issue of goal 12, justify the right of way being able to support a local street.

Commissioner Hall would like to see information regarding vacancy rates, rental rates in relation to need of this type of housing in the Oregon City area. (See goal 10.)

Commissioner Johnson seconded the *motion.*

ROLL: Commissioner Mattsson, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 4-0.**

This is not a final decision.

Chairman Bean announced that zone change request **ZC97-07** and another zone change **FU-10 to R-8** will not be held tonight. They were not on the agenda but were advertised.

MOTION

Commissioner Hall motioned to set over item F **(PZ07-04)** and item G **(ZC97-10)** until the October 9, 1997 meeting at 7:00 PM. **Commissioner Mattsson** seconded. **UNANIMOUS APPROVAL.**

File No. MOD97-04 (Re: TP96-04). David Bantz (GSL Properties) 31E12B Tax Lots 200, 300, 400, 500 (Re: TP96-14) Clackamas Co.; Reduce the number of lots from 102 to 99 due to size error in original application

Ex-Parte Contacts or Conflicts – None

STAFF REPORT

Lydia stated that the applicant is requesting modification of a final plat which was approved by the Commission on December 6, 1996. The final boundary survey revealed that the property was smaller than originally thought to the effect of 1.3 acres. The property is actually 26.7 acres which does not allow for the construction of the design actually approved. This development has already been approved for 102 lots. The request is to reduce this to 99.

Commissioner Hall asked if there were any development implications in this of any consequence over and above what has already been approved. **Duane** said the only issue was tract A and a small reduction in the number of lots.

PUBLIC TESTIMONY

Speaking: **David Bantz**, 2164 SW Park Place, Portland, OR 97205 representing GSL Properties

Mr. Bantz stated that the Staff Report did a good job explaining why the number of lots had to be reduced. He wanted to point out a couple of errors in the conditions of approval:

Condition 16, page 180, regarding half-streets – ". . .with the additional ***96*** additional lots. . ."

Condition 23, page 181 – The South End sewer is now in place and a pump station is not required. **Duane** said that the modification would have to be that the development would

be contingent upon the City acceptance and operation of that system. **Chairman Bean** stated that this condition says it **may** be required, so the condition really does not need changing.

Condition 32, page182, regarding street trees – change to ". . .Street trees for tree wells (required in ***29***). . ."

Speaking: **Jeff Davis**, 19240 S. Maywood St., Oregon City, OR 97045

In reviewing the Staff Report **Mr. Davis** said he noticed that besides the lot number changing, the street patterns have changed also. Therefore, he is requesting that the record be left open for 7 days so he can review this in detail and provide any written material if needed.

He lives next to the property outside the City limits. He objected to the zone change originally because it puts 5 lots next to his one acre.

Speaking: **Kathy Hogan**, 19721 Central Point Rd., Oregon City, OR 97045

Ms. Hogan stated she was in favor of the three less lots.

REBUTTAL

Mr. Bantz said that he has received a notice from the South End Neighborhood Assoc. which supports his request. He stated that the only changes made in the street patterns was to change a loop street to a cul-de-sac.

Commissioner Hall stated that if a 7 day record open request is made, the Commission must give it.

MOTION

Commissioner Hall motioned to continue until the October 9th meeting for the purposes of allowing additional written testimony and for Commission decision then.

Chairman Bean suggested amending the motion to keep the record open for 7 days and allow the applicant time to rebut until the hearing on October 9th.

Lydia added that Staff would provide whatever materials come in during that time and also applicant's rebuttal materials.

Commissioner Shirley seconded the *motion.*

ROLL: Commissioner Mattsson, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTION CARRIED 5-0.**

File No. PZ97-06. City of Oregon City. Re: Caufield Basin;
Located from the intersection of Henrici Rd. and S. Beavercreek Rd.
then Northwesterly to S. Gaffney Lane.

STAFF REPORT

Tamara reported that the City is requesting that we add to our Public Facilities Master Plan for the City of Oregon City with regard to the Caufield Basin Plan. This plan covers 936 acres of land including the Glen Oak Rd. area which is quickly developing and having water pressure problems and flooding problems. The purpose of the Master Plan is to get a handle on these problems so that the City can work with property owners as they develop this land in a cohesive fashion and try to stem the tide of high water in the area.

The application is addressing goals 6 and 7 of the Comprehensive Plan dealing with flooding and water quality. This includes dealing with hazardous issues and what happens with extreme levels of flooding that may be caused by further development in the area.

In addition, we are talking about water quality and maintaining some level of purity in the amount of water that is downloaded into the pond that is located across Hwy 213 into private property.

Tamara stated that Staff does recommend approval of this application. She requested one change on page 286, New Language, #1: before "The Hydrologic Study" add "***Item B***" and change the date at the end of that sentence to ". ***November 5, 1997.***"

Commissioner Hall stated that this is a Plan, not a construction document. It is a plan that will help the City and property owner to integrate construction of storm water drainage facilities in this basin. No one is stating that this exact construction is being put onto a specific piece of property at any time that is foreseeable. It may be done eventually, but not right now. This is a **plan.** If a facility is suggested on your property, the only way it can be done is with your concurrence or through condemnation, which is a long detailed process and unusual for the City to do.

Nancy continued with the Staff Report. On the map she point to the area that the Caufield Basin covers which is near Henrici Rd., east of Beavercreek Rd., across part of the golf course, includes Clackamas Community College, cuts across Molalla Ave., cuts into County area on Caufield Rd.,

cuts through Brendon Estates, south of Glen Oak Rd. and back to Beavercreek Rd. Caufield Creek, a perennial creek, runs through the Basin and drains into Beaver Creek (she pointed this out on the map).

Staff conducted a public workshop 3-4 weeks ago where they learned about a lot of localized storm water problems, so they have been working on this intensively with a consultant to look at whether or not the storm drainage improvements made in some of the newer subdivisions have been adequate or not. This is in the process and part of the Master Plan, but more of a localized study.

This Master Plan was intended to look at the main stem which goes through this Basin and relate that to some of the water resource overlay information and to surface water management.

She continued that as stated in the proposed improvements, there are five strategies involved in development of the Master Plan:

1. The preservation of natural drainage systems
2. The construction of open-channel drainage systems
3. New pipe systems
4. Establishing areas for regional detention ponds
5. Constructing on-site detention ponds.

She stated that also in this Master Plan are found more specific recommendations on discharge design of the on-site ponds and water quality features of the on-site water ponds.

What this plan proposes to do is to require detention on new developing properties, but it modifies the previous limitations of a 25 yr. storm and also retention for 2 yr. storm. Another item being proposed is to have landscaping requirements for on-site detention ponds and maintenance agreements where is it understood whether it is going to be public or private.

Nancy said that the plan also changes the analysis used to determine detention quantities and refers to a King Co. method of analysis which Staff finds more appropriate for this area. This plan addresses water quality enhancement at the detention pond location.

Nancy commented that one of the reasons why the Master Plan is important for this area is because this area is experiencing a lot of growth and the City needs guidance to ensure that the surface water is being managed appropriately.

Another item proposed for this Basin is regional detention. This is to function when the smaller ponds are full and there is still a large storm event occurring. What Staff has done here is identify sites that are already flooding. These are ideal sites for regional detention because that is where the water naturally goes, so special provisions should be made for these.

She explained that the improvements identified in this Master Plan were developed in five phases. There is no particular time order, however, to implementing these.

1. Reconstructing open channel along Glen Oak Rd. (as she illustrated on the map). This does OK but has flooded many times. Part of Glen Oak Rd. is going to need widening, repairs, and improvements; and we want to coordinate the channel improvements and preserve an open channel with that. Also, two areas have been proposed for sub-regional detention.

2. This includes stream channel improvements between Glen Oak Rd. and Hwy 213. This is an area that is very soggy and a natural place for preserving the existing drainage route. This area is not called out as a wetlands, but is a perennial creek.

3. This is storm drainage pipe replacement.

4. This involves improvement on Glen Oak Rd. from Beavercreek Rd. to the west. This is to improve a roadside ditch and also a culvert near the golf course.

5. This phase occurs on the other side of Hwy 213 where there is a man-made pond. This would be ideal for 100 yr. storm detention. However, the damn needs evaluation and the elevations checked and some mitigation in the pond.

PUBLIC TESTIMONY

Speaking: **Royal Clement,** 14323 S. Glen Oak Rd., Oregon City, OR 97045

Mr. Clement stated that he just received this information and was surprised to learn that the creek running through his backyard will be required to have a 30 ft. right of way that would cut his yard in half. He is here to find out what will happen next. He showed Nancy this area on the map. Also some of his flooding problems have increased since some of the surrounding area has been developed.

Nancy commented that the improved standards will help with what waters are flowing off these subdivisions. Some previous standards by the City were not as stringent as what is in the newer plan. The planned upper regional ponds would also help Mr. Clement's situation. At the present time and before any land is developed the City would ask for the cooperation of Mr. Clement that he does not fill in this creek or build over it or block it. Reference was made to page 288 of the Staff Report regarding this phase.

Commissioner Mattsson suggested adding to this document something to define what is meant by easements. **Nancy** referred to page 289 under "Proposed Phased Improvements" for more definition.

Speaking: **Morris Womack**, 8355 Victoria, Rockaway Beach, OR 97136
owns the property at 19988 S. Molalla Ave., Oregon City

Mr. Womack stated that area has been flooding the last 4-5 yrs. since the subdivisions have been building. Also he says that Staff says one half acre of his property is wetlands but it has never been designated wetlands.

Speaking: **Dan Tooze,** 19969 S. Molalla Ave., Oregon City, OR 97045

Mr. Tooze stated he is a co-owner of the pond west of Hwy 213. He main concern is the easements. He feels his property has been completely devastated by the development on Glen Oak Rd. He has lost 60-70% of the capacity of that pond with sediment filling it up. He wants to protect this pond because it goes back to his grandfather's time and also has a lot of wildlife depending on it.

He does believe there is a need for good drainage and erosion control. Previous developers were not penalized severely enough in the past for non-compliance.

Speaking: **Ronald Kalina**, 4145 SW 45th Ave., Portland, OR 97221

Mr. Kalina stated that he owns the property below the pond owned by Mr. Tooze. He said there used to be lots of wildlife and fish, in and around that area, but since the developments upstream there is none. He asked that consideration be given to the nature habitat that used to be in the Basin and which is being destroyed by the developments and carelessness.

Speaking: **William Price**, 20011 Quinalt Dr., Oregon City, OR 97045

Mr. Price said that he lives on the corner of Glen Oak and Quinalt and is very new to the area. His concern is that there is a 24" drain pipe under his sidewalk that runs year around, yet more developments are being added at this moment even. These new homes are going to further complicate this problem for the people further downhill.

Commissioner Shirley told Mr. Price that the goal of the Master Plan is to provide the thinking and the design effort and the pattern for implementing a system that will handle the runoff.

Mr. Kalina wanted added to the record that the origin of the earth dam was his grandfather, Walter Feltic.

Speaking: **Gene Husking**, 19971 S. Molalla Ave., Oregon City, OR 97045

Mr. Husking stated that he owns part of the dam and pond and owns the water rights. His says the lake is nearly filled with mud and a good storm will fill up this lake quickly. He says the dam would have to be raised and the lake dug out to work.

Speaking: **John White**, 20014 Agusta Dr., Oregon City, OR 97045

Mr. White stated that during last winter he had water up his driveway. He is very concerned about the development behind him because the property is two foot higher than his and his backyard slopes down.

Duane says he is aware of the problems in that area. They were approved by his predecessor which he would not have done. Future phases will be different. He is handling existing situations on a case by case basis. He has had aerial drains installed in that area. Pioneer Place, the new development west of Osprey Glen, is installing a regional pond besides their onsite detention so that will help ease some of the flooding problems in theory. Previous erosion control plan that have come into the City are not very good. He has been requiring erosion control facilities that include diversion ditches, sediment ponds, sediment traps, etc. that were not provided previously.

Nancy stated that she has contracted with an engineering firm that has reviewed Osprey Glen and Fairway Downs. They are identifying any deficiencies and will provide alternatives. Then Staff will go back to the developer to demand certain things be done or negotiate with them.

Speaking: **Mrs. R. F. Watson**, 20100 S. Meyers Rd., Oregon City, OR 97045

Mrs. Watson stated that she lives below Mr. Kalina and her driveway crosses his creek. She is having problems with mud because of the project above the school on Molalla Ave.

DISCUSSION

Commissioner Hall said the testimony tonight was very good and what he was hearing was the people telling the City to get on with the job they are supposed to be doing and implement a plan that will not burn the residents either. Also he heard them saying to enforce the ordinances that the City already has.

MOTION

Commissioner Hall motioned to approve the Caufield Drainage Plan and send it to the City Commission.

Chairman Bean asked to be added to Commissioner Mattsson's request for defining of the

easement to include the maintenance obligation that Nancy talked about.

Nancy said that in the South End Basin Master Plan they also added language to discuss more of a partnering and to discuss what a private property owner would do.

Tamara also asked to be added to the changes she had mentioned in the Staff Report.

Commissioner Shirley seconded the *motion.*

Chairman Bean wished to make one observation regarding a letter from Tom Sisul. Mr. Sisul pointed out that originally there were not these problems until people cut down the trees and made farms, that increased water runoffs. Farmers put in tile and that increase runoff more. Then people moved in to just build houses on smaller and smaller pieces of land. This is an on going developing process in an urban area which we are now trying to solve.

ROLL: Commissioner Mattsson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Commissioner Bean, Aye. **MOTIONED CARRIED 4-0.**

This decision will go to the City Commission at their meeting on November 5, 1997, 7:00 PM in the City Commission Chambers.

4.0 MEETING ADJOURNED

James Bean, Chairman

Tamara DeRidder, Planning Manager

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
JANUARY 27, 1998

COMMISSION MEMBERS PRESENT

Commissioner Mattsson
Commissioner Nelson
Commissioner Hall
Commissioner Shirley
Chairman Bean

STAFF PRESENT

Tamara DeRidder, Planning Mgr.
Dan Kearns, Attorney
Stacey Goldstein, Assoc. Planner
Lydia Neill, Sr. Planner
Jay Toll, Sr. Engineer

COMMISSION MEMBERS ABSENT

Commissioner Rutherford
Commissioner Johnson

1.0 CALL TO ORDER

Chairman Bean called the meeting to order at 7:00 P.M.

2.0 APPROVAL OF MINUTES

MOTION

Commissioner Shirley moved that the minutes for the Planning Commission meeting on October 28, 1997, be approved. **Commissioner Nelson** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Shirley, Aye; Commissioner Hall, Aye; Chairman Bean, Aye. **MOTION CARRIED 5-0.**

3.0 PUBLIC HEARINGS

Dan Kearns gave the instructions and procedures of the public hearings.

File No. PD97-02- Maywood Company - Review of a preliminary development plan and program for a five lot planned development. - Cascade and Warren Streets - 22E32CC, Tax Lot 9100, Clackamas County. *Continued from January 8, 1998.*

Ex-Parte contacts and conflicts

Commissioner Hall stated that he was absent from the January 8, meeting, therefore, he excused himself from this hearing.

STAFF REPORT

Lydia Neill stated that there were several issues that were raised at the last meeting which does appear in the staff report this evening. The applicant has provided a revised plan addressing some of the details the commissioners were seeking. The issues left unresolved from last meeting were the extension of Cascade Street to Magnolia Street, the issue of connectivity with transportation planning rule and how it applies to the requirement of extension of Cascade Street; the inclusion of Tract A into Lot 1 rather than reserving that area for conservation purposes; the extension of Magnolia Street and the improvement of that street along the boundary of Lot 5; and the parking availability for these homes being created in the PUD and pedestrian access. She continued by referring to the applicant's map pointing to the shaded area of Warren and Cascade Streets illustrating the fire turnaround for a fire truck. In addition, it shows the accommodations of on-street parking along this street. She stated that the staff has suggested the extension of Cascade Street to the West approximately 10 feet and extend Cascade Street East approximately 40 feet to accommodate some additional parking and to allow driveway access to all lots from an improved public street. She continued that the applicant has provided a 10 foot set back for the homes as required by staff and she pointed out the fill in the sloped area does eliminate changing the placement of these homes on the lots as there is little room on the lots to work with. The applicant has shown contours for grading an acceptable slope when establishing the footprints for the homes. She explained why staff had changed their proposal to extend Cascade Street and stated two reasons: 1) the applicant has already obtained the public improvements permit from the city's engineering to construct the public improvements to the existing right-of-way that is already there. The "T" of the two streets and the elevation is already set. The storm sewer and sanitary sewer extend to the east have been installed. In lieu of this knowledge, the staff has attempted to address the commission's concerns as well as accommodate the applicant and not require him to remove and reconstruct these public improvements. She stated that the only thing the applicant did not address to the staff's satisfaction was the improvement to Magnolia Street. This improvement requires a half street plus 10 feet improvement and the driveway access for Lot 5 to be provided off of Magnolia Street. The last issue is to design the storm drain facility for all new and pervious surface area and will not require the new 2 and 2 and 25 year storm event.

PUBLIC TESTIMONY

Speaking: **Bruce Gedson**

Bruce Gedson referred to the map of the development noting that the applicant had gone 10 feet to the West because of a tree to the west would be lost and the driveway access for Lot 4 would be coming off of the old street which would allow 6 potential parking spaces. He added that the grading point that was noted by staff is actually the clearing line to the south. This fill line supports the road. He noted that the grading plan had been revised since last seen by the Planning Commission. The set backs for the homes are 10 feet. The grading plan show some of

the homes with daylight basements. He commented that the path would be at or near about a 20% grade. It will be very steep. Magnolia Street requirements is a half street plus 10 feet, this is typically a requirement for a through street where there is access off of it. There is no need to take access off of Magnolia Street to Lot 5. There will be no through traffic on that street. He added that this development is small and asked the Planning Commission not require a water detention for this site. It would be city owned and hard to maintain.

Speaker: **John L. Todd**, 244 Palisades Crest, Lake Oswego, OR. Owner of Maywood Company and developer of property.

Mr. Todd thanked the staff for working on this development. He stated that this is an infill site to develop affordable housing and the Magnolia Street improvement requirements add unneeded development costs to serve a parcel that is now being negotiated by METRO to purchase for an open space park. He addressed the path that would be at a 20% grade and the Magnolia Street improvement would increase the costs to this project providing less expensive homes.

Commissioner Nelson asked how wide was the half street improvement and was it to be paved.

Mr. Todd responded 14 feet and staff requested it to be paved.

Chairman Bean asked a question regarding engineering.

Jay Toll responded that the staff wanted to require detention for at least the pervious area and the specifics need to be worked out during the design. He added that it would probably be an underground facility as there is no place to construct a pond on the site.

Chairman Bean asked about the waiver of remonstrance requirement.

Lydia Neill responded yes we do, our standard waiver.

Chairman Bean why was the requirement for a half street improvement required.

Jay Toll stated that the purpose would be to provide future extension of the street.

Commissioner Shirley asked why can we not get a waiver of remonstrance from them now for improvement of this street in the future.

Lydia Neill responded that it would be unlikely to make an non-remonstrance agreement work for one or two lots. The city's policy has been to require that improvement up front rather then deferring that improvement to a future time for these smaller developments. She added that the property to the north is a large parcel, but is steeply sloped on a portion of the property and she added that she has no information at this time that METRO is considering purchasing this property. It would be unfair to push this improvement onto the adjoining property owner.

Tamara DeRidder added that whatever improvement that was to take place on the adjacent property would have to improve Magnolia Street for their access and would have to improve this street to the city's standards.

Commissioner Shirley stated that he did not see 400 feet of improvement there on Magnolia Street because of the topography on the site. He added that if the applicant would develop Magnolia Street with a full street improvement half the length of Lot 5, then the balance of that street improvement would lie with the adjacent property owners.

Dan Kearns stated that the development of Magnolia Street beyond the driveway is not needed and would remain empty asphalt which would attract nuisances. He added that it may not be fair to impose a half street improvement on the developer because they have no use for that street beyond their driveway.

Commissioner Mattsson asked if the property to the east will help with the improvement of Magnolia Street.

Dan Kearns stated that there would no access onto Magnolia Street from the property that is developed to the east.

Lydia Neill stated that the lot located to the north of this development should be developed into four lots. They are steeply sloped, but there is a bench area that could be divided into several lots.

Tamara DeRidder stated that Magnolia Street improvement could be addressed as a proportional improvement. There is one home that is going to access off of Magnolia Street. The Commission could require a quarter street improvement as a compromise or require the standard half street improvement. She added that there needs to be adequate findings for this required improvement.

Commissioner Shirley stated that there needs to be adequate street width for a car to back out and turn around which requires 14 feet width. This would prove to be a valid argument to require a full street width, half the length of the Lot 5 to provide access to that lot.

Dan Kearns stated that whatever develops above this development would need to make improvements to Magnolia Street and whatever is left to develop would then develop that portion of Magnolia Street. If there is no development soon or ever on this property to the north, then the commission may not want to improve Magnolia Street to the property line.

Commissioner Mattsson stated a concern that the residents are already parking trailers on _____ Street and that is a dead-end like what is being proposed for Magnolia.

Lydia Neill stated that Terry Powers had contacted her before the meeting and stated that she

had some concern regarding the construction of the path as they are currently having some problems with the traffic coming off of Molalla Ave. to the apartments that are causing them to seek help from the police. She added that the proposed path may increase this problem.

Jay Toll stated that the standard for that sidewalk is to meet the ADA requirements, which will be difficult because of the slope that exists.

Commissioner Mattsson he expressed a concern for safety issues of developing a long winding path that could be secluded, not lighted, covered by weeds and scrub brush.

Lydia Neill stated that gravel would not meet ADA standards and that staff could review the street light spacing with the final submittal for this development.

MOTION

Commissioner Shirley motioned to approve PD97-02 subject to the following conditions: with an asphalt sidewalk down Cascade Street, with a full street improvement of Magnolia Street one-half the length of Lot 5, the shorter version of Cascade Street on the west end, the inclusion of Tract A into Lot 1, and a storm drain detention plan to be worked out during the design. Commissioner Mattsson seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Nelson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5-0.**

Lydia Neill stated that the city could require a landscape plan for that area that specified ground cover or low shrubs.

Tamara DeRidder asked if she could get clarification of their motion based on the Code section 12.24.040 improvement requirements for access ways.

Commissioner Hall motioned to approve the modification of the plat subject to the exhibits.

Commissioner Nelson seconded the motion.

Commissioner Shirley amended the motion to incorporate development standards 12.24.040 except engineering can make adjustments where they feel they need to. Commissioner Nelson seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Abstain; Commissioner Shirley, Aye; Chairman Bean, Aye. **Motion carried 4-1 abstention.**

> **File No. MOD97-07** Fairway Downs Phase LLC - Fairway Downs Phase III - Modify Preliminary Plat, Modify lots 87, 88, & 90 configuration and add Tract A to

accommodate a pump station - 3-2E - 15BB Tax Lot 16500, Clackamas County.

Ex-Parte Contacts and Conflicts

Stacey Goldstein pointed out the proposed plat next to the existing plat for the proposed modification. She added that the three lots reconfigured on the proposed is highlighted with an addition of a Tract A. The water pressure on this site is inadequate for personal use as well as fire hydrant pressure. The applicant has ordered a water pump station to rectify this problem, thereby, creating Tract A to locate this pump station.

Commissioner Hall suggested that these types of items should not be appearing on the Planning Commission's agenda. This change has not changed the concept nor identity of the plat.

PUBLIC TESTIMONY

Speaker: **Kristin Thomas**, Randall Realty, Corp., 9500 SW Barber Blvd., Portland, OR 97219. Representing the applicant.

Kristin Thomas stating that with the replanting of this development in phase three, the applicant can accommodate by placing a water pump station on Tract A and creating approximately 4,000 square feet to the city and resolve the water pressure problem on this site. She added that the conditions of approval are straight forward and the applicant accepts them. She added that the pump station has electrical generator and is backed up by a natural gas generator.

Commissioner Shirley stated that a back up generator have to be tested every two weeks and this could be undesirable to those people that are next to it.

Commissioner Hall stated that these issues are not land use issues. He added that this should not be before the Planning Commission. The issue of having a back up generator would be important during inclement weather where lines are down and fires being started to have the adequate water pressure to fight any fires that may start.

Jay Toll stated that he was not involved in this development, but did support a back up generator for this development. He added that the city's Public Works department is now placing back up generators on all pump stations.

MOTION

Commissioner Hall motioned to approve MD97-07 Modification of Fairway Downs subject to the exhibits. **Commissioner Nelson** seconded the motion. (Could not hear motion)

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5 - 0.**

File No. PD97-03 - Carlton Land and Timber - Canyon Woods Preliminary development plan and program for a single family residential planned unit development on 18.11 acres of property - 32E 17A, Tax Lots 1003, 1004, and 32E 16B, Tax Lot 2520, Clackamas County.

Ex-Parte Contact or Conflicts

Commissioner Hall stated that this matter was before the Planning Commission at a previous time, the applicant being Don Levitt in 1976. He revealed at that time he had walked the property and added that he has no conflict, no prejudice, no preconceived ideas except that he felt it was a extremely difficult piece of property to develop and he had recommended to Mr. Levitt that he not buy it.

Chairman Bean stated that this property has been brought before the commission earlier and remembered that it was 52 unit proposed development and the Planning Commission then requested more information from geotechnical.

Commissioner Shirley stated that he also had participated in that former hearing and had carefully reviewed this property.

Commissioner Bean stated that he had just been handed a written request from the applicant that there be a continuance of this hearing.

STAFF REPORT

Lydia Neill stated that the site is located west of Canyon Woods Drive and to the north lies Brandon Estate subdivision, where there is an existing pump station, and north of Beavercreek Rd. She added the site is steeply sloped with elevations ranging from 205 to 395 feet. This leaves a slope range of 15% to 40% slope. There is an existing drainage channel that flows north to south on the site which is the discharge from the Brandon Estates subdivision. The applicant has proposed that all utilities be private, including the storm sewer, sanitary sewer, and water lines located on the site. The city would not be responsible for the maintenance of these utilities on site. In addition, the applicant is designating a portion of the subdivision as open space to protect the existing vegetation that is on the site and because of the existence of unstable soils that has an active landslide area. The applicant has provided the city with a geotechnical report and supplemental information that has been reviewed by the city's engineers showing that the proposed roadway and building footprints would not create a negative impact on the existing site or any potential problems in the future. The geotech has provided additional recommendations with respect to clearing installation of utilities and specified work that is to be done on each individual building for each lot. The applicant is proposing a substantially reduced number of building units. The applicant is proposing to serve the site with a proposed private street. This street will provide access to residents and emergency service vehicles. She added that the applicant and the city staff had some discussion on the type of sanitary sewer system being

proposed and stated that there are additional findings and conditions to be addressed. She asked Jay Toll to explain the system further.

Jay Toll explained the city staff would recommend individual grinder pumps from each house going directly up into a gravity main located on Conway Drive. There are nine lots, therefore, there would be nine grinder pumps feeding into the gravity main.

Commissioner Hall asked who would oversee these grinder pumps and how often would they be checked.

Jay Toll responded that the subdivision's home owners agreement would be worded in such a way that this would not be a problem.

Chairman Bean stated that in another subdivision with this type of improvement gave the individual home owners the right to enforce the regulations on maintenance and repair and the city received the same right.

Commissioner Hall stated that his main concern who would be initially responsible if there was an overflow and this sewer was then to run into the Willamette River.

Lydia Neill responded that there are no holding tanks used in this system. The effluent is pumped directly into the gravity main line.

Jay Toll explained the grinder system will grind all solids and fluids and pump them from the house to the main so that there will nothing remaining on the site.

Commissioner Hall stated that the city has not allowed any private streets at any time.

Tamara DeRidder responded that it is not currently identified in the code, but in PUD's it does allow the city to waive the standards.

Commissioner Hall stated that the discussion concerning private streets within the PUD code, the allowance thereof, and the former discussions with the fire department, he again asked if the city has allowed private streets in subdivisions.

Lydia Neill stated that she did not know if the city has allowed private streets in the past.

Commissioner Hall responded that the city did not.

Lydia Neill explained the city was requiring a 20 foot wide paved street access with striping plus raised circular markers so that there is a delineation between pedestrian path portion of the street and the driveable portion of the street. This street will be privately owned and maintained by the homeowners association. The applicant is proposing to use an open channel type system for

storm drain. The staff is supportive of this. The channel would meander down to Beavercreek, would include rip rap and some sort of type concrete covering so that the storm water would not infiltrate into the ground. This site is sensitive to water infiltration and would compromise the soils further so this system would greatly reduce the infiltration of water. The proposed storm system would be required to meet the new standards that were found in the Caufield Drainage Basin adopted plan. The city would require a detention facility located along the southern portion of the property before this storm drainage discharges into Beavercreek with an energy dissipation device and a control structure.

PUBLIC TESTIMONY

Speaker: **Rich Vial**, 12725 SW 66th Ave., Portland, OR 97223. Representing the applicant.

Rich Vial stated that the code at 16.22.10 requires every lot on a subdivision abut on a public street. The code also in 16.20.290 ... "that an easement in lieu of a public street is an acceptable means to providing access to a lot." What exists on this proposed plan is a sophisticated common driveway with a home owners association in place to insure the maintenance of the driveway. It has been addressed earlier that this is a very difficult piece of property to develop. This private easement would accomplish the access needed for each house. He stated that in the original development impact statement included a declaration, covenants, & restrictions and a set of bylaws, both drafted pursuant to ORS Chapter 94, The Planned Community Act. He stated that at one time it was believed that the developer needed two accesses. There was no stub leading from Brendon Estates to the south and he refused to sell the applicant an access unless the applicant would build Brendon Estates' pump station and take the storm water run off. It was found later that the storm water run off from Brendon Estate activated an old land slide on this proposed site. He continued and stated that the water quality issue has been addressed by locating a treatment facility at the bottom of the hill. He added that constructing the storm water drainage system would significantly improve that whole area. The water would not be draining directly on the property causing continuous mud slides.

Speaker: **Norman Harker**, Harker Engineering, 2208 E. Evergreen Blvd., Vancouver, WA. Representing the applicant.

Norman Harker stated that he was there specifically to answer any questions that the Commission may have.

Commissioner Hall addressed the drainage improvement and stated that there would be a large cut through that area that is very steep and not all on the applicant's building site and not part of the plat, but on the adjacent property as well. He expressed concern on the instability of the ground at that point.

Rich Vial responded their geotechnical engineer has viewed that very carefully. Above the dark

line the ground is very stable for that area. He added that there has been discussion between the applicant and the adjacent land owner and they have agreed to cooperate together to acquire/construct slope easements necessary for this development and in turn it will assist them access to those parcels as necessary.

Speaker: **Lorraine Dummer**, 1424 S. Canyon Ridge Drive, Oregon City, OR. Representing self.

Lorraine Dummer stated that she and her husband have lived at their current residence for 3 years. Their biggest concern is their access to Highway 213. The Planning Commission has approved two other developments with 8 or 9 homes each and these new improvements are impacting their traffic flow.

Speaker: **Alovi Sahlo**, 13618 S. Warnock Rd., Oregon City, OR. Representing self.

Alovi Sahlo stated that he resides on this panhandle section and did attend discussions month after month regarding this project. He added that he has about 1,800 feet of Beavercreek frontage and was concerned as to what is happening to the creek. Prior to the last five years he was flooded once in 1962. During the last five years he has been flooded 2 to 3 times. He stated that the development in Oregon City has a great deal to do with the additional flooding. He stated that there is a water quality issue in Beavercreek because of the volume of water being discharged into the creek. There seems to be some confusion between the staff and the developers as they are not saying the same thing. He presented a study from the Journal of America Water Resources Assoc. that was completed in King County in Washington state during the last 20 years. It stated that the storm water is not being processed correctly with detentions, etc. He added that he was prepared to hire a hydrologist at his own cost. He added that 7 days was not enough time to retrieve information from the hydrologist and requested the Commission to extend a continuance of this hearing for another 30 days.

Commissioner Hall stated the Brendon Estates subdivision has certain approval requirements that must be met. There must have been certain criteria for their storm water system. If the developer for Brendon Estates has not followed the city's criteria, then they are in violation of that subdivision approval. He requested that city staff look into this matter. He added that it may need to be addressed again as the impact of that storm water run off has introduced a slide on this development. If the developer is in violation of the criteria approval, that issue needs to be addressed.

Lydia Neill stated that she did not think the Brendon Estates subdivision was in violation, but instead it was an unusual situation that has occurred on the Brendon Estates storm water run off. She added that the discharged approved then would not be something that the staff would recommend nor the commission would approve today.

Commissioner Hall requested the staff to follow up on the criteria required of the Brendon

Estates subdivision and requested staff to report back in a month.

Speaker: **David Dodds**, 18931 Old River Dr., West Linn, OR. Representing self.

David Dodds testified that he does live in West Linn, but does own property adjacent to Mr. Salvo's off Warnock Road and a small part of my property is adjacent to Beavercreek. He stated his concerned about the stream systems and the water quality and added that detention facilities do impact downstream flows. He requested that this hearing be continued so that the adjacent property owners can get alternative testimony and analysis on this subject. He also requested that before the applicant's CC&R package be approved that the city would review the document and allow to have that document available to the public to review and offer input. He questioned the staff report on page 10 that they are recommending a closed pipe drainage system and where the applicant is saying it is going to be an open system and the staff appears to be agreeing with the applicant. There needs to be an enforceable site plan. He added that up on the north end of his property during the heavy rains a year ago failed. There are underground water springs on Mr. Salvo's property and the adjacent properties, including his, and when there is a heavy rainfall there is a dramatic effect on the properties located downstream.

Jay Toll stated that the city has adopted the new Caufield Drainage Plan and that is what is being used for this development.

Chairman Bean presented two letters: 1) from Rubin Shue, 13871 S. Caufield Rd., Oregon City, OR. dated January 26, 1998, requested that if this project was approved he wanted a wall to be maintained along said property line. Property line, fence and fence posts and survey markers have been destroyed. These must be replaced. Sincerely Rubin Shue.

Speaker: **Rubin Shue**, 13871 S. Caufield Rd., Oregon City, OR. Representing self.

Rubin Shue stated that his fence has been torn down along his property line and the fence posts have been bull dozed into the ground. He was unable to locate the person who did this. He requested a wall be placed on his property line if this project is approved.

REBUTTAL

Rich Vial stated that he did not know how he could rectify Mr. Shue's request, but that he would assure that the survey markers would be in place at Mr. Shue's property line if his and Mr. Shue's property did in fact adjoin. He added that when the Brandon Estates was in for final approval he purchased this piece of property. At that time Brendon Estates developer suggested to him that the engineering be done for Brendon Estates so that engineering would address the storm water run off. He added that this plan activated a landslide that was not anticipated. He felt that Brandon Estates did not violate any conditions on that site.

Commissioner Hall reiterated that he still wanted the city to review the Brandon Estate's storm

water plan to make sure that it is indeed developed within the Planning Commission's conditions.

Lydia Neill stated that the staff will research this request from Commissioner Hall.

Rich Vial continued and addressed the concern regarding the sanitary sewer grinding system. He explained that this is a DEQ requirement. It would be more desirable for the development to have a common sewer pipe to carry the effluent back to the gravity main line rather than having 9 individual lines. He added that the DEQ requirements seemed to be vague and was difficult to understand by himself or staff, so he suggested that this condition be modified to say that there be 9 grinder pumps for each individual system running to the gravity feed or such other system that staff may determine to be appropriate in compliance with DEQ regulations. He responded to Mr. Dodd's request and stated that the CC&R's are available and are made a part of the packet and invite anyone to review them.

Chairman Bean asked for further staff input.

Lydia Neill responded that there was a traffic study completed upon the reduced number of units, 52 units down to 9 units, and the traffic engineers felt that the amount of traffic infused in this area would be insignificant and a light would not be needed at this time. There have been some revisions to the getotechnical study by the city's Sr. Engineer and the applicant's engineer whereby the staff is requesting that geotechnical testing be done from grading, foundations, installations of utilities, installation and design of the storm sewer facility.

Commissioner Hall stated that he agreed with Lydia Neill's recommendation, but would go further and request a geotech analysis for each building application and where the footprint is going to be placed. The property description is changing because of the movement of the ground. This would allow a more specific property description for each house, the area surrounding the house and the up slope area.

Lydia Neill stated that the staff's recommendation on this geotech study was to include what Commissioner Hall has requested. She stated that this condition will be returned to the Sr. Engineer and the wording will be amended to be more specific and include Commissioner Hall's recommendation.

Chairman Bean asked for the Planning Commission's pleasure to continue this hearing.

Rich Vial stated that he will be China beginning February 17, through March 1. He requested that the hearing be continued to the first February meeting or first March meeting or if the Commission were to continue the hearing for seven days, they allow time for additional technical testimony. He waived the 120 day rule by agreeing to an extension an additional 30 days beyond the 120 day rule.

Lydia Neill requested that the extension agreement from the applicant be submitted in writing.

MOTION

Commissioner Hall moved to continue this hearing on March 12, 1998, allowing new information to be brought forth and to be filed with the city staff by February 24, 1998. **Commissioner Nelson** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5 -0.**

Chairman Bean recessed the meeting for 10 minutes.

Chairman Bean called the meeting to order.

> **File No. PD97-04** - Renaissance Development Corp. - Lands End - Final development plan and program for a 57 lot single family (1-lot reserved for future multi-family) residential planned unit development on 15.63 acres of property - 32E 8D, Tax Lots 100, 101, 20, and 201, Clackamas County.
>
> **Ex-Parte Contacts and Conflicts**

Commissioner Hall stated that he had been contacted by an individual at John L. Scott's Real Estate stating that he was aware that he, Commissioner Hall, had a number of concerns regarding this development at the last hearing and requested that Commissioner Hall meet with him and the principals involved in this development to discuss his concerns. Commissioner Hall declined and contacted Dan Kearns, City Attorney immediately thereafter. He added that he felt this was an unfortunate action taken by a member of the applicant's team.

STAFF REPORT

Lydia Neill explained the process and the current status of the application as presented today. The applicant had previously submitted a final plat and program which was recommended for denial by the Planning Commission. The matter was in the process of being referred to the City Commission for their approval or denial. The applicant withdrew the application before submitting it to the City Commission and has repackaged their submittal and presented a new application for a final plan and program for review this evening. The preliminary proposal was submitted under the old PD Ordinance and this application will be submitted under the old PD Ordinance.

Commissioner Hall asked once an application is denied, was there not a period of time before the applicant could resubmit their application.

Lydia Neill responded stating yes, but in this case the applicant withdrew prior to a final denial by the city. This is a new application and new application fees have been submitted.

Dan Kearns explained that the applicant controls the application until the city issues its final denial or approval. The applicant, in this case, had a preliminary plat approved, but was denied approval at the last hearing for a final development plan. The applicant then resubmitted a revised final development plan and program with the appropriate fees. The applicant is still within the one year time period required to continue with this application.

Lydia Neill stated that the applicant has worked with staff to assure that the application is complete and have attempted to address all the issues that were brought forth during the former hearing. The applicant's engineer and the city's engineer have worked together in revising the traffic issues. The applicant has provided a tree survey and included architectural drawings of the homes and the placement on the site. A landscape plan has been provided along with a permit approval from the Division of State Lands and a permit approval form the Army Corp of Engineers for the mitigation area for the wetlands on this site. In addition they have provided preliminary plans for a storm drain detention improvement. She added that the staff did have some minor changes recommending fencing around the mitigation areas and a change to condition number 9 allowing access not only to the sanitary sewer lines, but access to the manholes as well. Condition 16 refers to a curve radius that does not meet the city's standard, but the construction of the eyebrow does meet the turning radius of emergency vehicles as well as larger vehicles and does satisfy this condition. She added that Condition 8 requires an extension of that street to the north. There will no improvement required of that street at this time. It would be a public easement granted to the city for future extension to Lazy Creek Lane.

Commissioner Hall asked who would be responsible for the cost of that street improvement.

Lydia Neill stated that a non-waiver of remonstrance would be requested and would become a part of a future LID project.

PUBLIC HEARING

Speaking: **Bryan Cavaness**, 1419 7th St., Oregon City, OR. Representing the applicant.

Bryan Cavaness expressed his gratitude to Lydia Neill for her guidance and assistance in this matter. He stated that the Planning Commission, at the former hearing, requested additional information that included evidence requested for reduction of the wetlands area from 50 feet to 25 feet, evidence for requested variances for set backs, more information on buildable areas, and information of the impact the development would have on the existing trees on this site. Subsequently on May 21, 1997 the Planning Commission voted to forward the applicant's request to change the property's zoning designation from FU10 to R8 which was changed by the City Commission. On August 26, 1997, the Planning Commission heard the final program and plan development, but found that there was not sufficient information on the reconfiguration of

S. Molalla Ave. and potential impacts to the surrounding area and additional information regarding storm water detention, treatment, and discharge. The Planning Commission continued the hearing until September 23, 1997. The applicant returned and submitted materials requested, but the Planning Commission denied the application because the information did not provide sufficient information regarding detention, a legible tree survey or completed landscaping plan in accordance with the Oregon City Code Chapter 1764, there was no demonstration of at least 16% of the planned development be dedicated to open space, and there were no justification shown for the variances for the minimum set back standards. On October 28, 1997, the applicant notified the planning staff that they would request a voluntary remand back to the Planning Commission, not necessarily a new application, for new information for reconsideration of issues previously identified by the Planning Commission. He added that the applicant has voluntarily returned to the Planning Commission and has voluntarily waived the 120 days application process. He added that the multi-family dwelling request has been abandoned by the applicant. This submittal is only for a request of single family dwelling. There is a request for 57 lots on approximately 15.46 acres of land. Lots will range from approximate size of 5500 square feet to about 12,000 square feet. The average lot size is approximately 8800 square feet. There could be 68 lots platted on this site by using the city's based density calculations. The applicant has reduced the number of lots by 11 lots provide a more aesthetic pleasing site as well as preserving the wetlands area. The open space will consist of approximately 2.93 acres spread throughout the site with a 88 hundredth acre tract at the wetlands site; three-quarters acre site located at the south portion of the site also a wetlands area; a transition area, a buffered area surrounding the wetlands area, is composed of approximately 2.29 acres. He added that there has been conversations held with Mr. Morgan, Administrator, of the Clackamas Christian School located adjacent to the site and the applicant is proposing a 6 foot solid cedar fence along the site's southern boundary minimize any potential conflicts between the residential and institutional uses. He addressed the storm water concerns by proposing to the city's engineers two different alternatives: 1) an underground storage detention facilities located along the southern boundary lines of the property that would include storm water management with pollution control manholes, 2) construction of an above ground detention facility located along the south eastern border of the wetlands area. He added that the city's engineer feels that the proposed detention alternatives would be sufficient to handle the storm water flows in this area. In regard to the vegetation and animal life in this area a proposed reduction of the buffer area from 50 feet to 25 feet will have to meet certain tests: the area be sloped less than 10%, there be a moderate or less erosion potential along the area (attached is an exhibit of the Clackamas County Soils Survey of the soils in the area as well as those identified in the Fishmen's Report the chance of erosion is slight). The native wild life in the area would not be substantially impacted. The applicant is planning to work in conjunction with the city to remove the Himalayan Blackberry bushes and scotch bloom in the wild life area as it is not conducive to wild live habitat. He added that the applicant has reduced the request for variances for set backs on lots from the overall site to four lots. He referred to item number 17 addressing edges of fill that abut wetlands should be given permanent erosion control treatments and there should be no more than two foot differential on finished lots on third property lines. He added that there was a storage requirement for the wetland areas, but no placement has been identified. If the berm is to be constructed in the

wetlands area within the transition area two concerns are: 1) placing the fill within the transition area would affect the trees in the area that are to be saved and 2) raising the lots adjacent to the wetlands could exceed the 2 foot limitation that the city is setting in terms of the Clackamas Christian School. He suggested this situation be reviewed by the city's building official at the time of the building permit stage and elevate the first floor of the home to protect from any flooding that may occur from the wetlands adjacent to these lots. He added that there has been no history documenting that any flooding has occurred on this site.

(There was a great deal of discussion between commissioners and Mr. Cavanass about hatch mark areas on the map. It was hard to pick up because of the distance from the mikes and rattling of papers).

Speaking: **Randy Sebastian**, 1672 Willamette Falls Dr., West Linn, OR. Representing applicant.

Randy Sebastian stated that his goal was to develop a residential area that would be one of the nicer developments in Oregon City. The plan is to address the empty nester market when children move out. Homes will be constructed with main floor living with two bedrooms upstairs. He added that he would prefer to take access off the culdesac for lots 7 and 8. The previous concerns of the Planning Commission on this matter have been addressed in this application by the applicant's engineers.

Speaking: **Mark Butorac**, Kittleson Assoc., 610 SW Alder, Suite 700, Portland, OR. Representing the applicant.

Mark Butorac presented a brief summary of the supplemental traffic information that was provided in the January 7, letter that appears on page 244 of the commission's packet and presented a color drawing of the map that was included in the Planning Commissioners' packet. Supplemental information is being provided to address three basic concerns of the Clackamas Christian School and other neighbors in the area: 1) the future street alignments and how they work, 2) how other developments in the area would tie into those alignments in the future, and 3) evaluated the local street system connections in the sub area and the impact to the Clackamas Christian School and what this operation does from operation and safety standpoint. He added that on page 247 of the staff's report summarizes the improvements that the applicant has suggested: 1) an improved intersection from an operation safety standpoint, 2) improves the access to the existing Clackamas Christian School, and 3) provides an opportunity to further distance this intersection from highway 213.

Speaking: **Mark Vlahakis**, 2821 SE Main, Portland, OR. Representing applicant.

Mark Vlahkis stated that he is a soils scientist. He stated that he was proud to be on this project and the impacts have been minimized. The mitigation is very sound and has an excellent chance of success that will be spelled out to the Division of State Lands Department.

Commissioner Hall asked how does one delineate on a map where the boundaries are of a wetlands area and soils engineering are always gray areas.

Mark Vlahkis replied that soils, vegetation, and hydrology are reviewed and tested in a wetlands area.

Commissioner Hall asked that the wetlands area boundary would change depending on the time of year test would be taken, therefore, how does one determine the boundary of the wetlands unless all of the gray area is considered.

Mark Vlahkis replied that the class of vegetation is compiled that gives you the prevalence of wetlands vegetation or no wetlands vegetation. This is a professional judgement and the soils blend and gray out on a continuing basis.

> Speaking: **Carol Smithson**, 19531 S. Molalla Ave., Oregon City, OR. Representing applicant.

Carol Smithson stated that they have been attempting to sell their property to Renaissance Construction. The wetlands that the applicant is referring to is close to the wetlands that have always been there. She added that she had Randy Sebastian of Renaissance Construction investigated for personal and professional competence and the result of the investigation was that he is a man of his word. She added that she and her husband examined homes that Renaissance Construction had built and they appear to be sound homes and would be good homes for the City of Oregon City.

> Speaking: **Joe Morgan**, 18860 Shenandoah Dr., Oregon City, OR. Representing North Clackmas Christian School.

Joe Morgan he stated that they welcome the Renaissance Development in the area. It will serve as an anchor in the area. He added that he would like assurances built into the development's CC&R's that a fence be constructed of solid masonry along the rear of lots 16 through 26 and maintained by the homeowner's association. He requested that a sound easement exist so that future homeowners would know that a school does exist and that there would be normal noises heard from a school play ground. He further requested that an amendment on page 2 of the CC&R's show that the CC&R's would not be amended by the developer until 90% of lots were sold and that 75% of the property owners would be in agreement with the amendments as outlined above. These amendments could not be adopted without the school's written agreement to the language of the amendments . He asked that the design for the storm drainage be in more detail showing the storm water run off so that the school would be assured that the drainage would flow away from the school and not toward it. On page 3, item 5, addressing traffic, he agrees with ODOT that adding distance to the Old South Molalla culdesac and highway 213 adds more of a safety margin to this development and the school children.

Lydia Neill announced that Manish Babala, consulting traffic engineer with David Evans & Assoc. was present and could address the letter from ODOT and the traffic concerns that was addressed earlier North Clackamas Christian School.

Manish Babala stated that the applicant is correcting the existing intersection stub street and S. Molalla Avenue by moving it further north and providing an alternative connection to Lazy Creek Lane. That is the best circulation plan and traffic improvement that can be done at this time by this applicant.

Commissioner Hall asked if there should not an additional 10 feet of right-of-way easement at the south end of this project to accommodate the traffic for the commercial area.

Manish Babala agreed that the additional right-of-way that would be classified as a collector street to accommodate the 5,000 cars per day traveling on that street.

REBUTTAL

Bryan Cavaness stated that they have and will continue to work with the school. The school's concern is noise that is generated from the school grounds. Mr. Sebastian is agreeing to putting a reference on the plat alerting all potential buyers along the northern boundary that they are coming into a potential nuisance. The storm drainage on item 4, will be substantially reduced flowing onto the school's site. The only storm drainage flowing onto the school's site will be the rear 20 feet of the back yards. He added that they have considered taking some of the school's excess storm water and draining it to the detention facility on this site.

Mark Butorac responded to Commissioner Hall's request that an additional 10 feet of right-of-way easement be granted for a collector street. He stated that Molalla Avenue is a local street and Oregon City Transportation Plan does not call for a collector street at this location. He added that vehicular traffic would be coming to that future commercial development via Meyers Road, via Molalla Avenue, and Molalla Avenue via highway 213.

Bryan Cavaness stated that he appreciated the concerns of the staff and commission with future development impacts. He added that they were there to address the specific development impacts that this development will cause. The development has been identified for single-family residential use. The city's engineers and the engineers representing Renaissance Construction agree that the alignment of the intersection will address the impacts of this development. The commercial piece should stand on its own when it comes before the commission in the future.

Lydia Neill referred to several references made by the North Clackamas Christian School of the impact of school use on the residential uses on the subdivision. She did not feel it necessary to make any demands on the applicant based on the existing school use.

Chairman Bean responded that he felt it is inappropriate to make demands on the applicant

based on the school's concerns.

Commissioner Hall requested to address the applicant.

Chairman Bean reopened the public hearing.

Commissioner Hall asked that on exhibit 6 hand written material was submitted by RPK ...what does the Santa Barbara Hydrograph have to do with this development.

Mark Butorac responded that this is a commonly accepted method of determining storm water calculations. It is no more specific to Santa Barbara or anywhere else in the country.

Chairman Bean re-closed the public hearing.

Dan Kearns stated that this is a new application and is not a remand. The applicant cannot remand only a decision maker in the city has that ability.

Commissioner Hall requested that this property will be subject to the non-remonstrance. The owners need to be identified.

Commissioner Mattsson suggested that instead of using "third party" reference for differential of properties, it should read adjacent properties.

Lydia Neill stated that wording can be changed.

MOTION

Commissioner Shirley motioned to approve PD97-04, as a 57 lot planned development with conditions addressed by staff to include fencing around the mitigation areas; amend number allowing access not only to the sanitary sewer lines, but access to manholes as well; condition 8 to be amended to provide a public easement for the extension of the street to the north; rewrite item 30 to specify the land to be identified for the waiver of remonstrance; and recommend approval to the City Commission. **Commissioner Mattsson** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5-0**.

Lydia Neill stated that this will be submitted to the City Commission on February 18.

File No. ZC97-12-Chapter 16 - Request to amend Title 16 Subdivisions in its entirety.

STAFF REPORT

Tamara DeRidder stated on December 12, 1996, May 13, 1997, November 13, 1997, there were joint Planning Commission and City Commission workshops on procedures as well as street standards. Staff has been directed to provide review procedures for land use actions. The goal is to involve the Planning Commission to become involved with long range planning for the city as opposed to just processing permits. The staff would be responsible for taking over all the procedures of subdivisions and this would all be recorded in staff notes and come before the Planning Commission as a denovo hearing. Only appeals would be remanded to the Planning Commission. Land partitions are being proposed as a Type 1 procedure. The street standards now mirror the city's transportation plan. Constrained streets are now being identified which deals with parking issues. In addition, private streets are being introduced identifying minimum standards. Included in the proposed revision is planter strips designed for streets

(Someone is talking and can't hear their dialogue)

Tamara DeRidder asked if his letter was attached as an exhibit? It's actually 272 under 16.12.010 to another jurisdictions facility or frontage improvements on another jurisdictions right-of-way must be reviewed and given approval by the appropriate jurisdiction prior to preliminary plat approval. The last item underlined is what Commissioner Hall initiated is on page 278 which is dealing with the maintenance of weed patches on collector and arterial streets.

Dan Kearns expressed some concerns that he had and referred to the first portion of 180, that a determination should be made as to who is responsible for maintaining the planter strips. This should be determined before anything is destroyed. He suggested that Commission remove the portion outlining the code enforcement provisions in that section. The implication of this language is that the city is requiring a home owners association. They could be maintained by individual property owners as well.

Tamara DeRidder stated that many hours have been put into this revision by the commission and staff and the staff did visit different areas with the Fire Department to determine how emergency vehicles could respond with narrower streets.

Clark Poulton, Fire Chief, addressed a portion of Chapter 16 that affects the fire departments ability to respond to medical emergencies and fires. The city's current city street guidelines are 32 to 36 feet and the proposed standard are 38 to 40 feet. The subdivisions in the city the last two years have all used a minimum of 32 feet. There are a number of streets that have been approved in recent subdivisions that are meandering that are 32 feet and those streets become very narrow and dangerous. Basically, the fire department needs 20 feet to operate. A 28 foot road would require parking on one side. If there is parking on both sides of the street that leaves

only 14 feet of street to operate in. The vehicle is 8 feet wide and this limits the firefighters working around the truck. He added that when private streets are allowed the city loses control.

Commissioner Mattsson stated that he did not support skinny streets due to the problems with fire access.

Tamara DeRidder asked how wide is your street?

Commissioner Mattsson replied that the street he lives on is 23 and a half feet wide.

Commissioner Shirley asked if the city considered requiring some of these sprinklers in some of these constrained configurations. Is that possible to mitigate some of the things that Clark is speaking to.

Tamara DeRidder responded that it was possible, but it may not be legal to require it.

Clark Poulton stated that they had been trying to get the state to recognize the importance of sprinklered systems on fire response as a public facility.

Tamara DeRidder asked has it been done where a city franchises an ambulance service?

Clark Poulton responded yes. Tualatin Valley Fire Department does bid for ambulance service and they have purchased all emergency vehicles.

Commissioner Mattsson asked if it were possible to place parking or no parking signs on one side of the street.

Clark Poulton stated that he felt it would be legal to require sprinkling systems in homes that have narrow street.

PUBLIC TESTIMONY

> Speaking: **Tracy Hamlet**, 523 Warner Parrot Rd., Oregon City, OR. Neighborhood group.

Tracy Hamlet expressed concerns about the decision making process that eliminates the Planning Commission in some instances and other areas of this chapter it also eliminates the City Commission in some instances. Appeals would go directly to Land Use of Appeals and the neighborhood group felt uncomfortable with that. She added that staff should do the ground work and make the recommendations and presentations to the Planning Commission. She added that the staff changes do occur and there may be lost follow-up. The Planning Commission's responsibility reviews as how it affects the city, the staff does not always reside in the city. The citizens would be loosing the process of the elected and appointed officials review of each

project. If a citizen's request is rejected by the staff at the beginning, that person has no where to appeal.

Speaking: **Mark Epperson**, 507 Warner Parrot Rd., Oregon City, OR.

Mark Epperson agreed with Tracy Hamlet and expressed a concern that what may work today, ten years from now was a bad idea. When decision making is put into the hands and remove it from the political process is not what the citizens in Oregon City want.

Commissioner Hall stated that this revision process is to streamline the hearings process.

Commissioner Shirley stated that the reason the city is going through the process of revising Chapter 16 is because the current system does not allow the Planning Commission to do the city's long range planning that the city needs. Tamara DeRidder realized this and she brought forth these proposals so that the Planning Commission could get out of hours and hours of these cookie cutter, routine stuff that does not require discretion. This does not mean that the Planning Commission will give up any powers, but to allocate to the staff those items that do not require discretion, such as small subdivisions that have no inherit problems. Anything that goes beyond the new Public Planned Development Ordinance has to be brought before the Planning Commission.

Chairman Bean stated that only one item on the Planning Commission's agenda this evening would not have appeared if this proposal had been adopted and in place.

Mark Epperson stated that he feared this would eliminate citizen involvement. He stated that he was only able to give this a quick brush to read. He again expressed that the Planning Commission keep in mind of the citizen's participation.

Commissioner Shirley stated that these same concerns that Mr. Epperson is raising was also raised by the Planning Commission at their first working meeting. There has been a lot of work that has been done to assure that will not take place.

Speaking: **Kathy Hogan** 1297 S. Central Point Rd., Oregon City, OR. Representing self.

Kathy Hogan stated that she could not have stated better than Mr. Epperson. She added that she has a learning disability and is difficult for her to articulate what she needs to communicate. Her husband is laid off from work, so she would not have the funds to support an appeal. She added that her rights are taken away.

Speaking: **Mark Epperson**

Mark Epperson stated that his concern was that the Planning Manager renders the decision and the only appeal the citizen has is to the Land Use Board. This removes two steps available to the

citizen and increases the cost to someone who does want to appeal a decision.

Dan Kearns reminded the Planning Commission that the procedural part of this hearing is at the City Commission level now. The City Commission is waiting for this to be presented.

MOTION

Commissioner Hall motioned to continue this hearing for decision only on February 24 at 7:00 P.M. **Commissioner Mattsson** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5 - 0.**

James Bean, Chairman

Tamara DeRidder, Planning Manager

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Deed of Dedication Acceptance
Map 2-2E-4C T.L. 802

Report No. 98-10

On the February 18,1998 Commission agenda is the attached Deed of Dedication for the dedication of public right of way by the "Berryhill Condominiums", map 3-2E-4C , tax lot 802 - City Planning File Number SP96-39. This project has been approved and is described by attached exhibits "A" and "B." This Dedication of right of way was required as a condition of approval for development.

It is recommended that the City Commission accept this Deed of Dedication and authorize the Mayor and the City Recorder to execute.

Charles Leeson
City Manager

CC: Rich Carson, Community Development Director
Allison Gonyeau, Engineering Technician
File SP96-39

CITY OF OREGON CITY

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that S & V Rentals, Inc., hereinafter called the GRANTOR, does hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, all the following real property in the County of Clackamas, State of Oregon, to be used and held by the CITY for street, road, right-of-way, and public utility purposes, bounded and described as follows, to wit:

See attached EXHIBIT "A" Legal Description and attached
EXHIBIT "B" Sketch for Legal Description

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is $1.00, the receipt of which is hereby acknowledged by GRANTOR.

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GRANTOR:	GRANTEE:	AFTER RECORDING RETURN:
S & V Rentals, Inc.	City of Oregon City	City of Oregon City
PO Box 1153	320 Warner Milne Rd.	320 Warner Milne Rd.
Lake Oswego, OR 97035	Oregon City, OR 97045	Oregon City, OR 97045

And the GRANTOR above named hereby covenants to and with the CITY, and the CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above named premises, free from all encumbrances (no exceptions) and that GRANTOR and its heirs and personal representatives shall warrant and forever defend the said premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the text so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 21st day of January, 1998 and caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

S & V RENTALS, INC.

Steve Hilgedick, President

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared Steve Hilgedick, President of S & V Rentals, Inc., a corporation, and the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

OFFICIAL SEAL
C JEFFREY ABBOTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 060070
MY COMMISSION EXPIRES DEC. 3, 2000

Notary Public for Oregon

Accepted on behalf of the City of Oregon City on the condition that the property is free and clear from taxes, liens and encumbrances

Mayor

City Recorder

CHASE, JONES & ASSOCIATES INC.
FORMERLY BOOTH & WRIGHT
Land Surveyors & Engineers Since 1885

CJ2

1500 S.W. 12th AVENUE PORTLAND, OREGON 97201 TEL. (503) 228-9844
1025 E. POWELL SUITE 106 GRESHAM, OREGON 97030 TEL. (503) 669-1234

9452-C
12-10-97

26 FOOT WIDE STREET DEDICATION

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, SAID TRACT BEING A PORTION OF THE JAMES G. SWAFFORD PATENT CERTIFICATION NO. 613 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE THAT MARKS THE NORTHWEST CORNER OF THE WASHINGTON WILLIAMS DLC #56 (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SWAFFORD PATENT); THENCE N. 17°12'00" E. ALONG THE EASTERLY LINE OF THE SAMUEL N. VANCE DLC #51 (BEING THE WESTERLY LINE OF SAID SWAFFORD PATENT), A DISTANCE OF 573.10 FEET TO A POINT ON THE NORTHERLY LINE OF MARKET ROAD NO. 11 (BEAVERCREEK ROAD) 30.00 FEET FROM THE CENTERLINE THEREOF; THENCE S. 80°19'00" E. ALONG SAID NORTHERLY LINE OF BEAVERCREEK ROAD, A DISTANCE OF 105.14 FEET TO A FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED CHASE, JONES AND ASSOCIATES, SAID POINT BEING LOCATED AT THE INTERSECTION OF A LINE THAT BEARS N. 17°12'00" E. PARALLEL WITH SAID EASTERLY LINE OF THE VANCE DLC, FROM A POINT WHICH IS S. 79°42'00" E., A DISTANCE OF 105.00 FEET FROM SAID EASTERLY LINE, SAID POINT ALSO BEING IN THE EASTERLY LINE OF THE WAGNER TRACT RECORDED IN BOOK 251, PAGE 269 BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN TO BE DESCRIBED; THENCE N. 17°12'00" E. ALONG THE WEST LINE OF TRACT NO. 1 OF RECORD SURVEY NO. 25958 A DISTANCE OF 26.23 FEET; THENCE S. 80°19'00" E. PARALLEL WITH AND 26.00 FEET PERPENDICULAR TO THE SAID NORTHERLY RIGHT-OF-WAY LINE OF BEAVERCREEK ROAD A DISTANCE OF 25.22 FEET TO A POINT ON THE WESTERLY LINE OF TRACT 2 OF SAID RECORDED SURVEY; THENCE S. 17°12'00" W. ALONG SAID WESTERLY LINE OF SAID TRACT 2 A DISTANCE OF 26.23 FEET TO A POINT ON THE SAID NORTHERLY RIGHT-OF-WAY LINE OF (BEAVERCREEK ROAD); THENCE N. 80°19'00" W. ALONG SAID NORTHERLY RIGHT OF WAY LINE 25.22 FEET TO THE POINT OF BEGINNING.

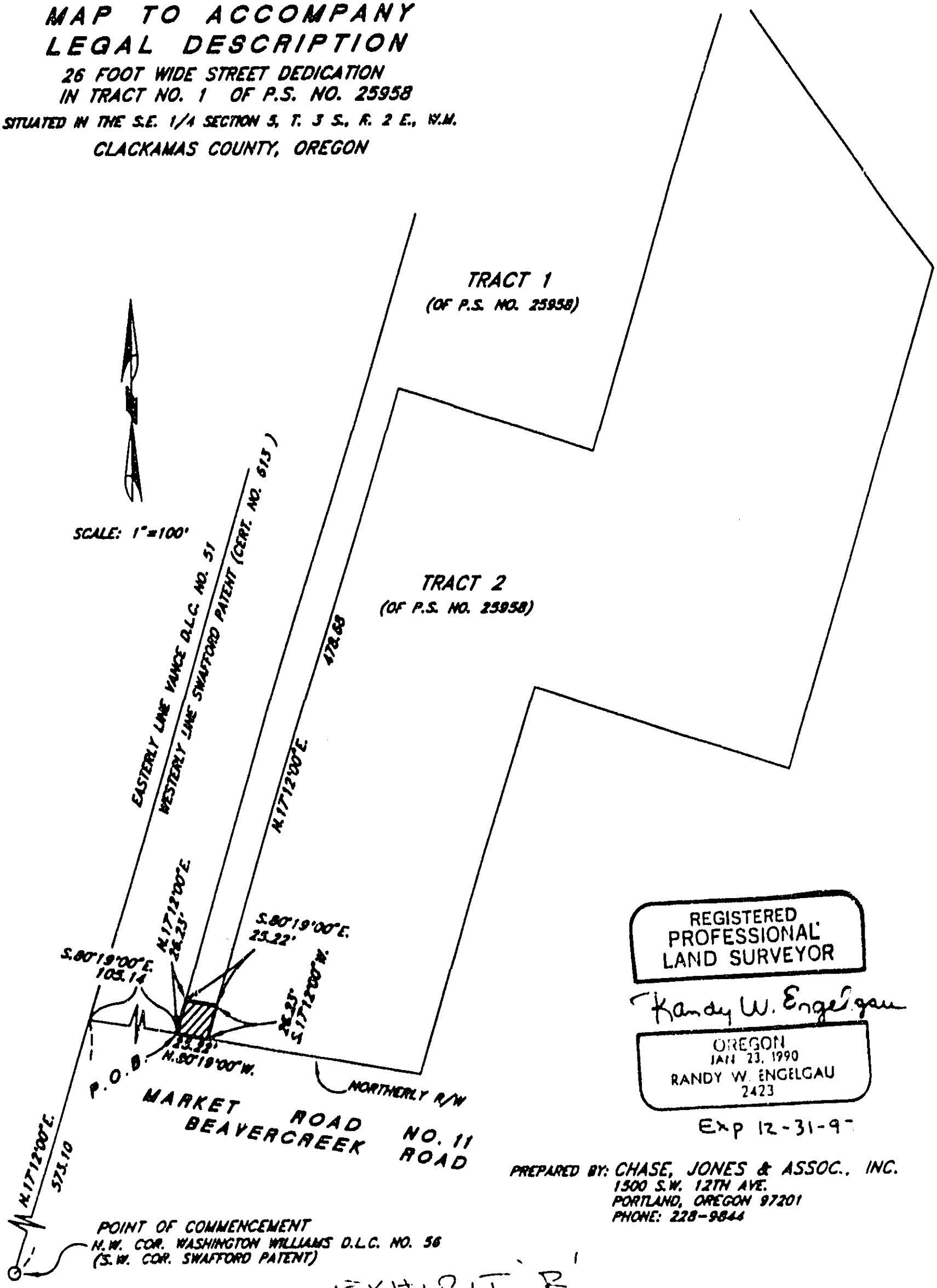
EXHIBIT 'A'

MAP TO ACCOMPANY LEGAL DESCRIPTION

26 FOOT WIDE STREET DEDICATION
IN TRACT NO. 1 OF P.S. NO. 25958

SITUATED IN THE S.E. 1/4 SECTION 5, T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



REGISTERED PROFESSIONAL LAND SURVEYOR

Randy W. Engelgau

OREGON
JAN 23, 1990
RANDY W. ENGELGAU
2423

Exp 12-31-9

PREPARED BY: CHASE, JONES & ASSOC., INC.
1500 S.W. 12TH AVE.
PORTLAND, OREGON 97201
PHONE: 228-9844

EXHIBIT 'B'

JOB NO. 9452-C

CITY OF OREGON CITY

INCORPORATED 1944

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Report No. 98- 11

An amendment to the Comprehensive Plan Amendment to replace the 1987 Water Master Plan with an updated study conducted in 1995. Amend Title 13 of the Municipal Code to control cross-connections and back flow prevention.

PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1001. An Ordinance Amending the Public Facilities Plan of the Comprehensive Plan Amendment by replacing the 1987 Water Master Plan with an updated study conducted in 1995, deleting policies relating to Clairmont and Park Place Water Districts, amending supportive language to Title 13 to control cross-connection and back flow prevention, and declaring an emergency.

On February 12, 1998 the Planning Commission reviewed and recommended application PZ97-09 be approved amending the comprehensive plan to include the 1995 Water Master Plan in the Public Facilities Plan. The Water Master Plan is included as a element of the Capital Improvement Program to achieve desired types and levels of services within the City limits and the Urban Growth Boundary (UGB). Title 13 is proposed to be amended to include language preventing cross-connections and requiring the use of backflow prevention devices to protect Oregon City's water supply.

The Planning Commission and staff have conducted a public workshop and a public hearing to allow citizens to comment on the proposed amendments.

The 1995 Water Master Plan is proposed to be added as Appendix C to the Public Facilities Plan of the Comprehensive Plan. The Public Facilities Plan was adopted through Ordinance 90-1059 and states that it is "adopted as the governing document for the facilities portion of the City Comprehensive Plan of 1982 as amended..."; which is in turn an appendix of the Oregon City Comprehensive Plan.

The Planning Commission found that the application meets the requirements of the code and the comprehensive plan. The Plan creates a framework by which the City can develop a capital improvement program and maintain the water system. The supporting Statewide Planning Goals 1 and 11. Goal 1, Citizen Involvement has been satisfied through the City's notice provisions and the inclusion of workshops and public hearings on the proposed amendments.

Goal 11, Public Facilities and Services states: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Cities are directed to develop a public facilities plan for the provision of key facilities.

The 1995 Water Master Plan meets the intent of this goal by planning for the extension and maintenance of the City's water supply system. Elements of the plan are essential to the formation and implementation of the capital improvement program.

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject:

Report No. 98-11

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The Planning Commission began its process on January 27, 1998 with a workshop to discuss the updated Master Plan. On February 18, 1998 the Planning Commission recommended approval of the changes to the Comprehensive Plan and title 13.

It was recommended, by the Planning Commission, that the application PZ97-09 be approved with supportive findings and conditions of approval. Attached for Commission review are the following documents:

1. Public Hearing Notice containing: A. Proposed Ordinance No. 98-1001
   B. Findings
2. Planning Commission Worksession Minutes: Dated January 27, 1998 (DRAFT)
3. Planning Commission Staff Report.
4. 1995 Water Master Plan Report

RECOMMENDATION:

It is recommended that the City Commission approve the recommendation from the Planning Commission to adopt the proposed changes and declaring an emergency. Notice of the proposed Ordinance No. 98-1001 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and the Municipal Elevator, 300 Seventh Street; by the direction of the City Recorder. It is recommended that the first and second readings be approved for final enactment to become effective on February 18, 1998.

CHARLES LEESON
City Manager

cc. -Rich Carson, Community Development Director
-Tamara DeRidder, Planning Manager
-Bob Cullison, Engineering Manager

\\FS2\VOL2\WPFILES\LYDIA\CITYCOM\PZ9-09.RPT

ISSUED BY THE CITY MANAGER

EXHIBIT
1-A

ORDINANCE NO. 97-1001

AN ORDINANCE AMENDING THE PUBLIC FACILITIES PLAN OF THE COMPREHENSIVE PLAN BY REPLACING THE 1987 WATER MASTER PLAN WITH AN UPDATED STUDY CONDUCTED IN 1995, DELETING POLICIES RELATING TO CLAIRMONT AND PARK PLACE WATER DISTRICTS, AMENDING SUPPORTIVE LANGUAGE BY ADDING LANGUAGE TO TITLE 13 TO CONTROL CROSS-CONNECTION AND BACK FLOW PREVENTION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Oregon City has a population of over 20,000 people and understands the need for providing a potable water supply that is adequate for the existing population and for future growth, and

WHEREAS, the proposed study is essential to the health, safety and welfare of the citizens of Oregon City and the surrounding communities which share this water.

WHEREAS, the City is desirous of amending the capital improvement plan to include water system improvements contained in this study, and

WHEREAS, Statewide Planning Goal 11, Public Facilities and Service requires that each city in the State of Oregon assess its long-term needs for public facilities, and

WHEREAS, the City acknowledges that this plan was prepared in June 1995 and will need to be supplemented in the future with more current information regarding construction costs, capital projects and additional lands to be served, and

OREGON CITY ORDAINS AS FOLLOWS:

This application, PZ97-09, is hereby approved amending the Comprehensive Plan, Public Facilities Plan and Title 13 with the following changes to its supportive documents:

Comprehensive Plan
(Remove pages I-5 and I-6 and replace with the following:)

General
The City of Oregon City provides water service to its present population of approximately 21,895 persons and some users located outside of city limits. The ultimate service area includes all lands inside of the Urban Growth Boundary (UGB). The 1995 Water Master Plan (Lee Engineering) assumed a 2% per year growth in population. The trends used in the study may not reflect the actual growth rate which has occurred since the study's completion in June of 1995.

Demand
The present average daily and peak daily water demands are approximately 2,340 gpm and 4,320 gpm, respectively (including an estimated 694 gpm of unmetered use for irrigation). Forecasted average daily and peak daily demands for the year 2015 are estimated to be 3,220 gpm and 5,240 gpm, respectively.

Existing System
The City is supplied with treated water by the South Fork Water Board. This water is pumped to the 10.5 mg Reservoir No.2 and then fed to the high and intermediate levels of the service area. Reservoir No.2 shares storage capacity with the South Fork Water Board and part of the water is used to supply portions of Clackamas River Water (formerly Clairmont Water District). In addition, when the Division Street Pump Station is not pumping, water can backfeed from Reservoir No.2 to West Linn's Bolton Reservoir and is not metered separately.

The City has four functional storage reservoirs with a capacity of 16.0 million gallons. This capacity is adequate to meet the demands of the system for the planning period, provided other systems are not supplied. If other systems continue to be supplied, further reservoir space will be required. The primary distribution system is well sized and consists mainly of cast iron and ductile iron piping, although several main lines are steel.

Analysis
Analysis was conducted to re-evaluate the adequacy of the existing system, update the computer model and maps and reprioritize suggested capital improvements based on updated population records and projections.

Public Facilities Plan
(New Language - *In Italics)*

1. Insert the following language after the list of four Major Public Facility Planning Projects in Section C:

   - *Water Master Plan- prepared by Lee Engineering Inc. in June 1995 and submitted to the City and adopted on February 18, 1998.*

2. Insert the following language into Section E. - City Facilities, Sub-Section 1(a)- *Oregon City Water Master Plan, Lee Engineering- June 1995.*

Public Facilities
(Substitute the following sections- in italics)

E. CITY FACILITIES

1. WATER DISTRIBUTION SYSTEM

a. Oregon City Water Master Plan

The City has prepared a updated Water Master Plan (1995 Lee Engineering Study) and analyzed the adequacy of the existing system and identified system improvements necessary to correct deficiencies and provide for future development. The study area includes all lands located in the UGB. No lands located in the future Urban Reserve were included in the study. The analysis included hydraulic computer modeling, updating maps and re-prioritization of the Capital Improvement Program based on updated population trends and projections. Major deficiencies identified through the course of the study include the following:

- Reservoir #1 is in poor condition and is un-covered which makes this facility susceptible to contamination.

- Automatic valving needs to be installed to eliminate back feeding of water to West Linn's Bolton reservoir when South Fork has an emergency shut down. The problem is due to the hydraulic grade line and leaves Oregon City with no emergency water reserve when a shut down occurs.

- All reservoir sites need enhancement and most have the potential to be used for public recreational use.

- Park Place Reservoir is out of service and needs to be demolished.

- A bi-directional meter needs to be installed in the 24 inch main between the master meter #7 and West Linn's meter to determine to what extent reservoir #2 is functioning as a South Fork facility.

The 1995 study assumed the following population trends which equate to a 2% per year growth in population which may not reflect current growth rates or population figures. The City of Oregon City provides water service to its present population of approximately 21,895 persons and some users located outside of the City limits. The service area currently included within this plan includes all lands within the Urban Growth Boundary. Saturation population within the service area is estimated at 24,000, while the projected population in the year 2040 is estimated at 29,999 (assumptions used in the 1995 study). South Fork and Clackamas Water Districts currently serve residents inside Oregon City's UGB but outside of the existing City limits. Agreements are in place to transition areas

served by these districts to the City following annexation. Those agreements include:

1. *Holly Lane/ Maple Lane Service area agreement adopted June 29, 1998.*
2. *Holcomb, Outlook, Park Place Service Area Agreement (Clairmont) adopted January 18, 1989.*
3. *Holcomb, Outlook, Park Place Service Area Agreement (Park Place) adopted March 9, 1989.*
4. *Interim and Emergency Water Supply Agreement (Glen Oak Intertie) adopted July 19,1989.*
5. *South End Service Area Agreement adopted April 18, 1990.*

** All agreements are included in Appendix C and incorporated herein by reference.*

b. *Existing Water Systems*

The City is supplied with treated Clackamas River Water by the facilities of the South Fork Water Board (SFWB) which is jointly owned by Oregon City and West Linn. The City operates four functioning storage reservoirs with a capacity of 16.0 millions gallons and is determined to be adequate through the planning period of 2015.

The primary distribution system is well sized and consists of cast and ductile iron piping, although several main lines are steel. Presently, average annual and peak daily water demand is approximately 2.37 million gallons per day (mgd) and 5.22 mgd respectively. Forecasted average annual and peak daily demands for the year 2015 are estimated at 3.64 mgd and 8.0 mgd respectively.

c. *Proposed Improvements*

The study recommends improvements to correct existing deficiencies and serve developing areas. A Water Master Plan map was prepared which illustrates the existing system and identifies necessary system improvements. A project list is included in the Water Master Plan, Tables 6.2, 6.3 and 6.4. Improvements are classified as short and long term improvements. Short term improvements are classified as improvements to be completed within the next 5 years. Long term improvements are projects to be completed beyond the 5 year time horizon as funding permits.

f. *Recommended Actions*

It is recommended that the City of Oregon City take the following actions:

1. *Proceed with the planning and construction of the short term improvements.*

2. *Meter all unmetered users, including parks etc.*

3. *As funding allows and development dictates, proceed with long range improvements including site enhancements.*

4. *Review and update this study every 5 years to reflect changed conditions that may alter this Master Plan or its recommendations.*

Modify the following Water Policies:

38. The City shall coordinate with other entities in the development of water treatment and emergency water supply plans for the City.

39. The City shall coordinate with the Clackamas River Water District on the provision of water services within the City's UGMB.

Delete the following Water Policy:

40. The City shall coordinate with the Park Place Water District on the orderly transition of water service responsibility from the District to the City.

Add the following to the Appendices of the Public Facilities Plan:

C. 1995 Water Master Plan, Ordinance 98-1001, February 18, 1998

D. Water Service Agreements:

1. Holly Lane/ Maple Lane Service area agreement adopted June 29, 1998.
2. Holcomb, Outlook, Park Place Service Area Agreement (Clairmont) adopted January 18, 1989.
3. Holcomb, Outlook, Park Place Service Area Agreement (Park Place) adopted March 9, 1989.
4. Interim and Emergency Water Supply Agreement (Glen Oak Intertie) adopted July 19,1989.
5. South End Service Area Agreement adopted April 18, 1990.

Add the following sections:

Oregon City Municipal Code, TITLE 13 Public Services

13.04.02 Definitions:

Back flow- any reversal of the normal flow of water from the distribution system which may allow contamination or pollution of the public water supply and render it non-potable

<u>Back flow Prevention Device</u>- Any devices or methods approved by the appropriate regulatory agencies for use in the prevention of back flows.

<u>Cross Connection</u>- Any actual or potential piping connection or structural arrangement allowing the introduction of any liquid, gas, material or substance into any potable water system, thereby rendering it non-potable.

<u>Contamination</u>- An impairment of the quality of water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, wastes, etc.

Distribution System- The network of storage facilities, pumps, pipes, valves, and other appurtenances between the source and the point of delivery of potable water in the public water system.

Non-potable Water- Potable water which has been chemically, biologically, or physically altered and thereby rendered unfit for human consumption.

Point of Delivery- The terminal end of a service connection between the distribution system and the consumer's water system at which the point the City of Oregon City loses its jurisdiction of and sanitary control over the potable water supply.

Pollution- An impairment of the quality of water to a degree which does not create a hazard to public health, but affects the aesthetic qualities of such water for domestic use.

Potable Water- Water from any source which has been investigated by the health agency having jurisdiction, and which has been approved for human consumption.

Public Water Supply- The distribution system supplying potable water to the City of Oregon City consumers.

Regulatory Agencies- One or more of the following agencies whose specifications and requirements, as presented in their associated publications are accepted as industry standards:

American Water Works Association-- Standards C510, C511 and Manual M14.
American Water Works Association, Pacific Northwest Section--Cross-Connection Manual, Fifth Edition, May 1990.

Oregon Health Division--OAR 333-61-025 (9), OAR 333-61-0770 (1), OAR 333-61-071.

University of Southern California, Foundation for Cross-Connection and Hydraulic Research--Manual of Cross Connection Control, Eight Edition, June 1988.

Service Connection- The supply piping between the distribution system main and the consumer's water system, normally terminating at the downstream end of the water meter.

Unprotected Cross-Connection- Any cross connection which may exist that allows the introduction of any liquid, gas, material or substance into the public water supply, thereby rendering it non-potable.

Add the following section:

13.04.320 Control of cross-connections. The City of Oregon City shall establish, maintain, and monitor an on-going cross-connection control program which shall be administered by the Public Works Director and/or their designated appointee(s). Information

pertaining to the policies and procedures of the program can be obtained from the Public Works Director.

13.04.330 Back flow prevention devices. The public water supply shall be protected from any existing and/or future unprotected cross-connections by the installation of a Back flow prevention device at or near the point of delivery according to standards and procedures established by one or more of the defined regulatory agencies. Back flow prevention shall be required in circumstances where an unprotected cross-connection condition may exist. The type of back flow prevention device required shall be determined by the Public Works Director.

The City of Oregon City reserves the right to adopt standards and procedures more stringent than those established by regulatory agencies.

Repeal/ replace: substitute 1989 Water Master Plan with 1995 Water Master Plan

13.20.030 Definitions

B. The cost of capital improvement does not include the costs of its operation or routine maintenance.

"Capital Improvement Plan" means a plan that lists capital improvement fees and revenues and stating the estimated costs and timing of such improvements which may be funded with improvement fee revenues and stating that the estimated costs and timing of such improvements. "Capital Improvement Plan" includes but is not limited to, the **1995 Water Master Plan...**

Read the first and second time at a regular meeting of the City Commission held on the 18th day of February, 1998, and declaring an emergency.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of February, 1998.

_____

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 97-1001

Effective Date: February 18, 1998

EXHIBIT
1-B

FINDINGS OF FACT:

1. Amendments to the Public Facilities Plan, of the Comprehensive Plan and adopting the 1995 Water Master Plan provides documentation necessary for enforcement of the City's recently adopted System Development Charges pertaining to water.

2. A more up to date Water Master Plan will assist in capital improvement planning and prioritization of necessary water system improvements on a city wide basis.

2. ***The Oregon City Municiple Code section 17.68.020 states, "A. The proposal shall be consistent with the goals and policies of the comprehensive plan."***

- *State Planning Goal 1- Citizen Involvement*

  Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

  4. *Encourage citizen participation in all functions of government and land use planning.*

  The application is legislative in nature which does not require a notice to property owners. Nonetheless, the City of Oregon City has followed its adopted notice procedures in the Municipal Code for advertisement of this public hearing and notice has been provided to state agencies of the pending adoption. Neighborhood Associations have been notified of this adoption schedule. The City has conducted a workshop, scheduled a public hearing before the Planning Commission (February 12, 1998) and a final public hearing before the City Commission on February 18, 1998.

  The City has encouraged citizen participation through advertisement and the public hearing process. By following the standard hearing procedure, the requirements for this goal and comprehensive plan policies have been met.

- *State Planning Goal 2 - Land Use Planning*

  The amendment to the Public Facilities Plan promotes a solid foundation for water system planning, improvement and accommodation of future growth. The study identifies problem areas and general system improvements which are further defined and identified in the City's capital improvement plan. Amendments to Title 13 will insure the City's potable water supply will remain pure by providing standards for cross-connection and backflow prevention. Therefore, the application satisfies Goal 2.

  This request satisfies Goal 2 because the amendments identify system problems and provide strategies for implementation of improvements.

- *State Planning Goal 3 - Agricultural Resources and Goal 4 - Forest Resources*
  These goals do not apply.

- *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources*
  These goals do not apply.

- *State Planning Goal 6 - Air, Water and Land Resource*

  The establishment of cross-connection and backflow prevention standards insure that Oregon City's water supply remains pure.

  No air or water resources, as defined by the goal are affected by this proposal.

- *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
  These goals do not apply.

- *State Planning Goal 8 - Recreational Needs.*
  This goal is not applicable.

- *State Planning Goal 9 - Economy of the State.*
  This goal is not applicable.

- *State Planning Goal 10 - Housing.*
  This goal is not applicable.

- *State Planning Goal 11 - Public Facilities and Services.*

  Comprehensive Plan Chapter I - Community Facilities, Policies state:

  1. Through management of the South Fork Water Board, the City will help ensure that an adequate water supply system is maintained.

  2. The City will coordinate with Clackamas County and Clairmont Water District to provide an efficient and orderly water system in the Urban Gr[illegible]h Area.

Public Facilitie [illegible] *icies*

8. Th[illegible] f Oregon City encourages planning and management efforts by special agencies and districts, State agencies and other local governments that provide the following public and community facilities and services within the UGB.

g. Water treatment, supply and distribution.

10. The City's water, sanitary sewer, storm sewer, and transportation Master Plans shall serve as the basis for providing water, sanitary, storm sewer and transportation improvements within the Urban Growth Boundary.

35. The City's Water Master Plan shall be implemented and periodically updated to ensure adequate water services to Oregon City residents and

businesses.

36. The City shall coordinate with South Fork Water Board and other entities to ensure maintenance of an adequate water supply system for the City.

37. The City shall coordinate with the South Fork Water Board and other entities on the siting and maintenance of water treatment and transmission facilities.

41. The City shall periodically analyze its fire flow needs and upgrade its fire flow capabilities where necessary.

42. The City shall update existing water lines which are failing or beyond their useful life.

43. The City shall correct existing water system deficiencies as identified int he Water Master Plan.

44. The City shall improve the water circulation system and provide network looping as identified in the City's Water Master Plan.

45. The City shall, to the extent practical, eliminate or reduce the amount of unmetered and "unaccounted for" water int he City's Water System.

Therefore, adoption of the 1995 Water Master Plan and amendments to Title 13 satisfies State Planning Goal 11 and Comprehensive Plan Policies for Chapter I - Community Facilities because the plan identifies specific projects that will enhance the existing water system and provide for projected growth in the Urban Growth Boundary.

- *State Planning Goal 12 - Transportation-*
  These goals do not apply.

- *State Planning Goal 13 - Energy Conservation*
  These goals do not apply.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy;***
   This criterion does not apply.

3. ***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.***
   No land uses are being authorized by this proposal therefore this criterion does not apply.

4. ***The Statewide Planning Goals shall be addressed if the Comprehensive Plan***

does not contain specific policies or provisions which control the amendment.

The Comprehensive Plan contains policies pertaining to Water Facilities therefore it is not necessary to address Statewide Planning Goals.

CONCLUSION:

The amendments to the Comprehensive Plan, Public Facilities Plan and Title 13 meet the goals outlined in the Comprehensive Plan and the Statewide Planning Goals for the efficient provision of public facilities. The implementation of the 1995 Water Master Plan and the supporting amendments to Title 13 will promote public health, safety and welfare of the citizens of Oregon City by maintaining and improving the existing and future water system and protecting the City's supply from contamination.

RECOMMENDATION:

Staff recommends approval of the request, PZ97-09 with the supporting findings and exhibits.

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EXHIBIT
2

DRAFT

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
JANUARY 8, 1998

COMMISSION MEMBERS PRESENT
Matthew Mattsson
Randy Rutherford
Cynthia Nelson
Mary Johnson
Mike Shirley
James Bean

STAFF PRESENT
Marnie Allen, Attorney
Tamara DeRidder, Planning Mgr.
Lydia Neill, Sr. Planner
Bob Cullison, Engineering Mgr.
Jay Toll, Sr. Engineer

COMMISSION MEMBER ABSENT
Commissioner Hall

1.0 CALL TO ORDER

Chairman Bean called the meeting to order at 7:00 P.M.

2.0 APPROVAL OF MINUTES

MOTION

Commissioner Rutherford moved that the minutes for the Planning Commission Meeting on October 9, 1997 be approved. Commissioner Shirley seconded

ROLL: Commissioner Mattsson, Abstain; Commissioner Nelson, Aye; Commissioner Rutherford, Aye; Commissioner Johnson, Abstain; Commissioner Shirley, Aye, Chair Bean, Abstain.

Commissioner Johnson moved that the minutes from the Planning Commission Meeting on November 25, 1997 be approved as amended. Commissioner Shirley seconded.

ROLL: Commissioner Mattsson, Abstain; Commissioner Rutherford, Abstain; Commissioner Nelson, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chair Bean, Aye.

3.0 PUBLIC HEARINGS

Marnie Allen gave the instructions and procedures of public hearings

File No. PD97-02-Maywood Company - Review of a preliminary development plan and program for a 5-lot planned development - Cascade and Warren Streets - 22E32CC, Tax Lot 9100, Clackamas County

STAFF REPORT

Lydia Neill described the site, identified major issues; uncompacted fill on-site, extension of Cascade and Magnolia Streets. The reasons for extension; emergency vehicle access for 16-20 lots off of Warren Street and surrounding properties, connectivity, and individual lot access. Staff is proposing to reduce the front yard setbacks to 10' accommodate fill.

Speaking: **Ken Sandblast**, Compass Corporation 6564 SE Lake Rd., Milwaukie, OR 97222

Ken Sandblast gave background on when subdivision was originally plated in the 1930's. Applicant stated that during the pre-application meeting, staff told him that a "T" was appropriate. There was confusion regarding the 9-lot pre-application and the current application for a 5-lot planned development and 9 additional lots created the lot re-establishment process with the County.

Tamara DeRidder in previous discussion with applicant, prior to the pre-application, disputed that "T" intersection was the way to go. She recommended to the application that they vacate Cascade and Warren Streets then create a new street system to fit the topography.

Ken Sandblast presented an exhibit showing the street profile with standard engineering representation. Lydia then pointed out that this drawing exaggerated the true slope of the street which made it appear much steeper than actually constructed.

Speaking: **Bruce Goldson**, Compass Engineer --- lots 1, 2, and 3 roof and foundation needs to be connected to the existing system that was built with Cascade Street and lots 4 and 5, there is an existing system in Magnolia Street down below. He added that the water flow appears to be flowing that direction toward the existing storm drain system on Magnolia. He added that when Cascade Street was reconfigured, the applicant developed the water and sanitary sewer plan anticipating that there would not be further development there. In addition the applicant is required to not only reconstruct Cascade Street the water and sanitary sewer lines will need to be reconstructed as well. He presented the storm drainage master plan as to be a part of the record.

Matthew Mattsson asked if it were technically feasible to extend Cascade Street to the west to the edge of the property line of tax lot one and if Magnolia Street were extended 30 or 40 feet would that provide access to lot five eliminating the diagonal jog as proposed.

Bruce Goldson responded that it is not feasible to extend Cascade Street to the west as it becomes very steep and it is a head of a small drainage way at that point.

Matthew Mattsson further expressed his concern for the driveway access onto the lots. For this plan there will be no on-street parking and no way of parking two cars on each lot. Where do additional ten cars park at any one time. There will be a good deal of maneuvering for those on lot five to back out.

Bruce Goldson stated that this is a dead-end street and there will be no through traffic. Lot one driveway has access before the end of the road, lots two and three have direct access from the

driveway, and lot four angles off to the end. Magnolia Street is constrained as it has a hillside as does Cascade Street. The contours of both streets are the same.

Matthew Mattsson stated that he agrees that the topography limits construction of Cascade Street, but the topography map of Magnolia Street appears to be fairly flat and technically felt that Magnolia Street could be extended.

Bruce Goldson agreed that there was not a slope problem. but Magnolia Street is not necessary for this project and this street does not have a purpose for this development.

Commissioner Mattsson expressed concern for the access that is this constrained, is not just for emergency vehicles, but the driveway access to lot five is very constrained. If Magnolia Street is extended a short distance that would eliminate a great deal of backing up and maneuvering.

Bruce Goldson stated that lot five would be graded and flattened out that area above as they need the earth to fill in the spot above for the other lots and this would create a building lot that is relatively flat. This would create an on-grade approach for that driveway.

Commissioner Mattsson asked the staff if there would any preclusions for doing zero lot line duplexes on a project like this.

Lydia Neill responded no.

Commissioner Mattsson asked the applicant if they would be agreeable to build a development with zero lot line duplexes and it appears that they were trying to build a flat level building pad. He suggested that the applicant may look at building the building up to the ground level as opposed to use fill to create a pad. This would significantly reduce the amount of fill required to achieve the same purpose. The fill would also have a negative impact 50 to 60 percent of the trees that are now inventoried for this development.

Bruce Goldson responded that he could not address the zero lot line as the owner is not present this evening. The builder suggested that a house with a daylight basement and a sizeable front yard be designed as there would be no room for a backyard. Since the builder has received approval for a reduced set back from the street, the fill could be scaled back some.

Lydia Neill requested Jay Toll to respond to these concerns.

Jay Toll asked for the scales on the profile.

Bruce Goldson responded there are 20 horizontal and 4 vertical.

Jay Toll stated that he wanted to address the storm drainage plan for the two-year post-developed storage to decrease the erosion of the stream beds. Under the current design for the ten year and twenty-year design for storm drain storage the water is shooting on through and impacting the creeks.

Chairman Bean stated that the city has an adopted ten year and twenty year storm drain plan and there is no mention of a two-year plan.

Jay Toll responded that there is no two-year plan.

Lydia Neill explained that this is a special planned development due to the site with the slopes adjacent to the Newell Creek Drainage Basin. This would set a precedent that the Planning Commission should be able to enforce some other standards that exceed the adopted storm drainage plan.

Tamara DeRidder added that she agreed with this statement, but wanted to point out that the applicant, during his testimony, included that he was limited to not imposing a storm drain water storage facility unless there was 5 acres or more. This would not eliminate the developer from placing a storm water storage facility.

Jay Toll stated that he wished to clarify the reason for asking for a two-year storm drainage storage as the two-year storm occurs more frequently than a ten-year storm.

Chairman Bean expressed a concern when the public starts input and asked questions why two years is better than one year or the magic of the difference between five years versus ten years. He added that there are rules in establishing ten years and twenty years, but not on two years.

Speaking: Terry Powers, 716 Magnolia Street, Oregon City, OR 97045, representing self.

Terry Powers stated that the sanitary sewer lines have been placed on Cascade Street and requested that this would not preclude future access to Magnolia Street. There have been other developments near Magnolia Street that have had sanitary sewer lines built, but never extended to Magnolia Street. She added that there are several residents that still are not hooked up to the public sanitary sewer. She added that she felt this development should not be responsible for the running that sanitary sewer line but develop it so that future hook ups would be available to those residents. The storm drainage plan is critical as the soil in this area is clay like soil and very wet conditions. Artesian springs exist on and around this property adding the importance of a good storm drainage plan. She added that she currently has a sump pump in the basement of her home to handle the water drainage. Since then trees have been removed and fill has been added that now places these lots higher than her land. She does have concerns as to what type of impact that is going to have on her property. She added that there was some discussion as to the traffic pattern earlier. It was formerly believed that since Magnolia Street was a dead-end and there were steep slopes there no further development would take place. Since then there has been a 146 apartment building developed on that property with one way out. The second development consists of 76 units that are on that street. There are no sidewalks, but the Planning Commission put as one of their conditions that sidewalks were to be constructed. Because of the development being built right up to the street, there is no parking available on the lots. The residents have to park on the street, causing a site deficient for vehicular travel. She asked for the Commission to consider four way stops at the intersections of Warren Street and Mt Hood Street where the traffic of these 16 homes will be exiting. If Cascade Street is improved, a three or four way stop would be appropriate at the intersection of Cascade and Magnolia

Streets. She requested that the Planning Commission approach this development as not only 5 lots that are being addressed this evening, but 16 lots that will be built once it is developed. This will have a much higher impact as whole on the traffic issue.

Speaker: **Diane Elrod**, 605 Mt. Hood Ave, Oregon City, OR 97045, representing self.

Diane Elrod stated that she resides just a few feet away from Mt. Hood Avenue and Warren Street. She was concerned for additional impact of the apartment traffic if the streets Cascade, Warren and Magnolia were connected. She asked if there has been a traffic study for this area with the additional homes to be built. If not, she requested that one be done and the city address how the additional traffic flow be handled. She explained that there is already a great deal of on street parking by the residents on Mt. Hood Avenue now.

Speaker: **Karen Mullens**, 602 Mt. Hood Avenue, Oregon City, OR 97045, representing neighborhood.

Karen Mullens expressed concern about the traffic that is currently occurring on Mt. Hood Avenue that is partially impacted by the people residing in the apartments. She stated that she had a furnace fire at her home and needed three emergency vehicles and there was quite a mess at the corner with the emergency vehicles entering and exiting the street. She added that those living on the north side of Mt Hood Avenue have no driveways so they park on the street. Those living on the south side of Mt. Hood Avenue do have driveways. There are no parking signs posted on the south side of Mt Hood Avenue, but people still park on that side of the street. There are a number of small children that live and play on that street. This current traffic problem does pose a danger to these children.

REBUTTAL

Ken Sandblast stated that he would address the testimony in the order that it was given. Jay Toll and Lydia Neill addressed the profile and the grade. There is a 22 percent grade and Bruce Goldson did address some of the constraints that are necessary to deal with that. He added that there is limited access as there are a number of apartments there. The applicant moved forward and developed this street as a hammerhead turn around with the approval of the city and fire department. There may be some better alternatives then to just relieve the access of one tax lot at this point. The applicant will go by the ten-year storm drain plan that is shown as the city's requirements. If the two-year standard is in existence we will comply with it, but at this time we are currently complying with the standard of ten years. He addressed Terry Powers concerns and stated that she would not receive a copy of the preliminary plat with the public hearing notice. That the information is made available for review prior to the hearing by city hall. He added that the request for a stop sign at Warren Street and Mt. Hood Avenue could be installed, but was told that there would be an enforcement problem. He stated that there will be a total of 14 lots once it is developed not the total of 16 as given by testimony. The wetlands issue has been addressed in the applicant's proposal, stating that the development is 100 feet from the line of the wetland as required. He requested that the Planning Commission address the Magnolia Street extension improvement issue through a

waiver of non-remonstrance. The traffic impact on the neighborhood has been addressed by the staff report on page 7, item no. 3, does not address a traffic problem at this site. The applicant is preserving the trees as best as possible.

Bruce Goldson responded that a storm drain detention pond is not a necessary requirement for five houses. He stated that he did not agree with Jay Toll's analysis regarding the ten-year event. Storm water will be collected typically in all events if the orifices are sized for a ten-year event meaning that the lesser storms have less pressure flowing out at a lesser rate.

Lydia Neill - requested that Planning Commission take the comments that were raised by the public works staff and engineer and use those as conditions. She added that there needs to be more on the geotechnical information and more information on the fills that have been already placed there. There needs to be more erosion control on that site.

Commissioner Mattsson stated that additional conditions should be placed. The development as presented this evening does not have enough conditions necessary to remedy the problems that have been addressed this evening. The impact of the fill and the effect the fill has on the trees has not been addressed. He added that he had some real concern about the driveway accesses that are currently proposed. The hammer head turn around was a solution for Warren Street, but not for the access of the driveways to the five lots in the subdivision. Magnolia Street could be extended, but not all the way through, would be appropriate as it would give more access off of Magnolia and provide stacking areas for emergency vehicles. He added that some form of storm drainage detention is appropriate.

Commissioner Rutherford stated that he agreed with Commissioner Mattsson. He added that he has a concern with the extension of Cascade Street to Magnolia Street and the implications it may create for Warren Street and other streets in the area. The conditions of approval presented by staff may need to be reworked.

Commissioner Johnson questioned that anything short of connecting Cascade Street to Magnolia would violate the TSP rules. If more off-street parking could be provided that would relieve the parking in that area. She added if Cascade Street would be extended west, four parking spaces could be placed at the end of Cascade Street.

Commissioner Nelson expressed a concern that one of the representatives stated that the connection from Cascade Street to Magnolia Street could not be built. She stated that she did review the site before the hearing and it was apparent that emergency vehicles could have a problem in maneuvering on that street. She added that she attempted to turn left off of Mt Hood Street onto Mollala Avenue and saw that there could have been a couple of accidents, which does raise the concerns the residents have brought forward. She questioned the applicant's desire to preserve the trees when the fill dirt is already up against the trees.

Commissioner Shirley stated that he was not impressed with the hammer head turn around on Cascade Street. This street needs to extend through. The lot access of lots 4 and 5 is not sufficient. He added that he was not impressed with the applicant's design and would like to see something a

little more creative.

Chairman Bean stated that an improvement to Magnolia Street is appropriate, at least part way. He added that he preferred the access off of Magnolia Street than the one that is shown on the proposed plan. This would provide access to lot 5 off of Magnolia Street. He added that he was still unsure of the plan for sidewalks in this development.

Bob Cullison stated that there will be narrow sidewalks due to the lack of sufficient right-of-way. They will not be five feet wide. This is in connection with the Forest Heights development and Magnolia Street sidewalks.

Chairman Bean stated that it is apparent that if the applicant had not placed the fill in this area, there would not be a 22 percent grade off of Cascade Street. He expressed his concern about the storm drainage detention on the site located at the slope of the land. He added that the challenge would be to eventually get the water to the natural corridor for the run off without creating erosion in the process. He stated that the Planning Commission is always trying to save trees. He added that when the building contractor gets on the premises, it becomes harder to enforce. He suggested that the staff would look at having a 35 foot conservation easement across the back of the lots to preserve the trees.

Lydia Neill responded that one of the conditions she had proposed was for them to submit a revised tree plan and a final grading plan to determine how the fill will impact the trees. In addition a request will be to fence off the area and impose a deed restriction that would prevent the cutting down of those trees except for a hazardous situation and that the trees will remain. She added that there has already been an extensive amount of fill placed in that area and the trees have been removed. She further added that Magnolia Street could be done by a waiver of non-remonstrance, but most unlikely, because it is only one or two lots impacted. The extension of Cascade Street to Magnolia Street was supported by staff, even though it does not meet the city's standards, was only for the emergency access and connectivity. A condition exists here that there is only one way in or out.

MOTION

Commissioner Mattsson moved to continue PD97-02 hearing on January 27, 1998, for a revision of the PUD application per the general discussion and comments brought forth tonight as follows: change lot one to include lot A and include a conservation easement to preserve the existing trees; minimize the fill on the property site; applicant to propose designs to fit the slope of the property; generate pedestrian and traffic patterns within limits on Cascade Street plus construct a pedestrian/bike access; bring forth a geo tech information on the lot pads; and produce a plan for realistic off street parking. **Commissioner Shirley** seconded the motion.

ROLL: Commissioner Rutherford, Aye; Commissioner Nelson, Aye; Commissioner Johnson, Aye; Chairman Bean, Aye; Commissioner Shirley, Aye; Commissioner Mattsson, Aye.

Motion carried 6 - 0

File No. TP97-09 - William Even - Pavlinac Farms - Preliminary Plat Approval for a 34 Lot Subdivision -19629 Meyers Road - 32E 08, Tax Lots 600 & 701, Clackamas County.

Lydia Neill reported that the applicant has asked that this be continued because of the major revisions requested by staff. She recommended that this hearing be set over to the February 24, 1998 Planning Commission meeting.

MOTION

Commissioner Mattsson motioned to continue the hearing for TP97-09 application until the February 27, 1998 Planning Commission meeting. **Commissioner Rutherford** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Nelson, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **Motion carried 6 - 0.**

File No. ZC97-08 - City of Oregon City - Revise language in the comprehensive Plan to reflect the new Planned Unit Development Ordinance.

Tamara DeRidder explained that it would clear up language that was not covered when the Planned Unit Development code was changed. Density bonuses would be considered if there were certain attributes presented by the applicant. The comprehensive plan states that limits the development of 100 percent. This proposes to delete this language in the comprehensive plan.

MOTION

Commissioner Mattsson motioned to recommend approval of the proposed change to the City Commission of File ZC97-08 amending Housing Element Policy. Motion seconded by **Commissioner Johnson**.

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Nelson, Nay; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **Motion carried 5 - 1.**

Unfinished Business

A. Water Master Plan - Lydia Neill explained that the city has not adopted a water master plan that was written in 1995. The city's system development charges and other systems charges

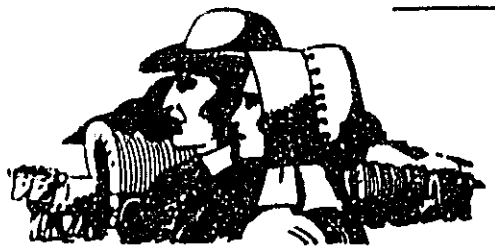
are based on the 1995 plan. The whole study needs to be revised as the dollar figures attached to the plan are now out of date. The Planning Commission will have to look at adopting a new study and take into consideration tier 2 and tier 3. The new study will take a new focus.

The Commissioners agreed to move the Water Master Plan and Regional Center Framework Plan for consideration to February 8, 1998, work session meeting.

B. Election of Officers - Commissioner nominated Chairman Bean as Chair and Commissioner Mattsson as Vice-Chair.

EXHIBIT
3

CITY OF OREGON CITY
PLANNING COMMISSION



Staff Report
February 12, 1998

FILE NO.: PZ97-06, Water Master Plan Adoption and Amendment to Title 13

HEARING DATE: Thursday, February 12, 1998
7:00 p.m., City Commission Chambers
320 Warner- Milne Road
Oregon City, Oregon 97045

APPLICANT: City of Oregon City

REQUEST: Amend the Facilities Plan of the Comprehensive Plan by adding the "1995 Water Master Plan" and amending Title 13 to include control of cross connections and backflow prevention requirements.

LOCATION: Lands located with the City of Oregon City and the Urban Growth Boundary.

REVIEWER: Lydia Neill, Senior Planner

EXHIBITS: 1. Ordinance

CRITERIA:

Municipal Code
Chapter 13.040 Water Service Requirements

Comprehensive Plan
Chapter B Citizen Participation
Chapter O Plan Maintenance and Update

Supportive Documents to the Comprehensive Plan
Public Facilities Plan
Section C Public Facility Planning in Oregon City
Section E City Facilities
Public Facilities Goals and Policies

EXECUTIVE SUMMARY:

On January 8, 1998 and January 28, 1998 the City conducted workshops with the Planning Commission and City Council on the adoption of the 1995 Water Master Plan and the addition of cross connection and backflow prevention standards to Title 13 the Comprehensive Plan and the Oregon Muncipal Code. Staff has been directed by both Commissions to proceed with public hearings and adoption of these changes.

BASIC FACTS:

1. The City has included cross-connection and backflow prevention language to prevent contamination of the potable water supply. These standards are essential to health, safety and welfare of the citizens of Oregon City.

2. Process History: The Planning Commission conducted a public work shop on January 8, 1998. The City Commission held a workshop on January 28, 1998 to discuss the Water Master Plan and Title 13 amendments. Two public hearings are scheduled to adopt the 1995 Water Master Plan as an amendment to the City's Comprehensive Plan, Public Facilities Plan and Title 13 amendments. The Planning Commission public hearing is scheduled for February 12, 1998, and the City Commission will conduct a public hearing on February 18, 1998.

3. The City of Oregon City proposes to amend the Public Facilities Plan that was adopted through Ordinance 90-1059 on November 7, 1990. The ordinance states that the Public Facilities Plan is "adopted as the governing document for the facilities portion of the City Comprehensive Plan of 1982 as amended..." The Public Facilities Plan is to be amended to refer to the "1995 Water Master Plan" prepared by Lee Engineering, June 5, 1995.

4. Title 13 is proposed to be amended to include definitions in 13.04.000, control of cross connections in 13.04.320 and back flow prevention device requirements in 13.04.330.

FINDINGS OF FACT:

1. Amendments to the Public Facilities Plan, of the Comprehensive Plan and adopting the 1995 Water Master Plan provides documentation necessary for enforcement of the City's recently adopted System Development Charges pertaining to water.

2. A more up to date Water Master Plan will assist in capital improvement planning and prioritization of necessary water system improvements on a city wide basis.

2. ***The Oregon City Municiple Code section 17.68.020 states, "A. The proposal shall be consistent with the goals and policies of the comprehensive plan."***

   - *State Planning Goal 1- Citizen Involvement*

     Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

     4. Encourage citizen participation in all functions of government and land use planning

The application is legislative in nature which does not require a notice to property owners. Nonetheless, the City of Oregon City has followed its adopted notice procedures in the Municipal Code for advertisement of this public hearing and notice has been provided to state agencies of the pending adoption. Neighborhood Associations have been notified of this adoption schedule. The City has conducted a workshop, scheduled a public hearing before the Planning Commission (February 12, 1998) and a final public hearing before the City Commission on February 18, 1998.

The City has encouraged citizen participation through advertisement and the public hearing process. By following the standard hearing procedure, the requirements for this goal and comprehensive plan policies have been met.

- *State Planning Goal 2 - Land Use Planning*

  The amendment to the Public Facilities Plan promotes a solid foundation for water system planning, improvement and accommodation of future growth. The study identifies problem areas and general system improvements which are further defined and identified in the City's capital improvement plan. Amendments to Title 13 will insure the City's potable water supply will remain pure by providing standards for cross-connection and backflow prevention. Therefore, the application satisfies Goal 2.

  This request satisfies Goal 2 because the amendments identify system problems and provide strategies for implementation of improvements.

- *State Planning Goal 3 - Agricultural Resources and Goal 4 - Forest Resources*
  These goals do not apply.

- *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources*
  These goals do not apply.

- *State Planning Goal 6 - Air, Water and Land Resource*

  The establishment of cross-connection and backflow prevention standards insure that Oregon City's water supply remains pure.

  No air or water resources, as defined by the goal are affected by this proposal.

- *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
  These goals do not apply.

- *State Planning Goal 8 - Recreational Needs.*
  This goal is not applicable

- *State Planning Goal 9 - Economy of the State.*
  This goal is not applicable.

- *State Planning Goal 10 - Housing.*
  This goal is not applicable.

- *State Planning Goal 11 - Public Facilities and Services.*

  Comprehensive Plan Chapter I - Community Facilities, Policies state:

  1. *Through management of the South Fork Water Board, the City will help ensure that an adequate water supply system is maintained.*

  2. *The City will coordinate with Clackamas County and Clairmont Water District to provide an efficient and orderly water system in the Urban Growth Area.*

***Public Facilities Plan**: Policies*

8. The City of Oregon City encourages planning and management efforts by special agencies and districts, State agencies and other local governments that provide the following public and community facilities and services within the UGB.

g. Water treatment, supply and distribution.

10. The City's water, sanitary sewer, storm sewer, and transportation Master Plans shall serve as the basis for providing water, sanitary, storm sewer and transportation improvements within the Urban Growth Boundary.

35. The City's Water Master Plan shall be implemented and periodically updated to ensure adequate water services to Oregon City residents and businesses.

36. The City shall coordinate with South Fork Water Board and other entities to ensure maintenance of an adequate water supply system for the City.

37. The City shall coordinate with the South Fork Water Board and other entities on the siting and maintenance of water treatment and transmission facilities.

41. The City shall periodically analyze its fire flow needs and upgrade its fire flow capabilities where necessary.

42. The City shall update existing water lines which are failing or beyond their useful life.

43. The City shall correct existing water system deficiencies as identified int he Water Master Plan.

44 The City shall improve the water circulation system and provide network looping as identified in the City's Water Master Plan

45. The City shall, to the extent practical, eliminate or reduce the amount of unmetered and "unaccounted for" water int he City's Water System.

Therefore, adoption of the 1995 Water Master Plan and amendments to Title 13 satisfies State Planning Goal 11 and Comprehensive Plan Policies for Chapter I - Community Facilities because the plan identifies specific projects that will enhance the existing water system and provide for projected growth in the Urban Growth Boundary.

- *State Planning Goal 12 - Transportation-*
  These goals do not apply.

- *State Planning Goal 13 - Energy Conservation*
  These goals do not apply.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy:***
   This criterion does not apply.

3. ***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.***
   No land uses are being authorized by this proposal therefore this criterion does not apply.

4. ***The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.***

   The Comprehensive Plan contains policies pertaining to Water Facilities therefore it is not necessary to address Statewide Planning Goals.

CONCLUSION:
The amendments to the Comprehensive Plan, Public Facilities Plan and Title 13 meet the goals outlined in the Comprehensive Plan and the Statewide Planning Goals for the efficient provision of public facilities. The implementation of the 1995 Water Master Plan and the supporting amendments to Title 13 will promote public health, safety and welfare of the citizens of Oregon City by maintaining and improving the existing and future water system and protecting the City's supply from contamination.

RECOMMENDATION:
Staff recommends approval of the request, PZ97-09 with the supporting findings and exhibits

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED
February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Subdivision Compliance Agreement
TP96-07, Hazel Meadows

Report No. 98-12

On the February 18, 1998 Commission agenda is a Subdivision Compliance Agreement for the Hazel Meadows subdivision. The agreement provides for surety to complete public improvements. The agreement is attached for Commission review.

It is recommended the City Commission adopt a motion accepting the Subdivision Compliance Agreement for Hazel Meadows, TP 96-07, and authorize the Mayor and City Recorder to execute respectively.

CHARLES LEESON
City Manager

cc: Rich Carson, Community Development Director
Bob Cullison, Engineering Manager
Tamara DeRidder, Planning Manager
Darrel Wallace, Developer

CITY OF OREGON CITY

SUBDIVISION COMPLIANCE AGREEMENT

THIS AGREEMENT, made and entered into this 22 day of January, 1998, by and between the City of Oregon City, a Municipal Corporation of the State of Oregon, hereinafter called the "CITY" and Norton Wallace, LLC, hereinafter called the "SUBDIVIDER".

WITNESSETH

WHEREAS, the SUBDIVIDER was given approval of the preliminary plat of Hazel Meadows Subdivision, hereinafter called "SUBDIVISION" by the City Planning Commission on October 28, 1996, and

WHEREAS, the SUBDIVIDER was given approval of the construction plans for said SUBDIVISION by the City Engineering staff on July 28, 1997, and

WHEREAS, SUBDIVIDER has submitted to the CITY for approval the final plat of said SUBDIVISION located in the City of Oregon City, Clackamas County, Oregon, and

WHEREAS, SUBDIVIDER has not met all the construction requirements set forth in the City Code for the approval of final plats of Subdivisions; and the conditions of approval for this subdivision;

NOW, THEREFORE, the City of Oregon City, Oregon hereby grants approval to the final plat of said Subdivision subject to, and in consideration of the stipulations and agreements to be kept by the SUBDIVIDER as follows:

I

THAT SUBDIVIDER complete required public improvements, asphalt, and street trees, on or before the 28th day of February, 1998, in accordance with the specifications and standards set forth in the City Code of the City of Oregon City, Oregon, and be in accord with the specifications, general standards, and specific conditions or standards for the subdivision on file with the City of Oregon City, Oregon. The second lift of asphalt shall be placed after ninety percent (90%) of the houses are constructed or no later than one year from the project completion certification date. Street trees shall be planted prior to second lift.

II

THAT the SUBDIVIDER shall arrange a construction loan set-aside in the amount of thirty three thousand two hundred four dollars and eleven cents ($33,204.11): Twenty seven thousand three hundred fifty four dollars and eleven cents ($27,354.11) is to secure placement of the second lift of asphalt and five thousand eight hundred fifty dollars ($5,850.00) is to secure planting of street trees as described in Schedules B and C of Exhibit 1.

III

THAT should the SUBDIVIDER fail to complete said improvements within such period of time, the City may complete the same and recover the full cost and expenses of funding the improvements; if the funds are insufficient, then said deficiency may be recovered directly from the SUBDIVIDER. If the CITY determines an extension of time is needed to complete the subdivision improvements, and extension may be granted by the City Commission for a period not to exceed six (6) months. Extensions shall be applied for by the SUBDIVIDER at least 30 days before the end of the time period required for completion on construction. At the expiration of such period for compliance, CITY will use as much of the security to construct the improvements as may be necessary.

IV

THAT as an additional condition to the acceptance and approval by the CITY of the installation of all required public improvements within said Subdivision, SUBDIVIDER shall post with the CITY a maintenance bond, a Maintenance Guarantee Letter of Commitment, or other adequate equivalent security as determined by CITY in a face amount of fifteen percent (15%) of the total cost of the installation of required public improvements to guarantee said public improvements against defects in design, construction, workmanship, or material for a period not exceeding a term of two years from the date of their acceptance or until such earlier time as ninety percent (90%) of the lots within the subdivision have been developed; provided, however, notwithstanding the above conditions, the maintenance period shall be not less than one (1) year. The Maintenance Bond shall be provided by a surety licensed to do business as a surety in the State of Oregon, and the Maintenance Guarantee/Letter of Commitment shall be provided by a Lending Institution licensed to do business as a lending institution in the State of Oregon. Any other adequate equivalent security shall be approved by the City Attorney of Oregon City, Oregon. Additionally, the SUBDIVIDER shall submit in a timely manner, but not more than six (6) months from the date of acceptance of the improvements by the CITY, reproducible "As-Builts" (or as-constructed) drawings of the completed public improvements to the CITY.

V

The SUBDIVIDER agrees to provide for the restoration of any monument erected or used for the purpose of designating a survey marker or boundary of any town, tract, plat or parcel of land which monument is broken down, damaged, obliterated, removed or destroyed, whether willfully or not, by the SUBDIVIDER, or agents, employees or contractors of the SUBDIVIDER.

VI

CITY shall install street identification and traffic control signs within said subdivision in consideration of payment by SUBDIVIDER to the CITY for the cost of said signs.

VII

In the event that the CITY must enforce this agreement, the SUBDIVIDER shall pay the CITY for attorney's fees, costs and expenses necessary to enforce this agreement with respect to trial, arbitration or appeal.

IN WITNESS THEREOF, the said CITY has caused this agreement to be signed by the Mayor for the City of Oregon City, Oregon, and the SUBDIVIDER has caused this agreement to be signed and sealed the date and year first written above.

CITY OF OREGON CITY

_____

Mayor

ATTEST:

_____

City Recorder

NORTON WALLACE, LLC

Darrel F. Wallace Chairman

Norton Wallace, LLC

Darrel F. Wallace

Darrel Wallace

_____

Darrel Wallace
Name

Chairman

Title

Personal Acknowledgment
STATE OF OREGON)
)
County of Clackamas

Personally appeared the above named DARREL L. Wallace and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Linda Rahberger
NOTARY PUBLIC FOR OREGON

My commission Expires: 11-19-99

(OFFICIAL SEAL)

OFFICIAL SEAL
LINDA RAHBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 049084
MY COMMISSION EXPIRES NOV 19, 1999

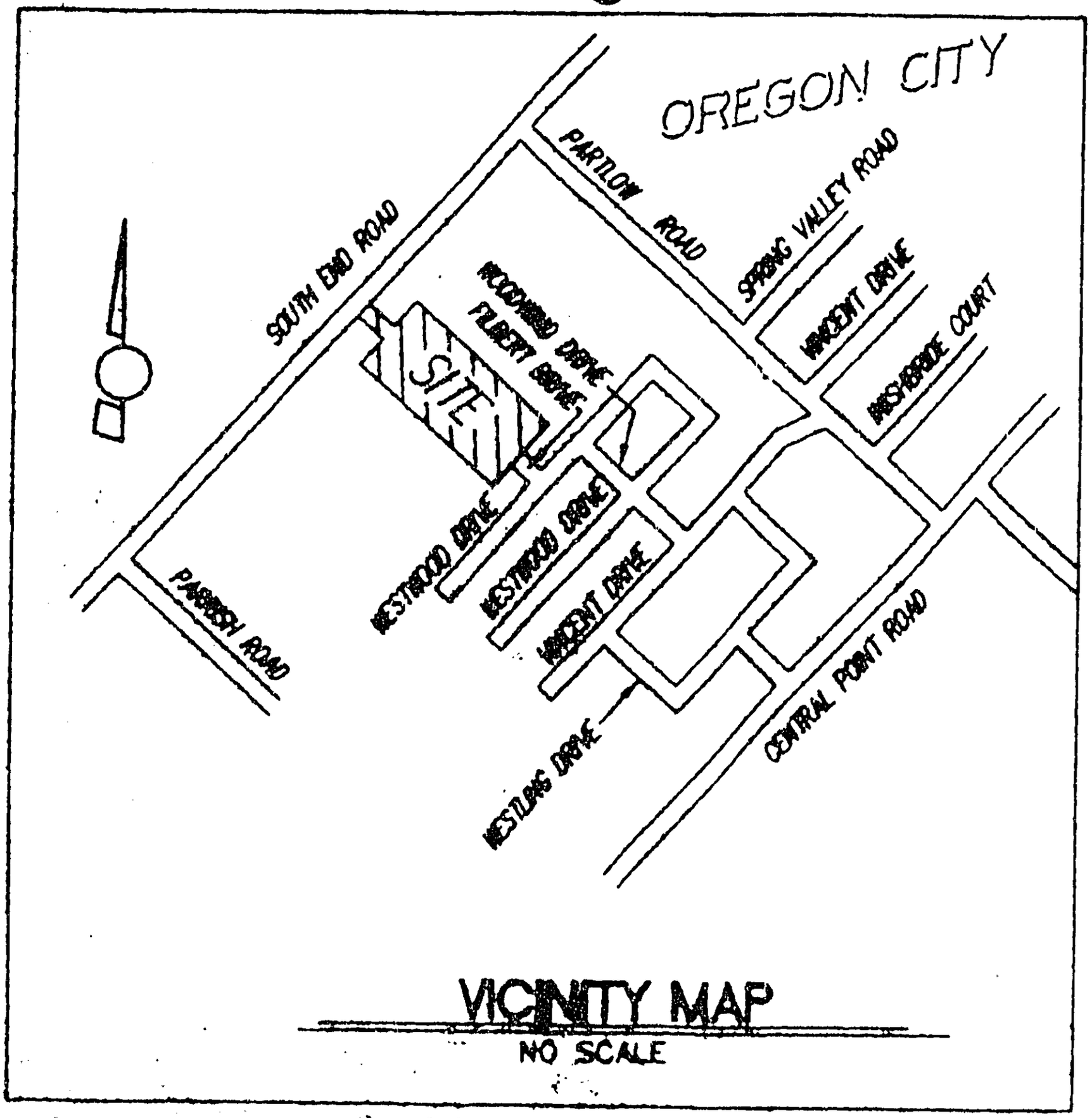
Corporate Acknowledgment
STATE OF OREGON)
)
County of Clackamas)

Personally appeared DARREL L WALLACE and _____ who being duly sworn, each for himself and not one for the other did say that the former is the Chairman ~~President~~ and that the latter is the _____ secretary of _____ corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Linda Rahberger
NOTARY PUBLIC FOR OREGON

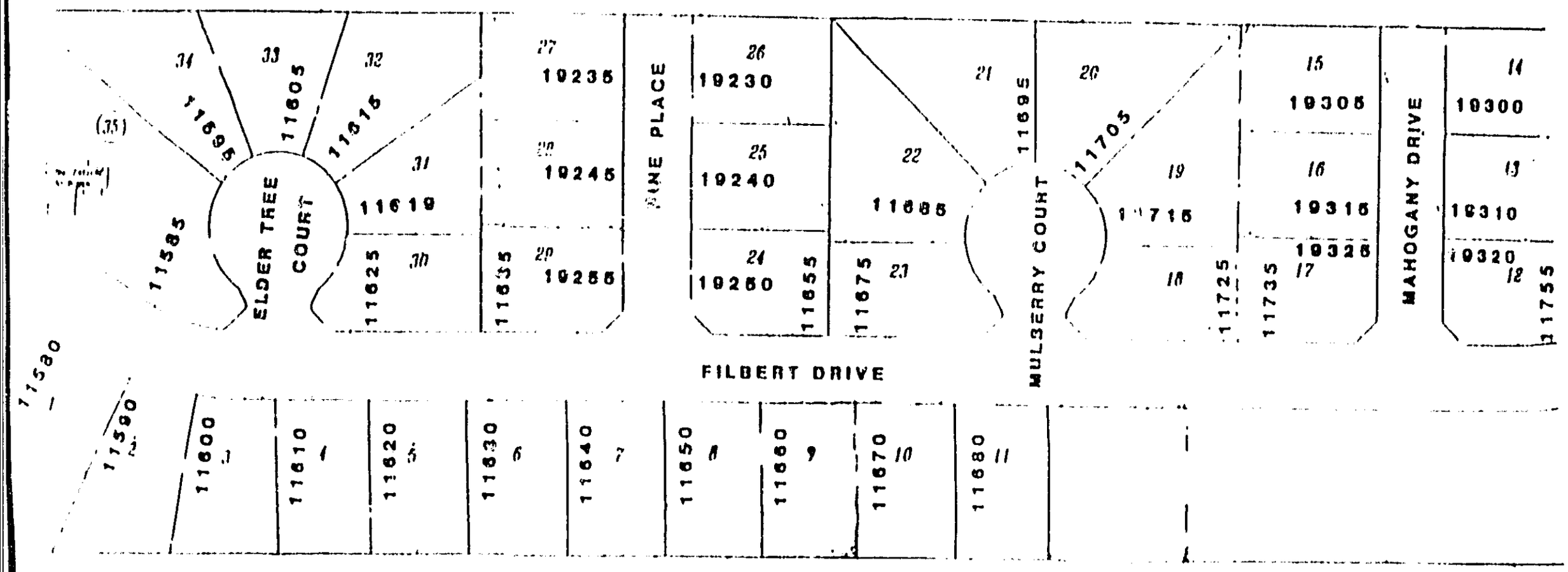
My Commission Expires: 11-19-99

OFFICIAL SEAL
LINDA RAHBERGER
NOTARY PUBLIC - OREGON
COMMISSION NO. 049084
MY COMMISSION EXPIRES NOV 19, 1999



VICINITY MAP

NO SCALE



This map is
PRELIMINARY ONLY
Information may be
subject to change

TP96-07 HAZEL MEADOWS

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject:

Report No. 98-13

Final Plan and Program Approval (PD97-06) for a 57 Lot Single Family Residential Planned Development. Recommended By the Planning Commission for Approval.

where ??

PUBLIC HEARING

The 15.63 acre site is located off of Molalla Road, approximately 180 feet south of the intersection of Lazy Creek Lane and the 213 Highway intersection. The site is particularly difficult to develop due to the short distance between the current intersection and OR213 and the location of a wetland on the property. The applicant is proposing to re-align Molalla Road to eliminate a queing/stacking problem at the OR213 intersection and provide right of way for a future intersection re-alignment which will occur at Lazy Creek Lane. The current alignment of S. Molalla Road will be vacated and removed. A traffic study by Kittleson and Associates has demonstrated that this re-alignment is the best solution currently available. The City's consulting traffic engineer, Manish Babla concurs with the applicant's engineer that the proposed intersection re-alignment is the best available improvement at this time.

The site is bi-sected by a wetland resource which the applicant is proposing to leave largely intact. The streets serving the subdivision will cross the wetland in one location (shortest distance over the wetland) and a mitigation area will be established to compensate for the lost area. A 25 foot buffer area is proposed to surround both the wetland and mitigation area to protect it from neighboring residential uses. With the preservation and the proposed mitigation areas the 15% requirement for open space in a planned development has been met. In addition, the applicant proposes to remove non-native invasive species within the wetland and plant the buffer and mitigation areas with native species.

The Planning Commission held a public hearing on January 27, 1998 on the matter of Final Plan and Program approval for a 57 lot subdivision. The applicant had received Tentative Approval from the Planning Commission on April 27, 1997 with conditions.

The attached Planning Commission Final Order and Findings demonstrate that the applicant's proposal, with conditions satisfies the applicable standards and warrants approval.

It was recommended on January 27, 1998 by the Planning Commission, that the Final Plan and Program be approved.

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

February 18, 1998

Subject:

Report No. 98-13

Final Plan and Program Approval Request (PD97-06) for a 57 Lot Single Family Residential Planned Development Recommended By the Planning Commission for Approval.

PUBLIC HEARING

Attached for Commission review and consideration are the following documents:

1. Findings and Conclusions of the Planning Commission, staff report dated January 27, 1998;
2. Draft Planning Commission minutes from January 27, 1998;
3. Applicants submittal;
4. Map.

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application. Notice of proposed Ordinance No. 98-1002 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- Renaissance Homes West Linn, Or 97035

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ISSUED BY THE CITY MANAGER

EXHIBIT
1

Proceedings of the

PLANNING COMMISSION

FINAL ORDER

In the matter of the application for Final Development Plan and Program approval (PD97-06) for a 57 lot single family residential planned unit development on 15.63 acres of property presently zoned R-8, generally located on the west side of Molalla Avenue, across from the Clackamas Community College entrance, and approximately 180 feet south of the intersection of Lazy Creek Lane (identified as Tax lots 100, 101, 200 and 201, Map 3-2E-8D, Clackamas County).

FOR THE FOLLOWING LAND USE ACTION OR PERMIT: Final Plan and Program approval for a planned development.

A hearing having been held on the 27th day of January 1998, it is hereby ordered that:

( ) Application is allowed.

(XX) Application is allowed with the following modifications and/or conditions: Conditions are attached as Exhibit "A".

( ) Application is denied.

This Order is based upon findings developed under seperate cover from the Staff Report dated February 2, 1998, incorporated herein as if fully set forth herein and attached as Exhibit "B", and including map Exhibit "C".

DATED, (February 2, 1998).

James H. Bean

James Bean, Chairperson

CONDITIONS AND DECISION:

The proposal for Final Development Plan and Program approval for the subject "Lands End" project for a 17.18 acre parcel contains many of the elements that are desirable and required for planned developments subject to the WR overlay district. It is found that with the proper conditions, the proposed planned development can receive final approval.

It is therefore recommended that the Planning Commission recommend final approval to the City Commission, and the reduction of the WR Transition area (buffer) to 25 feet, as proposed in all instances except for the portions of the buffer fronting on Lots 32, 29 and granting the reduced yard setbacks and lot depth requirements for certain lots. Based on findings and exhibits contained in this report and subject to the following conditions for filing of a Final Development Plan and Program.

1. Include a materials list which specifies installing a vinyl chain link fence around the mitigation area (green or black). Non-native species shall be removed from the wetland and buffer areas.

2. Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

3. Install silt fencing 25 feet from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has a pour chance of rooting.

4. Per DSL/ACOE permit, install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

5. Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

6. Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area, buffer areas and detention facility and compliance with DSL inspections and monitoring thereafter.

7. The plan shall specify how the detention pond shall be re-vegetated and any open areas seeded or covered. The applicant shall also provide an erosion control plan that specifies that silt fencing shall be installed at a minimum of 25 feet from the top of bank of the wetland feature or the edge of the buffer, whichever is greater prior to disturbance of any soil on site.

8. Submit a letter stating that you are requesting that the City vacate the portion of Molalla Avenue not needed due to the construction of the realigned street. A stub street (right of way only - no improvement) shall be extended to the north for future connection to Lazy Creek Lane. The stub (running N/S) which will become a frontage road, shall intersect the north property line approximately 130 feet east of the eastern property line as approved by the City Engineer.

9. Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes. All manholes located outside of the public right of way must be a maximum of 400 feet apart and be installed with locking or bolted lids.

10. The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.

11. Access is to be provided to all manholes and access protected through an easement. Engineering Manager to determine if adequate access has been provided.

12. Install stop signs at all intersections, except the short stub street to the north. Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.

13. Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage. When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

14. Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.

15. A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived by the City Engineer once utility locations have been identified. Show all existing easements on the Final Plat.

16. The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet. The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 or meet the satisfaction of the Engineering Manager.

17. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at third party property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

18. After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the

remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

19. Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (as shown).

20. All public improvements shall be designed and improved to City Standards.

21. Building Sites -

A) The general building site criteria has been met. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat. Therefore, with conditions the application meets the criteria of Sections 16.20.200 - 16.20.230 - Building Sites.

B) The future dwellings shall also be oriented to optimize solar access and balance point standards.

C) Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcel's frontage is less than a three percent slope. No off-site lot ponding is to result from the new grading.

D) Trees that are 6 inches in caliper shall be preserved wherever possible outside the building envelope. If trees are to be removed within the setback areas, then the property owner shall contact the Planning Manager prior to the removal of the tree(s) and replacement of the tree(s) shall meet the standards of this section.

22. Easements - A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Locate the existing sewer lateral and secure easements if it is to cross any other lots. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.

23. Frontage/ corner yards width - The minimum standard for lots within subdivisions of 20 feet has been met except reductions granted for Lots 33,35,36 and 38 to 15 feet.

24. Access way Requirements - does not apply.

25. Width/Depth Requirements - The standard is met except as granted for Lots 42 and 6. Therefore, the proposal complies with Section 16.28.080.

26. Minimum Improvement Requirements -

A) Streets - All streets within the subdivision must be improved to City

standards. Install stop signs at all street intersections, place street trees outside of all vision clearance areas, signs and street lights. Install manholes at 400 foot intervals. Access to all manholes must be paved and protected through an easement. In addition, the frontage of Molalla Avenue adjacent to Tract "C" and "D" and Lots 57, 58, 11, 15, 16 and 17 must be fully improved with curb gutter, sidewalks and street trees. The eastern frontage must transition from Lot 58 to the existing curb, gutter and sidewalk (match). The vacated roadway must be removed by the applicant and replaced with curb, gutter and sidewalk.

B) Drainage - A water quality treatment manhole is required to treat all storm water discharging to the wetland. The storm drainage system for the site shall not have any downstream effects on neighboring properties.

C) Sanitary Sewer - install to edge of all right of way and provide for all lots.

D) Water - A looped water system must be installed.

29. Final Plat Survey Requirements -

The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:

A. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit checklist to the City with the final plat.

A. Show the City Planning File Number on the final plat, preferably just below the title block.

B. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.

C. Use recorded City control surveys for street centerline control, if applicable.

D. The following note shall be on the final plat: "CITY RESTRICTIONS Subject to conditions of approval in the City of Oregon City Planning File No.PD97-04. These conditions are jurisdictional and are not a part of this plat."

E. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall

include provisions noted for subdivisions in City Code 16.16.050(B).

30. Applicant shall sign a Waiver of Non-Remonstrance Agreement for the installation of public infrastructure (including, but not limited to traffic lights, streets, street lights, storm drainage, water and sanitary sewer).

CITY OF OREGON CITY

COMMUNITY DEVELOPMENT

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
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Complete 1/8 /98
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Findings of the Planning Commission
January 27, 1998

FILE NO: PD97-04 Lands End

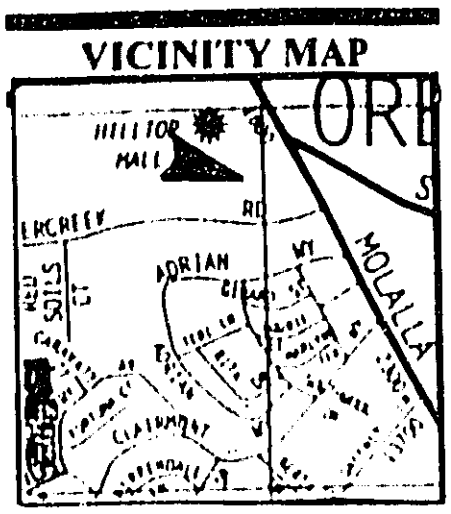
HEARING DATE: Tuesday, January 27, 1998
7:00 p.m., City Commission Chambers
320 Warner Milne Road
Oregon City, Oregon 97045

APPLICANT: Renaissance Development Corp.; Randal S. Sebastian
1672 SW Willamette Falls Drive
West Linn, Oregon 97068

PROPERTY OWNER: Merle Bailey, Trustee
MLB Trust
Earl and Carol Smithson
19531 Molalla Avenue
Oregon City, Oregon 97045

REQUEST: Final Development Plan and Program for a 57 lot Single Family Residential Planned Unit Development on 15.63 acres of property presently zoned County and R-8.

LOCATION: Generally located on the west side of S. Molalla Avenue, across from Clackamas Community College entrance, and approximately 180 feet south of the intersection of Lazy Creek (identified as Map 3-2E- 8D Tax Lots 100, 101, 200, and 201), Clackamas County.



RECOMMENDATION: Approval of the Final Plan and Program, with conditions, reduction of WR Transition Area reduction to 25 feet and granting area variances.

REVIEWER: Lydia Neill, Senior Planner
Jay Toll, Senior Engineer (Licensed Traffic Engineer)

EXHIBITS:

1. Site
2. Applicant Submittal-"Application for Planned Development Approval for the Land's end Development."
   a. Application, Site Plan and Development Impact Statement
   b. Preliminary Plat
   c. Joint Permit with the Army Corps of Engineers and the Division of State Lands (includes wetland mitigation plan)
   d. Elevations/ architectural renderings
   e. Covenants, Conditions and Restrictions
   f. Re-configuration of S. Molalla Ave.
   g. Landscape Plan
3. Agency and Neighborhood Comments
   a. Engineering
   b. Deputy Fire Chief
   c. Public Works
   d. ODOT
   e. School District #62
   f. Police Chief
4. Traffic Study prepared by Kittleson and Associates.
   a. Revised March 25, 1997
   b. Additional Information, January 8, 1998
5. Geotechnical Study prepared by Carlson Testing Inc., 11/18/97

BASIC FACTS:

1. The Planning Commission reviewed the Preliminary Development Plan and Program on April 22, 1997 and approved the plan with conditions while deferring several issues to final approval. The Planning Commission identified the following issues were to be addressed in the Final Plan and Program approval (minutes dated April 22, 1997): "1) a more specific review of the 25 foot buffer, where it is needed, justification for the reduction of the buffer and the impact to the trees; 2) more specific identification of the buildable area within the lots and the setback; 3) justification for changes to the standard setback provisions; 4) conditions to allow access to the north in the area of lots 53 and 54; 5) a larger scale map; and 6) lot specific information showing trees and building envelopes."

2. The Planning Commission recommended to the City Commission the rezoning of the subject 17.18 acre parcel of property from FU-10 and R-8. The City Commission approved the zone change request, file number PZ96-19 on May 21, 1997, rezoning the property from FU-10 to R-8.

3. This proposal was presented to the newly formed Gaffney Lane Neighborhood Association on April 2, 1997. A presentation was made to the group by the applicant and the applicant's representatives. The primary concern expressed by the neighborhood group members present at the meeting was the project-generated traffic impacting the Molalla Avenue/Highway 213 intersection. No formal motion or action was taken by association members, and the meeting presentation was considered for informational purposes only.

4. In response to traffic issues raised by staff during the previous review of the Final Plan and Program, the applicant's traffic consultant, Kittleson and Associates has prepared and submitted a traffic impact analysis dated March 25, 1997, with additional analysis performed based on the review conducted by Manish Babla, with David Evans and Associates. A revised analysis was done by Kittleson and Associates and is dated January 8, 1998 to address issues raised by staff. Manish Babla reviewed Kittleson's submittal and agrees with the recommendations and the proposed design submitted (Babla's response will be available at the hearing).

5. The Transportation Advisory Committee (TAC) conducted a workshop session on September 10, 1997 and had the following recommendations based on the original submittal:
(1) Old Molalla Road Segment should not be vacated at this time.
(2) A new road should not intersect Molalla Avenue this close to the intersection of Molalla Avenue and OR213.
(3) The future alignment of Old Molalla Avenue should be stubbed out with this design so that it will intersect with Molalla Avenue no earlier than Lazy Creek Lane.
(4) Reverse the cul-de-sac with the intersection connecting to Street "A" across from the existing proposed stub street leading to the church property.
(5) Locate the street stub into the property further to align with the school property's westerly property line.
(6) Place restrictions on development on this site to take into consideration pedestrians, bus and parent pick-up and drop-off schedules.
(7) Require a merge lane to be installed from Molalla Avenue southbound onto OR213 as approved by the City Engineer and ODOT.

6. As required by the WR Water Resources Overlay District, Chapter 17.49, a water resources report was prepared by the applicant's consultant, Fishman Environmental Services dated January, 1996. The investigation was conducted to provide evidence to justify the reduction of the 50 foot transition area to 25' and for submittal to the Army Corps of Engineer's (ACOE) and the Division of State Lands (DSL) for a fill/removal permit. The report details the portion of the wetland to be filled and subsequent mitigation of the disturbed wetland area. A permit has been issued from the Division of State Lands and Army Corps of Engineers for the proposed fill-removal and mitigation plan impacting the on-site wetland.

7. Uses on the surrounding properties are listed as follows:

East: Bordered by Molalla Road, Clackamas County Community College is located to the east and is zoned R-10.

North: Single family homes, a portion of which are located in Clackamas County, and have a FU-10 or a R-6 zoning designation.

West: Developed single family subdivision. Zoned County FU-10 and a LR (Low Density Residential).

South: Developed multi-family parcel (Pioneer Ridge Apartments), zoned RA-2. North Clackamas Christian School, zoned R-10 and a single parcel zoned LO.

8. The applicant has submitted a request for review of a Final Development Plan approval, and has submitted the following:
   a. Preliminary Plat, including a road section
   b. Traffic Study, dated March 25, 1997, additional info.- January 8, 1998
   c. Building plot plans: building foot print, buffer area, wetland
   d. Permit from DSL/ ACOE, fill-removal, wetland area
   e. Wetland report with mitigation plan, Fishman Environmental
   f. Architectural renderings, floor plans
   g. Color landscape plans- Gretchen Vadnais, Landscape Architect
   h. Conditions, Covenants and Restrictions

9. Transmittals on the proposed application was sent to the affected agencies. Staff received supportive comments from the majority of agencies and departments regarding this project and has included these recommendations as appropriate. Summarized comments are provided below from agencies and departments:

Public Works:

(1) Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes and sewer lines.
(2) All manholes must be a maximum of 400 feet apart and be installed with locking or bolted lids (only those installed outside of streets).
(3) Any outfalls to the wetlands must have a water quality manhole installed for pre-treatment purposes.
(4) The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.
(5) Tracks A and B are not to be deeded to the City.
(6) All weather access is to be provided to all manholes and access protected through an easement.
(7) Install stop signs at all intersections, except the short dead-end street to the north.
(8) Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.
(9) Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage.
(10) When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

(11) Edges of the fill abutting wetlands are to be given permanent erosion control treatments.
(12) There should be no greater than a 2 foot height differential of the finished lot grades at all adjoining property lines.
(13) New 1" water service requirements apply to all lots.
(14) All fire hydrants shall be placed on the same side of the street for water quality purposes.
(15) Install a water quality manhole with access for the public works vactor truck prior to discharge to the wetlands.
(16) The storm detention basin must have access for maintenance. Basins are to be seeded or have matting installed to prevent erosion.
(18) All streets are to use standard casting manholes, unless permitted by the Public Works Engineer.

Fire Marshall:
(1) Provide adequate building numbers easily readable from the street.
(2) Provide adequate width of fire department roadway/turnarounds (none present).
(3) Any dead-end 150 feet or longer shall be constructed with a fire department turnaround.
(4) All hydrants, roadways and street signs to be completed, installed and operational before framing begins. All roadways are to be 32 feet minimum curb to curb.
(5) Hydrants shall be painted with Rodda All Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrant.
(6) Provide adequate hydrant spacing and fire flow. All hydrants shall have a storz metal face adapter- style 537MFL and cap style SC50MF to the steamer port.

City Engineer:
(1) Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.
(2) A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived once utility locations have been identified. Show all existing easements on the Final Plat.
(3) The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet.
(4) The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 and must meet the 100 foot intersection spacing.
(5) The applicant has provided sufficient detail to demonstrate that the proposed storm sewer is adequate to accommodate this development and will be further defined through submittal of civil construction drawings. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. Applicant shall ensure the area surrounding the wetlands is elevated to allow for the greatest storage area possible without creating downstream flooding. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut

wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at adjoining property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. Open areas for mowing shall be graded with a riding lawn mower in mind. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

(6) After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

(7) Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (shown as Tract "C").

(8) All public improvements shall be designed and improved to City Standards.

Oregon Department of Transportation::

(1) No direct access to OR213 from Lots 57 or 58.

(2) Access onto Molalla Avenue should be located as far as possible from OR213.

(3) Dedicate a reserve strip along Molalla between the site access and the OR213 intersection.

(4) ODOT supports the vacation of the stub street (south of Molalla Avenue) and its proposed realignment. The proposed realignment will increase the spacing distance between this stub street and the intersection of Molalla Avenue and OR213, and better address ODOT access spacing standards.

(5) The driveway for the adjacent property to the north should be relocated onto the proposed stub street. (Not feasible at this time).

(6) The applicant should be required to widen Molalla Avenue to provide a left turn median from the site access to the highway and two southbound lanes along their frontage.

(7) ODOT recommends that the City require additional stub-outs to parcels to the north, west and south where feasible to provide for future local street connections. Future alternative access via a connection to Meyer's Road should be considered.

Police: Does not conflict with our interests.

School District: Finding of no impact.

Public Comments: Ronald Saunders, 1001 Molalla Ave. (paraphrased)

Mr. Saunders owns commercial property east of Lazy Creek Lane which is currently undeveloped. The current location of Molalla is inadequate due to the distance between OR213. The interim access provided by the developer is not adequate. Planning staff should consider how the interim access will align with my property. Since the Lazy Creek Lane alignment is likely years away, the City should consider condemnation of the necessary property (Tax Lots 2100 and 2101) to provide the proper road alignment. If the Molalla realignment is approved, a turn lane in Molalla Avenue and a south bound deceleration and acceleration lanes should be installed in such a way as to minimize traffic congestion along Molalla Avenue. It is my recommendation that Molalla Avenue be widened to four lanes between Gaffney Lane and OR213 intersection to the south.

A number of commercial projects are planned for this area. Molalla Avenue should be

improved before these developments are approved. Perhaps the City's Traffic Master Plan should be completed to determine the most appropriate safe access for this property.

Molalla and OR213 intersection is one of the most unsafe intersections in the area when the number of accidents are considered. Improvements in this area will be expensive but are not the responsibility of the residents' of Oregon City. Adjacent property owners that benefit from these improvements should bear the costs. Perhaps a local improvement district should be formed to fairly allocate the costs.

"There is talk in the development community that the City Planning Department does a poor job of planning for the city's growth. I agree with this general consensus especially considering the hodgepodge of land uses along Molalla Avenue. This is an opportunity for the City to change this perception, take a long-term view of the area, and appropriately plan the subject neighborhood for the future growth."

I. CRITERIA:

Municipal Code

Chapter 17.49	**WR Water Resources Overlay District**
Chapter 17.49.070	**Determination of Transition Area**
Chapter 17.49.080	**Standards for Development Within and Adjoining Impact Areas**
Chapter 17.64	**Planned Development**
Chapter 17.64.030	**Procedures for Application**

II. PROJECT SUMMARY:

The applicant had submitted a Final Plan and Program for Planning Commission review on August 26, 1997. The applicant was made aware of the deficiencies and failed to correct them during the review and public hearing process. The applicant's submittal was reviewed by the Planning Commission at several meetings and a recommendation of denial was made to the City Commission. The applicant withdrew the application prior to final review and action by the City Commission. The applicant has since reapplied for Final Plan and Program Review and is subject to the old Planned Development requirements because the preliminary plan approval was also granted under the old criteria. Staff has worked with the applicant to ensure that an application has been submitted which addressed all criteria and previously stated areas of concern.

III. ANALYSIS AND FINDINGS:

Section 17.64.010 sets forth the definition and purpose of Planned Developments. Section 17.64.140 sets forth the development standards for planned development. Those sections are incorporated by reference. Section 17.64.060 of the Zoning Ordinance sets forth the procedure for final action on a Planned Development and reads as follows:

"Upon receipt of the final development plan and program... the Planning Commission shall hold a public hearing on these matters in accordance with Chapter 17.50 herein. If the final development plan and program is found to be in compliance with Sections 17.164.010 and 17.64.140 if this Ordinance, it shall recommend approval , along with appropriate conditions, to the City Commission for adoption."

1. *Consistency with the planned development purpose-*
The proposal for the planned development for the Land's End subdivision is consistent with Section 17.64.010. The proposal does not exceed the allowable density under the R-8 zone (Zone Change ZC 96-19) while providing open space through preservation of the existing wetland. The existing wetland has been largely preserved as open space and includes a buffer to protect this resource and a mitigation plan to enhance the quality of this natural feature, as conditioned. The proposal is consistent with 17.64.140b because it will allow effective utilization of the existing property and will provide additional housing stock within Oregon City.

2. *Consistency of the proposed planned development with Comprehensive Plan- (Natural Resources)*The City of Oregon City Comprehensive Plan, adopted April 16, 1982 discusses the identification of natural resource areas including wetlands. The Comprehensive Plan identifies the wetland crossing on this property as site #18. The description of this resource is as follows: "The stream leaves the Lazy Creek Lane area and opens into a wetland meadow area. The entire site was inundated with water. There appears to be a high water table in this area as well. Wetland vegetation observed were ash, spirea, alder, scripus, salix, juncus, and camas lily. This wetland area is a major component of the downstream wetland adjacent to Meyers Road and the upland stream to the north and south of Lazy Creek Lane as described above. This area appears to be a prime wetland site." Under potential impacts the plan states, "The area of the wetland should remain undeveloped. All of the sites in this grouping appear to be interdependent to the wetland areas near Meyers Road. The entire system is of good quality."

   The applicant's proposal to leave the vast majority of the wetland undisturbed meets the intent of the comprehensive plan by maintaining connectivity and preserving wetland hydrology. The applicant is proposing to remove invasive species such as Himalayan blackberry and scotch broom which will improve the overall quality of the wetland. The applicant is not proposing to alter the hydrology of the wetland and will maintain the connectivity between the northern and southern portions of this system (Tract A and B) which are proposed to be split by DaVinci Drive through a culvert system.

3. *Transportation-* The development, as conditioned will improve the traffic flow at the adjacent intersection of Molalla Avenue and OR213 by providing right of way and an opportunity for future development of a frontage road parallel to Molalla Avenue. Eventual development of an intersection to the north of the planned development (Lazy Creek Lane and Molalla Avenue) will improve the conditions at the intersection of Molalla Avenue and OR213 by eliminating a queuing/stacking problem.

   A revised traffic study has been submitted by Kittleson and Associates, January 8, 1998, to demonstrate that the connection of the frontage road and Lazy Creek Lane mitigates the current queuing/stacking problem, discusses the feasibility of the local street system providing access from Molalla Avenue to the commercial property to the south and the potential impacts on the North Clackamas Christian School.

   In summary, the proposed re-alignment enhances the Molalla and Molalla cul-de-sac intersection by providing additional vehicular storage that will benefit this development as well as the existing school. Kittleson provided an analysis of the impact of the proposed

intersection if the frontage road is extended to Meyers Road. Based on this preliminary analysis they determined that the commercial development should take access from either OR213 or Meyers Road. Further analysis will be required when this commercial property develops at Meyers Road and OR213.

4. *Compatibility with the neighborhood- 17.64.140B*
"The proposed development shall present an organized arrangement of buildings, service facilities, landscaping and fencing compatible with the City's plan and land use regulations as set forth by the findings of the Planning Commission. Within a Planned Development , compatibility with adjacent land uses shall be demonstrated. For the purposes of this Section "adjacent": shall be defined to mean land area measured one hundred feet (100') from the property line excluding right of way width. Compatibility shall be considered upon immediately adjacent uses. If adjacent land is single- family ,then any dwelling units constructed immediately abutting thereto shall be single-family. If the adjacent land use is other than single-family, then single-family, duplex, multi-family units shall be deemed compatible. If the adjacent land is undeveloped, then the zoning district of the undeveloped land shall be the determining factor for compatibility. Adequate services normally provided by the City shall be available for the proposed development."

Uses and zoning on the surrounding properties are listed as follows:

East:	Bordered by Molalla Road, Clackamas County Community College is located across the street and is zoned R-10.
North:	Single family homes, a portion of which are located in the County and have a FU-10 or a R-6 zoning designation.
West:	Developed single family subdivision. Zoned County FU-10 and a LR (Low Density Residential).
South:	Developed multi-family parcel (Pioneer Ridge Apartments), zoned RA-2. North Clackamas Christian School, zoned R-10 and a single parcel zoned LO.

The majority of the surrounding uses are either zoned or developed for residential use. The single exception is the school development which is located south of the subject site on Tax Lot 300 which is zoned for residential use, R-10. The school property contains buildings, parking, play fields along the southern boundary of the proposed subdivision. Typically schools are sited in residential neighborhoods close to the populations that they serve. The applicant is proposing to install a cedar fence along the adjoining property line with the North Clackamas Christian School to mitigate any conflicts between the residential use and the school.

Staff finds that the proposal will not be harmful to the neighborhood and is compatible due to the surrounding development patterns, based on the findings of suitability addressed in this report.

4. *Minimum size of the planned development-* The proposed planned development is 15.63 acres and; therefore, satisfies the requirement that a planned development be a minimum of two areas in size.

5. *Open Space/ Landscaping- 17.64.140F*
"Open Space means the and area to be set aside and used for scenic, landscaping or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions, are deemed by the Planning Commission to be suitable for leaving in a natural condition. ... The development plan and program shall provide for the landscaping and/or preservation of the land. Open space must constitute at least 15% of the land area of the planned development".

The wetland area constitutes approximately 1.68 acres or roughly 10.7% of the site. The transition or buffer areas represent 1.25 acres or 9.0% of the site (see applicant's Table 1) to meet the 15% requirement. The detailed landscape plan for the mitigation and buffer areas has been developed by the wetland biologist and a rendering has been supplied by a qualified landscape architect to illustrate how the area will be planted. The narrative in the Development Impact Statement shows that the 15% requirement or 2.93 acres (19%) of the site exceeds the open space requirement.

Staff finds that the applicant has demonstrated that the open space requirements will be exceeded by preserving the wetland, establishing a buffer area and dedicating additional open space.

"For a P.D. or construction phases thereof containing less than 25 acres, the developer shall submit a preliminary landscape plan depicting tree plantings, ground cover, grades, slopes, screen plantings, fencing, etc.

The applicant has submitted a landscape plan for the mitigation area by Fishman Environmental Consultants. The applicant provided a description of the species of plantings to be used in the wetland mitigation plan and illustrated this concept in a color landscape plan for the site. Staff recommends that a 4 foot high vinyl coated chain link fence (black or green) be installed as specified in the DSL/ACOE permit requirements around the mitigation area.

Staff finds that the plan exceeds the 15% requirement for open space within the project area.

Overlay District Applicability:

The site is subject to the provisions of the WR Water Resources Overlay District, Chapter 17.49.060, Chapter 17.49.070, Determination of Transition Area:

"17.49.070 Determination of Transition Area.
A. The transition area for wetlands shall extend fifty feet from the boundary of the wetland. The transition area for water areas and water course shall be presumed to extend fifty feet from the boundary of the water resource unless otherwise demonstrated in accordance with the requirements of this section.

B. For water areas and water courses, the Planning Commission may decrease the size of the transition area on a case-by-case basis as follows:

1. The Planning Commission may decrease the size of the transition area to twenty-five feet from the boundary of the water resource if:

a. The slope of the transition area is predominately ten percent or less, and

b. Soils in the transition area are not described in the U.S. Soil Conservation Service publication Soil Survey for Clackamas County as having high erosion potential, and

c. The reduction in the transition area would not cause a reduction in wildlife habitat;"

The applicant is requesting a reduction in the transition area for the wetlands boundary existing on the site from 50' to 25'. The justification for such a reduction is considered by the Planning Commission on a case-by-case basis, is based upon evidence provided by the applicant pursuant to Section 17.49.070, Determination of Transition Area, as outlined above.

The following conditions must exist in order for the Planning Commission to grant a reduction:

1. Slope in transition area 10% or less:

APPLICANT'S RESPONSE:

"Topography in the transition area is gently sloping (less than 10% slope). The average slopes in the delineated wetlands and the adjacent transition areas range from .02 to .08%. Since the slope in the transition area is significantly less than 10% the applicant has met the first criteria for reducing the transition area from 50 to 25 feet."

2. Soils, not classified as high erosion potential:

APPLICANT'S RESPONSE:

"Soils in the transition area are predominately Bornsteth silt loam (0-8% slopes) which is classified as having moderate erosion potential. The dominant soil on the site as identified by the U.S. Soil Conservation Service publication Survey for Clackamas County is Bornstedt silt loam. The Fishman report states that the wetland soils on the site are similar to Borges silty clay loam, a listed hydric soil that appear as inclusions within the Bornstedt silt mapping unit. The survey states that the hazard of water erosion is "slight" for both soil types. Accordingly, the applicant has met the second criteria for reduction of the transition area from 50 to 25. A copy of the survey's analysis of both soils found on the site is attached hereto as exhibit 5."

3. Reduction will not reduce wildlife habitat:

The applicant has included a lengthy discussion to demonstrate that wildlife habitat will

not be reduced. The applicant basically states that the small reduction in the area of the wetland due to the construction of DaVinci Drive and the mitigation and buffer areas will more than compensate for lost habitat. In addition, the applicant proposes to enhance the existing wetland by removing invasive vegetation (Scots broom, Himalayan blackberry).

APPLICANT'S RESPONSE AND CONCLUSION:

"Wildlife attracted to water and wetlands utilize the transition area for food and cover resources and reproductive opportunities."

"Due to the gentle slopes and moderate erosion potential of soils in the transition area and the broad band of wildlife habitat that will be preserved, a 25' foot buffer is sufficient to protect the resource."

The applicant's consultant, Fishman Environmental Services, has submitted both documentation of existing physical conditions in the buffer area to justify reduction to a 25' transition area, a wetland delineation and a mitigation plan. The mitigation plan describes a mitigation area that is 1.5 times the area of the wetland that is to be disturbed as a result of the construction subdivision, and installation of the public infrastructure serving this project. The applicant has obtained approval from DSL and ACOE to disturb this resource, fill and establish a mitigation area.

Staff concurs with the findings established by the Applicant's representative and suggests including the following additional conditions:

(1) Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

(2) Install silt fencing 25' from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has little chance of rooting.

(3) Per DSL/ACOE permit install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

(4) Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

(5) Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area and detention facility.

<u>Chapter 17.49.080, Standards for Development Within and Adjoining Impact Areas</u> requires that when roads, utility services, and other necessary facilities and services must cross on or under a water resource, the Planning Commission must find, based upon evidence provided by the applicant, "...that the water resource cannot reasonably be avoided." Mitigation measures may include, but not be

limited to :

"a. Bridges over water courses,

b. Variances to road width standards, to allow narrower streets where they cross the water resource,

c. Erosion control and water quality control measures,

d. Replanting of trees and other vegetation,

e. Restoration measures to repair damage to the water resource and its transition area,

f. Prohibiting development during the wet weather seasons, such as November 1st through April 30th."

Each of these mitigation measures may be employed (with the exception of "a" and "F" above) as a condition of planned development approval.

Based upon the shape of the existing parcel and the surrounding development patterns the proposed layout is necessary to serve the proposed lots and establish connections to the north as well as to provide emergency vehicle access makes the crossing unavoidable. The wetland extends the entire length of the lot and bisects the property. The applicant has chosen to cross the wetlands at the shortest point to minimize the disturbed area. The applicant has proposed to maintain the hydrology of the wetland resource through the installation of culverts at the road crossing.

The proposed plan includes mitigation areas and enhanced wetland buffer areas on the site to exceed the amount of wetland filled by the street crossing by a 1.5 ratio.

Density Allocation:

Minimum dimensional standards of the "R-8" zone are as follows:

Lot Area	8,000 square feet
Average Lot Width	70 feet
Average Lot Depth	100 feet
Front Yard Setback	20 feet
Rear Yard Setback	20 feet
Corner Side Yard	20 feet
Interior Side Yard	9 feet/ 7 feet

The following is the method for determining the total allowable dwelling units (lots) permitted, Section 17.64.140, D.

Site gross area= 15.63 acres= 681,014 sq.ft. Minus 20% (public streets, 136,203 sq.ft.)= 544,811 sq.ft./ 8,000 sq.ft. (Minimum lot area/dwelling unit)= 68 units.

Proposed number of detached, single family lots= 57 lots.
Balance available for cluster housing portion of the project site= 19 dwelling units on the 19,962 sq.ft. portion of the site. The proposal includes lots ranging in size from 5,534 square feet to 10,967 sq.ft.. The average size of all lots is 6,914 sq.ft.

Peripheral Yard Setbacks:

<u>Section 17.64.14D,E</u> requires the following:

"1. **Along the periphery of any PD, additional yard depth, buffering or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of the adjoining zones, unless the Planning Commission grants a variance from these requirements."**

Adjacent properties are zoned R-6, RA-2, R-10, LO. The corresponding front yard setbacks in the R-6 zone: 20 feet (portion of the northern boundary), RA-2: 15 feet (south), LO: 15 feet (south), R-10: 25 feet (western and portion of the northern boundary). The applicant's proposal has met the peripheral setback requirements because proposed setbacks meet those of the adjoining zones.

Staff finds that the peripheral setback has been met therefore, the proposal complies with Section 17.64.14d,e.

Area Variance:
Section 17.64.140, Development Standards states the following:

"17.64.140 Development Standards All standards and requirements of this title and all other city ordinances shall apply in a PD unless the council grants an area variance from said standards in its approval of a PD or accompanying subdivision plat. In cases of conflict between the underlying zone district and the PD, the standards of the PD shall apply."

The applicant is requesting an "area variance" to decrease frontyard, sideyard and corner setbacks from 20 feet to 15 feet, 9 feet to 5 feet and 20 feet to 15 feet respectively for lots 35, 38 and 42; Lots 33 and 36. This reduction will not affect the required garage setback of 20 feet. Lastly, the applicant is requesting a reduction in the minimum average depth and width requirements for cul-de-sac lots.

The applicant has justified the need for the variances in the application submittal. The applicant states that due to the shape of the lot, the re-alignment of Molalla Avenue and the presence of the wetland, some variation to the lot standards is necessary to achieve a desirable density on this parcel. The applicant points out that as many as 68 lots could be developed on this parcel with R-8 zoning although the proposal includes only 57. The lots range in size from 5,535 to 11,195 square feet with the average size being approximately 7,000 square feet.

Achieving planned densities decreases urban sprawl and economizes the use of land with the UGB. Preservation of natural resources are important considerations which sometimes require flexibility in subdivision design and layout. Staff supports the applicant's request based on the overall design presented and the preservation efforts being demonstrated to enhance the existing wetland.

IV. CONDITIONS AND DECISION:

The proposal for Final Development Plan and Program approval for the subject "Lands End" project for a 17.18 acre parcel contains many of the elements that are desirable and required for planned developments subject to the WR overlay district. It

is found that with the proper conditions, the proposed planned development can receive final approval.

It is therefore recommended that the Planning Commission recommend final approval to the City Commission, and the reduction of the WR Transition area (buffer) to 25 feet, as proposed in all instances except for the portions of the buffer fronting on Lots 32, 29 and granting the reduced yard setbacks and lot depth requirements for certain lots. Based on findings and exhibits contained in this report and subject to the following conditions for filing of a Final Development Plan and Program.

1. Include a materials list which specifies installing a vinyl chain link fence around the mitigation area (green or black). Non-native species shall be removed from the wetland and buffer areas.

2. Establish a building footprint area (for construction work) on each lot adjacent to the wetland, outside of which no other trees are to be removed.

3. Install silt fencing 25 feet from the delineated wetland and maintain until after final grading and seeding of adjacent lawn areas surrounding the lots. Install matting with seed if grading is completed at a time when grass seed has a pour chance of rooting.

4. Per DSL/ACOE permit, install a 4 foot high vinyl coated chain link fence (black or green) fence along the outer edge of the mitigation area.

5. Complete all work as approved in the DSL/ACOE permit and maintain monitoring schedule.

6. Establish a home owners association or another means to ensure maintenance of the wetland, mitigation area, buffer areas and detention facility and compliance with DSL inspections and monitoring thereafter.

7. The plan shall specify how the detention pond shall be re-vegetated and any open areas seeded or covered. The applicant shall also provide an erosion control plan that specifies that silt fencing shall be installed at a minimum of 25 feet from the top of bank of the wetland feature or the edge of the buffer, whichever is greater prior to disturbance of any soil on site.

8. Submit a letter stating that you are requesting that the City vacate the portion of Molalla Avenue not needed due to the construction of the realigned street. A stub street (right of way only - no improvement) shall be extended to the north for future connection to Lazy Creek Lane. The stub (running N/S) which will become a frontage road, shall intersect the north property line approximately 130 feet east of the eastern property line as approved by the City Engineer.

9. Provide maintenance access for the vactor truck between Lots 1 and 50 to maintain manholes. All manholes located outside of the public right of way must be a maximum of 400 feet apart and be installed with locking or bolted lids.

10. The proposed water system within the subdivision must be looped to avoid problems caused by dead end systems. Water lines in Venice Court must be looped to Da Vinci Drive, running between Lots 7 and 8.

11. Access is to be provided to all manholes and access protected through an easement. Engineering Manager to determine if adequate access has been provided.

12. Install stop signs at all intersections, except the short stub street to the north. Place street trees outside of the vision clearance areas so they do not block street signs and lights and they provide clearance for the street sweeping equipment.

13. Connection to Molalla Avenue is to be fully improved with curb, gutter and sidewalk along the affected Molalla frontage. When the new frontage roadway is completed to the 1st lift of asphalt, through traffic to the south is to be diverted to the new road. The existing roadway is to be removed by the developer.

14. Show on the Final Plat a 1 foot non-access strip along the frontage of Tracts "C"and "D" and Lots 11, 15, 16 (easterly side), 17, 57 and 58 along the realigned Molalla Avenue and the stub street.

15. A public utility easement shall be dedicated on the Final Plat along all street frontages and rear lot lines (10 feet), and side yards (5 feet). Additional easements required during review of the civil construction plans shall be shown on the Final Plat. Side yard easement requirements may be waived by the City Engineer once utility locations have been identified. Show all existing easements on the Final Plat.

16. The curve at the cul-de-sac bulb on DaVinci Circle shall meet City Code 16.20.050 for a minimum turning radius of 100 feet. Curb returns shall have a radius of 25 feet. The intersection angle of DaVinci Circle and DaVinci Drive shall meet City Code standards of 16.02.020 or meet the satisfaction of the Engineering Manager.

17. A storm drainage system shall be required per the City's Drainage Master Plan. The design of the facilities shall conform to the City's Standards and Specifications, City Code and Drainage Master Plan as modified by the City Engineer. The storm drainage pond shall be used to the extent necessary. Applicant shall provide detention for both sides of the development (north and south). Edges of fill which abut wetlands shall be given permanent erosion control treatments. There shall be no greater than a 2 foot differential of finished lots at third party property lines. Applicant shall provide adequate maintenance and landscaping access to detention facilities to include wetlands, as appropriate. All catch basins shall be bermed or another engineered solution be provided to ensure storm water is directed into catch basins after the first lift of asphalt and before the second lift is installed.

18. After the first lift of asphalt has been installed on the re-aligned Molalla Avenue the remaining section of asphalt shall be vacated, removed and re-vegetated. The section of street that was previously an intersection shall be replaced with curb, gutter and sidewalk.

19. Dedicate right of way as needed to extend a stub street to the north for eventual connection to Lazy Creek Lane (as shown).

20. All public improvements shall be designed and improved to City Standards.

21. Building Sites -

    A) The general building site criteria has been met. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat. Therefore, with conditions the application meets the criteria of Sections 16.20.200 - 16.20.230 - Building Sites.

    B) The future dwellings shall also be oriented to optimize solar access and balance point standards.

    C) Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcel's frontage is less than a three percent slope. No off-site lot ponding is to result from the new grading.

    D) Trees that are 6 inches in caliper shall be preserved wherever possible outside the building envelope. If trees are to be removed within the setback areas, then the property owner shall contact the Planning Manager prior to the removal of the tree(s) and replacement of the tree(s) shall meet the standards of this section.

22. Easements - A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Locate the existing sewer lateral and secure easements if it is to cross any other lots. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.

23. Frontage/ corner yards width - The minimum standard for lots within subdivisions of 20 feet has been met except reductions granted for Lots 33,35,36 and 38 to 15 feet.

24. Access way Requirements - does not apply.

25. Width/Depth Requirements - The standard is met except as granted for Lots 42 and 6. Therefore, the proposal complies with Section 16.28.080.

26. Minimum Improvement Requirements -

    A) Streets - All streets within the subdivision must be improved to City standards. Install stop signs at all street intersections, place street trees outside of all vision clearance areas, signs and street lights. Install

manholes at 400 foot intervals. Access to all manholes must be paved and protected through an easement. In addition, the frontage of Molalla Avenue adjacent to Tract "C" and "D" and Lots 57, 58, 11, 15, 16 and 17 must be fully improved with curb gutter, sidewalks and street trees. The eastern frontage must transition from Lot 58 to the existing curb, gutter and sidewalk (match). The vacated roadway must be removed by the applicant and replaced with curb, gutter and sidewalk.

B) Drainage - A water quality treatment manhole is required to treat all storm water discharging to the wetland. The storm drainage system for the site shall not have any downstream effects on neighboring properties.

C) Sanitary Sewer - install to edge of all right of way and provide for all lots.

D) Water - A looped water system must be installed.

29. Final Plat Survey Requirements -

The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:

A. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit checklist to the City with the final plat.

A. Show the City Planning File Number on the final plat, preferably just below the title block.

B. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.

C. Use recorded City control surveys for street centerline control, if applicable.

D. The following note shall be on the final plat: "CITY RESTRICTIONS: Subject to conditions of approval in the City of Oregon City Planning File No.PD97-04. These conditions are jurisdictional and are not a part of this plat."

E. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall include provisions noted for subdivisions in City Code 16.16.050(B).

30. Applicant shall sign a Waiver of Non-Remonstrance Agreement for the installation of public infrastructure (including, but not limited to traffic lights, streets, street lights, storm drainage, water and sanitary sewer).

EXHIBIT
2

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
JANUARY 27, 1998

File No. PD97-04 - Renaissance Development Corp. - Lands End - Final development plan and program for a 57 lot single family (1-lot reserved for future multi-family) residential planned unit development on 15.63 acres of property - 32E 8D, Tax Lots 100, 101, 20, and 201, Clackamas County.

Ex-Parte Contacts and Conflicts

Commissioner Hall stated that he had been contacted by an individual at John L. Scott's Real Estate stating that he was aware that he, Commissioner Hall, had a number of concerns regarding this development at the last hearing and requested that Commissioner Hall meet with him and the principals involved in this development to discuss his concerns. Commissioner Hall declined and contacted Dan Kearns, City Attorney immediately thereafter. He added that he felt this was an unfortunate action taken by a member of the applicant's team.

STAFF REPORT

Lydia Neill explained the process and the current status of the application as presented today. The applicant had previously submitted a final plat and program which was recommended for denial by the Planning Commission. The matter was in the process of being referred to the City Commission for their approval or denial. The applicant withdrew the application before submitting it to the City Commission and has repackaged their submittal and presented a new application for a final plan and program for review this evening. The preliminary proposal was submitted under the old PD Ordinance and this application will be submitted under the old PD Ordinance.

Commissioner Hall asked once an application is denied, was there not a period of time before the applicant could resubmit their application.

Lydia Neill responded stating yes, but in this case the applicant withdrew prior to a final denial by the city. This is a new application and new application fees have been submitted.

Dan Kearns explained that the applicant controls the application until the city issues its final denial or approval. The applicant, in this case, had a preliminary plat approved, but was denied approval at the last hearing for a final development plan. The applicant then resubmitted a revised final development plan and program with the appropriate fees. The applicant is still within the one year time period required to continue with this application.

Lydia Neill stated that the applicant has worked with staff to assure that the application is complete and have attempted to address all the issues that were brought forth during the former hearing. The applicant's engineer and the city's engineer have worked together in revising the

traffic issues. The applicant has provided a tree survey and included architectural drawings of the homes and the placement on the site. A landscape plan has been provided along with a permit approval from the Division of State Lands and a permit approval form the Army Corp of Engineers for the mitigation area for the wetlands on this site. In addition they have provided preliminary plans for a storm drain detention improvement. She added that the staff did have some minor changes recommending fencing around the mitigation areas and a change to condition number 9 allowing access not only to the sanitary sewer lines, but access to the manholes as well. Condition 16 refers to a curve radius that does not meet the city's standard, but the construction of the eyebrow does meet the turning radius of emergency vehicles as well as larger vehicles and does satisfy this condition. She added that Condition 8 requires an extension of that street to the north. There will no improvement required of that street at this time. It would be a public easement granted to the city for future extension to Lazy Creek Lane.

Commissioner Hall asked who would be responsible for the cost of that street improvement.

Lydia Neill stated that a non-waiver of remonstrance would be requested and would become a part of a future LID project.

PUBLIC HEARING

Speaking: **Bryan Cavaness**, 1419 7th St., Oregon City, OR. Representing the applicant.

Bryan Cavaness expressed his gratitude to Lydia Neill for her guidance and assistance in this matter. He stated that the Planning Commission, at the former hearing, requested additional information that included evidence requested for reduction of the wetlands area from 50 feet to 25 feet, evidences for requested variances for set backs, more information on buildable areas, and information of the impact the development would have on the existing trees on this site. Subsequently on May 21, 1997 the Planning Commission voted to forward the applicant's request to change the property's zoning designation from FU10 to R8 which was changed by the City Commission. On August 26, 1997, the Planning Commission heard the final program and plan development, but found that there was not sufficient information on the reconfiguration of S. Molalla Ave. and potential impacts to the surrounding area and additional information regarding storm water detention, treatment, and discharge. The Planning Commission continued the hearing until September 23, 1997. The applicant returned and submitted materials requested, but the Planning Commission denied the application because the information did not provide sufficient information regarding detention, a legible tree survey or completed landscaping plan in accordance with the Oregon City Code Chapter 1764, there was no demonstration of at least 16% of the planned development be dedicated to open space, and there were no justification shown for the variances for the minimum set back standards. On October 28, 1997, the applicant notified the planning staff that they would request a voluntary remand back to the Planning Commission, not necessarily a new application, for new information for reconsideration of issues previously identified by the Planning Commission. He added that the applicant has voluntarily returned to the Planning Commission and has voluntarily waived the 120 days application process. He added that the multi-family dwelling request has been abandoned by the applicant. This submittal is only for a request of single family dwelling. There is a request for 57 lots on

approximately 15.46 acres of land. Lots will range from approximate size of 5500 square feet to about 12,000 square feet. The average lot size is approximately 8800 square feet. There could be 68 lots platted on this site by using the city's based density calculations. The applicant has reduced the number of lots by 11 lots provide a more aesthetic pleasing site as well as preserving the wetlands area. The open space will consist of approximately 2.93 acres spread throughout the site with a 88 hundredth acre tract at the wetlands site; three-quarters acre site located at the south portion of the site also a wetlands area; a transition area, a buffered area surrounding the wetlands area, is composed of approximately 2.29 acres. He added that there has been conversations held with Mr. Morgan, Administrator, of the Clackamas Christian School located adjacent to the site and the applicant is proposing a 6 foot solid cedar fence along the site's southern boundary minimize any potential conflicts between the residential and institutional uses. He addressed the storm water concerns by proposing to the city's engineers two different alternatives: 1) an underground storage detention facilities located along the southern boundary lines of the property that would include storm water management with pollution control manholes, 2) construction of an above ground detention facility located along the south eastern border of the wetlands area. He added that the city's engineer feels that the proposed detention alternatives would be sufficient to handle the storm water flows in this area. In regard to the vegetation and animal life in this area a proposed reduction of the buffer area from 50 feet to 25 feet will have to meet certain tests: the area be sloped less than 10%, there be a moderate or less erosion potential along the area (attached is an exhibit of the Clackamas County Soils Survey of the soils in the area as well as those identified in the Fishmen's Report the chance of erosion is slight). The native wild life in the area would not be substantially impacted. The applicant is planning to work in conjunction with the city to remove the Himalayan Blackberry bushes and scotch bloom in the wild life area as it is not conducive to wild live habitat. He added that the applicant has reduced the request for variances for set backs on lots from the overall site to four lots. He referred to item number 17 addressing edges of fill that abut wetlands should be given permanent erosion control treatments and there should be no more than two foot differential on finished lots on thir ! property lines. He added that there was a storage requirement for the wetland areas, but no placement has been identified. If the berm is to be constructed in the wetlands area within the transition area two concerns are: 1) placing the fill within the transition area would affect the trees in the area that are to be saved and 2) raising the lots adjacent to the wetlands could exceed the 2 foot limitation that the city is setting in terms of the Clackamas Christian School. He suggested this situation be reviewed by the city's building official at the time of the building permit stage and elevate the first floor of the home to protect from any flooding that may occur from the wetlands adjacent to these lots. He added that there has been no history documenting that any flooding has occurred on this site.

(There was a great deal of discussion between commissioners and Mr. Cavanass about hatch mark areas on the map. It was hard to pick up because of the distance from the mikes and rattling of papers).

Speaking: **Randy Sebastian**, 1672 Willamette Falls Dr., West Linn, OR. Representing applicant.

Randy Sebastian stated that his goal was to develop a residential area that would be one of the

nicer developments in Oregon City. The plan is to address the empty nester market when children move out. Homes will be constructed with main floor living with two bedrooms upstairs. He added that he would prefer to take access off the culdesac for lots 7 and 8. The previous concerns of the Planning Commission on this matter have been addressed in this application by the applicant's engineers.

Speaking: **Mark Butorac**, Kittleson Assoc., 610 SW Alder, Suite 700, Portland, OR. Representing the applicant.

Mark Butorac presented a brief summary of the supplemental traffic information that was provided in the January 7, letter that appears on page 244 of the commission's packet and presented a color drawing of the map that was included in the Planning Commissioners' packet. Supplemental information is being provided to address three basic concerns of the Clackamas Christian School and other neighbors in the area: 1) the future street alignments and how they work, 2) how other developments in the area would tie into those alignments in the future, and 3) evaluated the local street system connections in the sub area and the impact to the Clackamas Christian School and what this operation does from operation and safety standpoint. He added that on page 247 of the staff's report summarizes the improvements that the applicant has suggested: 1) an improved intersection from an operation safety standpoint, 2) improves the access to the existing Clackamas Christian School, and 3) provides an opportunity to further distance this intersection from highway 213.

Speaking: **Mark Vlahakis**, 2821 SE Main, Portland, OR. Representing applicant.

Mark Vlahkis stated that he is a soils scientist. He stated that he was proud to be on this project and the impacts have been minimized. The mitigation is very sound and has an excellent chance of success that will be spelled out to the Division of State Lands Department.

Commissioner Hall asked how does one delineate on a map where the boundaries are of a wetlands area and soils engineering are always gray areas.

Mark Vlahkis replied that soils, vegetation, and hydrology are reviewed and tested in a wetlands area.

Commissioner Hall asked that the wetlands area boundary would change depending on the time of year test would be taken, therefore, how does one determine the boundary of the wetlands unless all of the gray area is considered.

Mark Vlahkis replied that the class of vegetation is compiled that gives you the prevalence of wetlands vegetation or no wetlands vegetation. This is a professional judgement and the soils blend and gray out on a continuing basis.

Speaking: **Carol Smithson**, 19531 S. Molalla Ave., Oregon City, OR. Representing applicant.

Carol Smithson stated that they have been attempting to sell their property to Renaissance Construction. The wetlands that the applicant is referring to is close to the wetlands that have always been there. She added that she had Randy Sebastian of Renaissance Construction investigated for personal and professional competence and the result of the investigation was that he is a man of his word. She added that she and her husband examined homes that Renaissance Construction had built and they appear to be sound homes and would be good homes for the City of Oregon City.

Speaking: **Joe Morgan**, 18860 Shenandoah Dr., Oregon City, OR. Representing North Clackamas Christian School.

Joe Morgan he stated that they welcome the Renaissance Development in the area. It will serve as an anchor in the area. He added that he would like assurances built into the development's CC&R's that a fence be constructed of solid masonry along the rear of lots 16 through 26 and maintained by the homeowner's association. He requested that a sound easement exist so that future homeowners would know that a school does exist and that there would be normal noises heard from a school play ground. He further requested that an amendment on page 2 of the CC&R's show that the CC&R's would not be amended by the developer until 90% of lots were sold and that 75% of the property owners would be in agreement with the amendments as outlined above. These amendments could not be adopted without the school's written agreement to the language of the amendments . He asked that the design for the storm drainage be in more detail showing the storm water run off so that the school would be assured that the drainage would flow away from the school and not toward it. On page 3, item 5, addressing traffic, he agrees with ODOT that adding distance to the Old South Molalla culdesac and highway 213 adds more of a safety margin to this development and the school children.

Lydia Neill announced that Manish Babla, consulting traffic engineer with David Evans & Assoc. was present and could address the letter from ODOT and the traffic concerns that was addressed earlier North Clackamas Christian School.

Manish Babla stated that the applicant is correcting the existing intersection stub street and S. Molalla Avenue by moving it further north and providing an alternative connection to Lazy Creek Lane. That is the best circulation plan and traffic improvement that can be done at this time by this applicant.

Commissioner Hall asked if there should not an additional 10 feet of right-of-way easement at the south end of this project to accommodate the traffic for the commercial area.

Manish Babla agreed that the additional right-of-way that would be classified as a collector street to accommodate the 5,000 cars per day traveling on that street.

REBUTTAL

Bryan Cavaness stated that they have and will continue to work with the school. The school's concern is noise that is generated from the school grounds. Mr. Sebastian is agreeing to putting a

reference on the plat alerting all potential buyers along the northern boundary that they are coming into a potential nuisance. The storm drainage on item 4, will be substantially reduced flowing onto the school's site. The only storm drainage flowing onto the school's site will be the rear 20 feet of the back yards. He added that they have considered taking some of the school's excess storm water and draining it to the detention facility on this site.

Mark Butorac responded to Commissioner Hall's request that an additional 10 feet of right-of-way easement be granted for a collector street. He stated that Molalla Avenue is a local street and Oregon City Transportation Plan does not call for a collector street at this location. He added that vehicular traffic would be coming to that future commercial development via Meyers Road, via Molalla Avenue, and Molalla Avenue via highway 213.

Bryan Cavaness stated that he appreciated the concerns of the staff and commission with future development impacts. He added that they were there to address the specific development impacts that this development will cause. The development has been identified for single-family residential use. The city's engineers and the engineers representing Renaissance Construction agree that the alignment of the intersection will address the impacts of this development. The commercial piece should stand on its own when it comes before the commission in the future.

Lydia Neill referred to several references made by the North Clackamas Christian School of the impact of school use on the residential uses on the subdivision. She did not feel it necessary to make any demands on the applicant based on the existing school use.

Chairman Bean responded that he felt it is inappropriate to make demands on the applicant based on the school's concerns.

Commissioner Hall requested to address the applicant.

Chairman Bean reopened the public hearing.

Commissioner Hall asked that on exhibit 6 hand written material was submitted by RPK ...what does the Santa Barbara Hydrograph have to do with this development.

Mark Butorac responded that this is a commonly accepted method of determining storm water calculations. It is no more specific to Santa Barbara or anywhere else in the country.

Chairman Bean reclosed the public hearing.

Dan Kearns stated that this is a new application and is not a remand. The applicant cannot remand only a decision maker in the city has that ability.

Commissioner Hall requested that this property will be subject to the non-remonstrance. The owners need to be identified.

Commissioner Mattsson suggested that instead of using "third party" reference for differential

of properties, it should read adjacent properties.

Lydia Neill stated that wording can be changed.

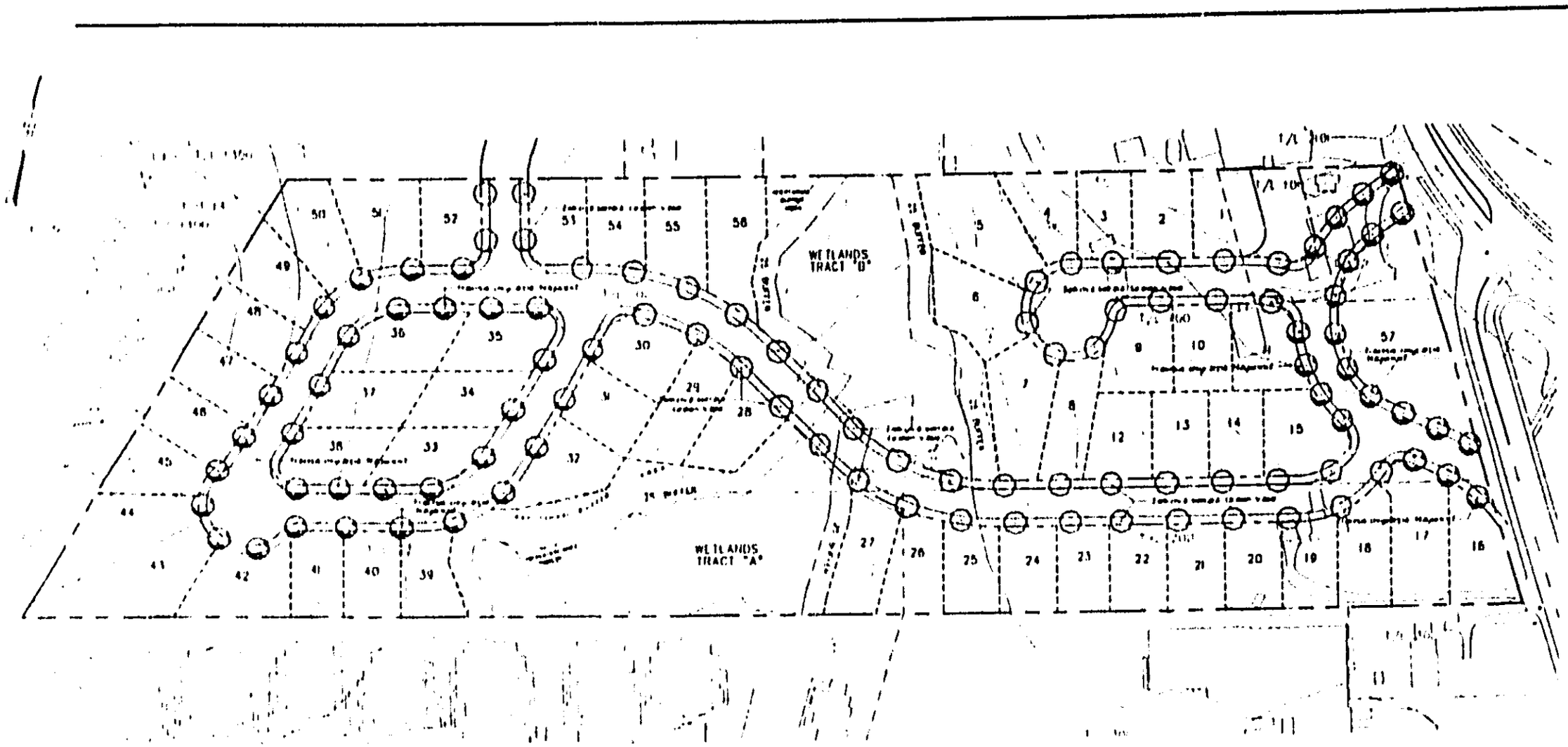
MOTION

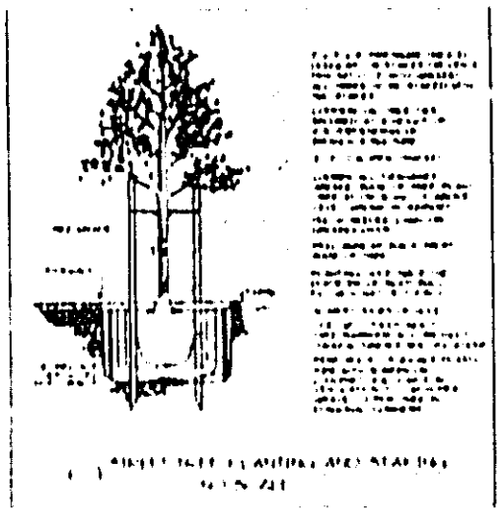
Commissioner Shirley motioned to approve PD97-04, as a 57 lot planned development with conditions addressed by staff to include fencing around the mitigation areas; amend number allowing access not only to the sanitary sewer lines, but access to manholes as well; condition 8 to be amended to provide a public easement for the extension of the street to the north; rewrite item 30 to specify the land to be identified for the waiver of remonstrance; and recommend approval to the City Commission. **Commissioner Mattsson** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5-0.**

Lydia Neill stated that this will be submitted to the City Commission on February 18.

EXHIBIT 4





PLANT MATERIALS LIST

	STREET TREES		
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

Gretchen Vedrasle
landscape architect

821 se 16th avenue
suite 150
portland, oregon
97214

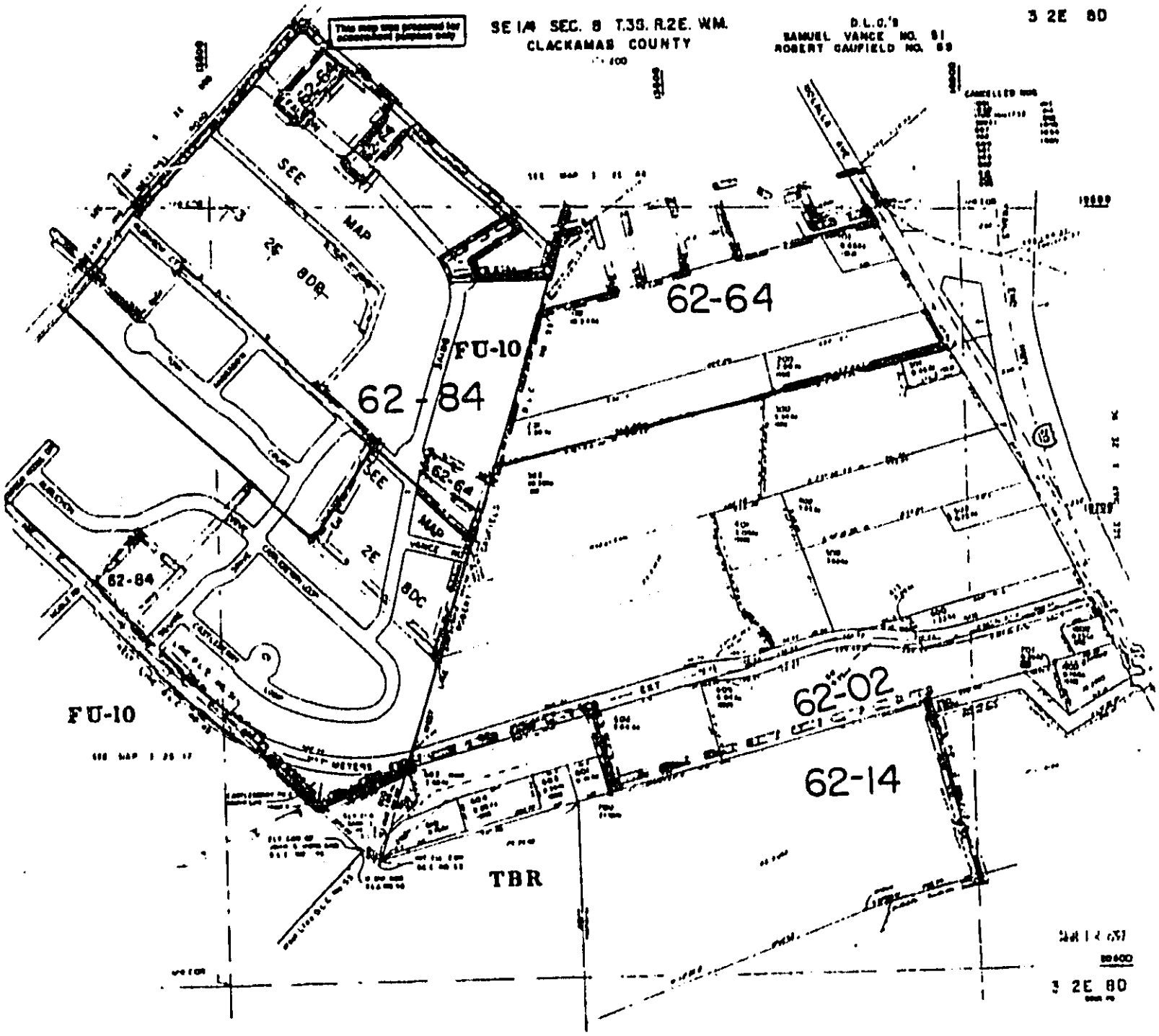
(503) 231-8387

LAND'S END
RENAISSANCE DEVELOPMENT CO.
OREGON CITY, OREGON
STREET TREE PLAN
PLANNED UNIT DEVELOPMENT

Trahan Consulting, Inc.

9733

L-1


This map was prepared for assessment purposes only
SE 1/4 SEC. 8 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
D.L.C.'S
SAMUEL VANCE NO. 51
ROBERT CAUFIELD NO. 53
3 2E 8D
SEE MAP
2E 8DC
62-64
FU-10
62-84
62-02
62-14
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CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Report No. 98-14

Plan Amendment to Policy 5 of the Housing Element of the Comprehensive Plan deleting language that limits residential development in Planned Unit Developments to 100% of zoned density.
Affects all properties within the Oregon City - City Limits

If Approved, Proposed Ordinance No. 98-1003
An Ordinance amending Policy 5 of the Housing Element of the Oregon City Comprehensive Plan, and declaring an emergency.

On January 8, 1998, the Planning Commission reviewed and recommended approval of the attached revisions to Policy 5 of the Housing Element of the Comprehensive Plan, file PZ97-08. The proposed amendment corrects the Comprehensive Plan language by making it compatible with the new Planned Unit Development language that was adopted in October, 1997, and replaced Chapter 17.64 of the Municipal Code.

This action corrects an oversight that should have been amended with the adoption of the previous Planned Unit Development (PUD) ordinance. This change will enable the developer to obtain density bonuses over 100% of the zoned density by providing amenities such as open space, play areas, etc., in their developments as approved by the Planning Commission under the PUD process.

It was recommended, by the Planning Commission, that the application PZ97-08 be approved with supportive findings and conditions of approval. Attached for Commission review are the following documents.

1. Public Notice containing: A. Proposed Ordinance No. 98-1003;
   B. Findings;
2. Planning Commission minutes from January 8, 1998
3. Planning Commission Staff Report.

It is recommended that the Commission approve the attached ordinance as recommended by the Planning Commission and declaring an emergency. Notice of proposed Ordinance No. 98-1003 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder. It is recommended that the first and second readings be approved and declaring an emergency for it to become effective February 18, 1998.

CHARLES LEESON
City Manager

cc - Community Development Director
- Planning Manager

ISSUED BY THE CITY MANAGER

EXHIBIT "1A"

Ordinance

ORDINANCE No. 98-1003

AN ORDINANCE AMENDING POLICY 5 OF THE HOUSING ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, as the city commission recently adopted a comprehensive revision to the Planned Development chapter of the Oregon City Municipal Code (Chapter 17.64) in an effort to promote higher density for urban infill development and encourage a greater mix of complimentary uses within the City limits; and

WHEREAS, our recent revision to Chapter 17.64 included a number of mechanisms and planning tools to bring about these development objectives, including a density bonus provision; whereby, an applicant can increase residential density up to 30% beyond what is allowed by the underlying zoning if certain design features are incorporated into the development; and

WHEREAS, the policy that underlies the density bonus provisions of revised Chapter 17.64 reflects a change from the past city policy on this subject, which is reflected in Policy 5 of the Housing Element of the Comprehensive Plan; and

WHEREAS, the city commission adopted Housing Element Policy 5 in 1992 (formerly Policy 9) as part of Ordinance 92-1028 and thereby precluded any density bonuses for Planned Developments beyond the maximum density allowed by the underlying zoning; and

WHEREAS, with the complete revision to the City's planned development chapter (now called planned unit developments) that prohibition on density bonuses is no longer needed, and is in fact contrary to the policy of increased urban density, mixed use and pedestrian oriented urban design reflected in that revision.

Therefore:

OREGON CITY ORDAINS AS FOLLOWS:

Section 1: Policy 5 of the Housing Element of the Oregon City Comprehensive Plan, which was adopted pursuant to Ordinance 92-1028 is hereby amended to provide as follows:

> "The City shall provide for Planned Unit Development regulations to encourage flexibility in the provision of housing types and densities."

Section 2: Emergency Clause This ordinance is necessary to bring about the full implementation and effect of the recent revision to the City's Planned Unit Development chapter, OCMC chapter 17.64, and to provide an orderly and coordinated transition to that new program. Such an orderly and coordinated transition to the new development program provided for in the Planned Unit Development chapter is necessary to protect and promote the health, safety and welfare of the of the public generally and, in particular, the citizens of Oregon City, and as such an emergency is hereby declared which requires immediate implementation and effect of this Ordinance.

Read for the first time at a regular meeting of the City Commission held on the 18th day of February, 1998, and the foregoing ordinance was finally enacted by the City Commission this 18th day of February, 1998.

ORDINANCE No. 98-1003

AN ORDINANCE AMENDING POLICY 5 OF THE HOUSING ELEMENT OF THE OREGON CITY COMPREHENSIVE PLAN, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, as the city commission recently adopted a comprehensive revision to the Planned Development chapter of the Oregon City Municipal Code (Chapter 17.64) in an effort to promote higher density for urban infill development and encourage a greater mix of complimentary uses within the City limits; and

WHEREAS, our recent revision to Chapter 17.64 included a number of mechanisms and planning tools to bring about these development objectives, including a density bonus provision; whereby, an applicant can increase residential density up to 30% beyond what is allowed by the underlying zoning if certain design features are incorporated into the development; and

WHEREAS, the policy that underlies the density bonus provisions of revised Chapter 17.64 reflects a change from the past city policy on this subject, which is reflected in Policy 5 of the Housing Element of the Comprehensive Plan; and

WHEREAS, the city commission adopted Housing Element Policy 5 in 1992 (formerly Policy 9) as part of Ordinance 92-1028 and thereby precluded any density bonuses for Planned Developments beyond the maximum density allowed by the underlying zoning; and

WHEREAS, with the complete revision to the City's planned development chapter (now called planned unit developments) that prohibition on density bonuses is no longer needed, and is in fact contrary to the policy of increased urban density, mixed use and pedestrian oriented urban design reflected in that revision.

Therefore:

OREGON CITY ORDAINS AS FOLLOWS:

Section 1: Policy 5 of the Housing Element of the Oregon City Comprehensive Plan, which was adopted pursuant to Ordinance 92-1028 is hereby amended to provide as follows:

> "The City shall provide for Planned Unit Development regulations to encourage flexibility in the provision of housing types and densities."

Section 2: Emergency Clause This ordinance is necessary to bring about the full implementation and effect of the recent revision to the City's Planned Unit Development chapter, OCMC chapter 17.64, and to provide an orderly and coordinated transition to that new program. Such an orderly and coordinated transition to the new development program provided for in the Planned Unit Development chapter is necessary to protect and promote the health, safety and welfare of the of the public generally and, in particular, the citizens of Oregon City, and as such an emergency is hereby declared which requires immediate implementation and effect of this Ordinance.

Read for the first time at a regular meeting of the City Commission held on the 18th day of February, 1998, and the foregoing ordinance was finally enacted by the City Commission this 18th day of February, 1998

JEAN K. ELLIOTT, City Recorder

ATTESTED TO THIS 18th day of February, 1998.

_____

DANIEL W. FOWLER, Mayor

FINDINGS
FILE: PZ97-08; ORD. 98-1003
AMENDING POLICY 5 OF HOUSING ELEMENT OF COMPREHENSIVE PLAN
February 18, 1998

1. The City of Oregon City has been working on a variety of ways to support a variety of land use techniques, such as planned unit developments, to promote creative design through density bonuses. The proposed text amendment proposes to take out language which limits development to a maximum of 100% density of the underlying residential zone. It does so by omitting the terminology. The current language of Policy 5 of the Housing Element, Chapter C, states the following:

   "5. The City shall provide for Planned Development regulations to encourage flexibility in the provision of housing types and densities. Within Planned Developments, housing densities may exceed the densities provided on the City's zoning map if such development is carried out on a parcel of land or contiguous parcels of land which has two (2) or more different residential densities on the zoning map, so long as the total permitted density for the entire property is not exceeded. Any proposed expansion of an existing Planned Development shall be treated as an application for a planned development."

   The proposed policy language reads as follows:

   "5. The City shall provide for Planned Development regulations to encourage flexibility in the provision of housing types and densities."

2. ***The Oregon City Municipal Code Section 17.68.020 states "A. The proposal shall be consistent with the goals and policies of the comprehensive plan"***

   () *State Planning Goal 1 - Citizen Involvement*

   Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

   4. Encourage citizen participation in all functions of government and land use planning.

   The City of Oregon City has noticed the stated and federal agencies of the pending adoption, and notices have been published in the paper. In addition, the City Commission spoke of the need for this amendment at the review of file #PZ97-08 - Planned Unit Developments in August of 1997 which was then broadcasted on the local cable channel. The Planning Commission held a public hearing on January 8, 1998, and recommended approval of revised language to

Policy 5 of the Housing Element of the Comprehensive Plan. The City Commission held a public hearing on February 18, 1998, at which new testimony was admitted and a decision rendered based on the procedures adopted in Chapter 17.50 of the Municipal Code.

0 *State Planning Goal 2 - Land Use Planning*

The amendment to the Planned Unit Development language will encourage more developers to utilize this option for development review, enable the preservation of sensitive areas, and maximize the density potential for the developable areas and encourages the evolution of an efficient urban form within the Urban Growth Boundary. Therefore, the application satisfies Goal 2 of the Statewide Planning Goals and Policy 1.6 - Land Use, Growth Management, of the Metro Regional Framework Plan.

0 *State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources*
These goals do not apply.

0 *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources -*
Natural Resources Goals and Policies - States:
9. Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new development.

The proposed language provides the option of exceeding 100% of the residential density of the zone through the implementing ordinances in the Municipal Code. This will allow the City to offer a variety of incentives to transfer the development right, or density, from major and minor water resource areas and locate them on areas that are considered developable. Therefore the proposed language supports Goal 5 of the Statewide Planning Goals and Policies 4.16 - Watershed Management and Water Quality, Urban Planning and Natural Systems, of the Metro Regional Framework Plan.

0 *State Planning Goal 6 - Air, Water and Land Resource*

The amendment removes the density limitations of Planned Unit Developments. It will then allow the use of density bonuses to encourage developers to create spaces for adequate amounts of light and air through features such as flexible lot sizes, housing types, and creation of common open space. Therefore, the proposed plan satisfies Goal 6 of the Statewide Planning Goals and Policy 4.13 - Watershed Management and Water Quality, Overall Watershed Management of the Metro Regional Framework Plan.

0 *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
Does not apply.

0 *State Planning Goal 8 - Recreational Needs.* This goal is not applicable.

0 *State Planning Goal 9 - Economy of the State.* This goal is not applicable.

0 *State Planning Goal 10 - Housing. The Housing Goals and Policies of the Comprehensive Plan state:*

6. *Any density transfer within a Planned Development shall demonstrate compatibility with adjacent residential development.*

7. *The City shall encourage the development of small and unique sites (steep slopes or significant natural resources) by allowing planned unit developments on sites of less than two acres, where appropriate.*

The proposed amendment continues to promote planned unit developments in conjunction with these policies. Therefore, the proposal satisfies Goal 10 - Housing of the Statewide Planning Goals and Policy 1.1 - Land Use, Urban Form, of the Metro Regional Framework Plan.

0 *State Planning Goal 11 - Public Facilities and Services.*

Comprehensive Plan Chapter I - Community Facilities, Policies state:

5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*

7. *Maximum efficiency of existing urban facilities and services will be reinforces by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.*

The proposed revisions encourages developers to maximize the potential developable land. Therefore, the proposed amendment satisfies State Planning Goal 11.

0 *State Planning Goal 12 - Transportation- does not apply.*

0 *State Planning Goal 13 - Energy Conservation*

The proposed amendment removes limitations on density increases above the underlying residential zones for planned unit developments. Through this action density can be increased in developments which promote an efficient use of land and will reduce the need for excessive lighting, infrastructure, and impact on the naturally occurring drainage systems in the area. In addition, cluster developments reduce the heating requirements for individual structures by enabling them to benefit from radiant heat reflected by neighboring structures. Therefore, this Goal is satisfied.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy;*** - Does not apply

3. ***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.*** - Does not apply.

4. ***The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.*** - Does not apply.

Therefore, the criterion has been satisfied.

CONCLUSION:

The revisions to Housing Element Policies removes the limitations on planned unit development incentive options such as density bonuses. Such bonuses will create a win-win situation by allowing greater density with a better design.

RECOMMENDATION:

Recommend to the City Commission Approval of PZ97-08 with supportive findings and exhibits and the adoption of Ordinance 98-1003.

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
JANUARY 8, 1998

Motion carried 6 - 0

File No. TP97-09 - William Even - Pavlinac Farms - Preliminary Plat Approval for a 34 Lot Subdivision -19629 Meyers Road - 32E 08, Tax Lots 600 & 701, Clackamas County.

Lydia Neill reported that the applicant has asked that this be continued because of the major revisions requested by staff. She recommended that this hearing be set over to the February 24, 1998 Planning Commission meeting.

MOTION

Commissioner Mattsson motioned to continue the hearing for TP97-09 application until the February 27, 1998 Planning Commission meeting. **Commissioner Rutherford** seconded the motion.

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Nelson, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **Motion carried 6 - 0.**

File No. ZC97-08 - City of Oregon City - Revise language in the comprehensive Plan to reflect the new Planned Unit Development Ordinance.

Tamara DeRidder explained that it would clear up language that was not covered when the Planned Unit Development code was changed. Density bonuses would be considered if there were certain attributes presented by the applicant. The comprehensive plan states that limits the development of 100 percent. This proposes to delete this language in the comprehensive plan.

MOTION

Commissioner Mattsson motioned to recommend approval of the proposed change to the City Commission of File ZC97-08 amending Housing Element Policy. Motion seconded by **Commissioner Johnson.**

ROLL: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Nelson, Nay; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **Motion carried 5 - 1.**

Unfinished Business

A. Water Master Plan - Lydia Neill explained that the city has not adopted a water master plan that was written in 1995. The city's system development charges and other systems charges

EXHIBIT "3"

Staff Report

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892

STAFF REPORT
January 8, 1998

FILE NO:. PZ97-08

HEARING DATE: Thursday, January 8, 1998
7:00 p.m., City Hall Council Chambers
320 Warner Milne Road
Oregon City, Oregon 97045

APPLICANT: City of Oregon City

REQUEST: Amend Policy 5 of the Housing Element of the Oregon City Comprehensive Plan to allow greater than 100% density in the underlying residential zone.

LOCATION: Lands located within the City of Oregon City and within the Oregon City Urban Growth Boundary.

RECOMMENDATION: **Approval recommendation to the City Commission**

REVIEWER: Tamara DeRidder, Planning Manager

EXHIBITS: 1. Ordinance

CRITERIA:

Municipal Code
Chapter 16.68 Zone Change and Amendments

Comprehensive Plan
Chapter C Housing
Chapter O Plan Maintenance and Update

EXECUTIVE SUMMARY:

In October of 1997 the City Commission revised the Municipal Code Chapter 17.64 governing Planned Unit Developments which includes allowing density bonuses up to 30% greater than the underlying residential zone. The proposed amendment modifies the

comprehensive plan language which currently precludes the use of these density bonuses. The approval of this ordinance will bring the comprehensive plan into compliance with the recent modifications of the Municipal Code.

BASIC FACTS:

1. The City adopted Ordinance 97-1024 amending Oregon City Municipal Code Chapter 17.64 Planned Unit Development on August 20, 1997. At that time staff identified that the Comprehensive Plan contained language that would limit the density bonuses above 100% of the density of the underlying residential zone. The density limitation issue needs to be addressed before staff can implement the full measures of the PUD chapter.

FINDINGS OF FACT

1. The City of Oregon City has been working on a variety of ways to support a variety of land use techniques, such as planned unit developments, to promote creative design through density bonuses. The proposed text amendment proposes to take out language which limits development to a maximum of 100% density of the underlying residential zone. It does so by omitting the terminology. The current language of Policy 5 of the Housing Element, Chapter C, states the following:

   "5. The City shall provide for Planned Development regulations to encourage flexibility in the provision of housing types and densities. Within Planned Developments, housing densities may exceed the densities provided on the City's zoning map if such development is carried out on a parcel of land or contiguous parcels of land which has two (2) or more different residential densities on the zoning map, so long as the total permitted density for the entire property is not exceeded. Any proposed expansion of an existing Planned Development shall be treated as an application for a planned development."

   The proposed policy language reads as follows:

   "5. The City shall provide for Planned Development regulations to encourage flexibility in the provision of housing types and densities."

2. ***The Oregon City Municipal Code Section 17.68.020 states "A. The proposal shall be consistent with the goals and policies of the comprehensive plan"***

   0 *State Planning Goal 1 - Citizen Involvement*

   Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

   4. Encourage citizen participation in all functions of government and land use planning.

   The City of Oregon City has noticed the stated and federal agencies of the

pending adoption, and notices have been published in the paper. In addition, the City Commission spoke of the need for this amendment at the review of file #PZ97-08 - Planned Unit Developments in August of 1997 which was then broadcasted on the local cable channel.

() *State Planning Goal 2 - Land Use Planning*

The amendment to the Planned Unit Development language will encourage more developers to utilize this option for development review, enable the preservation of sensitive areas, and maximize the density potential for the developable areas within the Urban Growth Boundary. Therefore, the application satisfies Goal 2.

() *State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources*
These goals do not apply.

() *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources -*
Natural Resources Goals and Policies - States:
9. Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new development.

The proposed language provides the option of exceeding 100% of the residential density of the zone through the implementing ordinances in the Municipal Code. This will allow the City to offer a variety of incentives to transfer the development right, or density, from major and minor water resource areas and locate them on areas that are considered developable. Therefore the proposed language supports Goal 5.

() *State Planning Goal 6 - Air, Water and Land Resource*

The amendment removes the density limitations of Planned Unit Developments. It will then allow the use of density bonuses to encourage developers to create spaces for adequate amounts of light and air through features such as flexible lot sizes, housing types, and creation of common open space. Therefore, the proposed plan satisfies Goal 6.

() *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
Does not apply.

() *State Planning Goal 8 - Recreational Needs.* This goal is not applicable.

() *State Planning Goal 9 - Economy of the State.* This goal is not applicable

() *State Planning Goal 10 - Housing. The Housing Goals and Policies of the*

Comprehensive Plan state:

6. *Any density transfer within a Planned Development shall demonstrate compatibility with adjacent residential development.*

7. *The City shall encourage the development of small and unique sites (steep slopes or significant natural resources) by allowing planned unit developments on sites of less than two acres, where appropriate.*

The proposed amendment continues to promote planned unit developments in conjunction with these policies. Therefore, the proposal satisfies Goal 10 - Housing.

0 *State Planning Goal 11 - Public Facilities and Services.*

Comprehensive Plan Chapter I - Community Facilities, Policies state:

5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*

7. *Maximum efficiency of existing urban facilities and services will be reinforces by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.*

The proposed revisions encourages developers to maximize the potential developable land. Therefore, the proposed amendment satisfies State Planning Goal 11.

() *State Planning Goal 12 - Transportation- does not apply.*

() *State Planning Goal 13 - Energy Conservation*

The proposed amendment removes limitations on density increases above the underlying residential zones for planned unit developments. Through this action density can be increased in developments which promote an efficient use of land and will reduce the need for excessive lighting, infrastructure, and impact on the naturally occurring drainage systems in the area. In addition, cluster developments reduce the heating requirements for individual structures by enabling them to benefit from radiant heat reflected by neighboring structures. Therefore, this Goal is satisfied.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy:*** - Does not apply

3. *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.* - Does not apply.

4. *The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.* - Does not apply.

Therefore, the criterion has been satisfied.

CONCLUSION:

The revisions to Housing Element Policies removes the limitations on planned unit development incentive options such as density bonuses. Such bonuses will create a win-win situation by allowing greater density with a better design.

RECOMMENDATION:

Recommend to the City Commission Approval of ZC97-08 with supportive findings and exhibits.

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Report No. 98-15

Zone Amendment of Chapter 17.56 - Conditional Uses,
of the Oregon City Municipal Code(OCMC) by amending Section
17.56.030 by deleting subsection (J) relating to governmental agencies and services.
Affects all properties within the Oregon City - City Limits

If Approved, Proposed Ordinance No. 98-1004
An Ordinance amending Title 17: Zoning, Chapter 17.56: Conditional Uses, by amending language of Section 17.56.030 by deleting subsection (J) relating to governmental agencies and services in certain districts.

On August 6,1997, the City Commission directed staff to begin the review process that considers expanding the number of districts which could allow governmental agencies and services as a Conditional Use Chapter of the OCMC Code. On September 11 and October 28, 1997, the Planning Commission reviewed application ZC97-06 for a Zone Amendment to the OCMC Section 17.56 - Conditional Uses. The Planning Commission has recommended approval of amending the existing language for Subsection 17.56.030(J) to allow governmental agencies and services as conditional uses in all districts except for single family residential and by adding Subsection 17.56.040(I) which creates additional criteria to be met by governmental agencies and services as a conditional use. On December 17, 1997, the City Commission reviewed this forwarded language and disagreed with the Planning Commission's approach to regulate governmental agencies and services. The Staff was then directed to alter the proposed ordinance to delete Section J from Section 17.56.030, relating to the governmental agencies and services, making such services regulated as any other permitted use in each district. In addition, the City Commission asked that staff run this revision by the Planning Commission to get their input to these proposed changes.

The Planning Commission will be discussing this item under "Unfinished Business" at their meeting scheduled for February 12, 1998. Results of this discussion will be forwarded to the City Commission at the delivery of the staff report on February 18th. On September 11 and October 28, 1997, the Planning Commission received testimony where the issues included concerns of the compatibility of governmental agencies and services with historic districts and the impact on facilities in newly developing residential areas. The proposed deletion of governmental services and facilities as a conditional use eliminates the possibility that a such a service could be located where the use was not permitted within the zone.

The deletion of subsection J from Section 17.56.030 deletes any special consideration for the location of governmental services and agencies, through the conditional use process, in the zoning districts of the city. The governmental services and agencies are to abide by the limits of the uses permitted by each zoning district. Conditional use considerations still exist for the following location sensitive facilities:

1. 17.56.030 (I). Emergency service facilities (police and fire), excluding correctional facilities;

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Report No. 98-15

Zone Amendment of Chapter 17.56 - Conditional Uses,
of the Oregon City Municipal Code(OCMC) by amending Section
17.56.030 by deleting subsection (J) relating to governmental agencies and services.
Affects all properties within the Oregon City - City Limits

If Approved, Proposed Ordinance No. 98-1004
An Ordinance amending Title 17: Zoning, Chapter 17.56: Conditional Uses, by amending language of Section 17.56.030 by deleting subsection (J) relating to governmental agencies and services in certain districts.

2. 17.56.030 (S). Private and public schools; and
3. 17.56.030 (U). Public Utilities, including sub-stations and communication facilities (such as towers, transmitters, buildings, plants, and other structures).

The Planning Commission had recommended revising 17.56.030(J) to include all zoning districts for application of governmental services and agencies through a conditional use permit. In addition, new criteria and standards were proposed for governmental agencies and services, as 17.56.040 (I) requiring them to meet a more rigorous standard and addressing the following key issues:

1. That the governmental agency and service shall be located to best serve the intended area;
2. Further Design Review will be required to assure compatibility to the surrounding area in regards to appearance of the facility, parking, traffic, and signage.

It was recommended, by the Planning Commission, that the application ZC97-06 be approved with supportive findings and conditions of approval. Attached for Commission review are the following documents.

1. Public Notice containing: A. Proposed Ordinance No. 98-1004;
   B. Findings;
2. Planning Commission minutes from September 11 and October 28, 1997
3. City Commission minutes of December 17, 1997
4. Planning Commission Staff Report.

It is recommended that the Commission approve the attached ordinance language as modified by the City Commission. Notice of proposed Ordinance No. 98-1004 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder. It is recommended that the first and second readings be approved for it to become effective March 20, 1998.

CHARLES LEESON
City Manager

cc - Community Development Director
- Planning Manager

ISSUED BY THE CITY MANAGER

ORDINANCE NO. 98-1004

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.56: CONDITIONAL USES, BY DELETING SUBSECTION 17.56.030(J) RELATING TO GOVERNMENTAL AGENCIES AND SERVICES IN CERTAIN DISTRICTS; AND BY REASSIGNING SUBSECTION 17.56.030(K) AS (J) AND SO ON THROUGH SECTION 17.56.030; OF THE OREGON CITY MUNICIPAL CODE OF 1991

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the Municipal Code's conditional use criteria currently limits governmental agencies and services from locating in all but two zoning districts; and

WHEREAS, the city supports meeting the needs of the community by providing access to governmental agencies and services; and

WHEREAS, the city promotes implementing land uses that are permitted by the zoning district; and

WHEREAS, the city recognizes governmental agencies and services as uses that should be regulated as are most non-governmental uses within the city zoning districts.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 17: ZONING, Chapter 17.56: CONDITIONAL USES; SECTION 17.56.030 USES REQUIRING CONDITIONAL USE PERMIT., of the Oregon City Municipal Code of 1991, language in subsection (J), stating "Governmental agencies and services in the RA-2 district; and in historic conservation districts, excluding single family and two-family residential districts", is deleted.

Section 2. That Title 17: ZONING, Chapter 17.56: CONDITIONAL USES; SECTION 17.56.030: USES REQUIRING CONDITIONAL USE PERMIT., of the Oregon City Municipal Code of 1991, language of subsection (J) is replaced with the language in subsection (K) and the remaining subsections of 17.56.030, (L)-(Y), are reassigned in alphabetical order as (K)-(X), respectively.

Read first time at a regular meeting of the City Commission held on the 18th day of February, 1998 and the foregoing ordinance was finally enacted by the City Commission this 18th day of February, 1998.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of December, 1998.

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 98-1004

Effective Date March 20, 1998

EXHIBIT "1A"

Ordinance

ORDINANCE NO. 98-1004

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.56: CONDITIONAL USES, BY DELETING SUBSECTION 17.56.030(J) RELATING TO GOVERNMENTAL AGENCIES AND SERVICES IN CERTAIN DISTRICTS; AND BY REASSIGNING SUBSECTION 17.56.030(K) AS (J) AND SO ON THROUGH SECTION 17.56.030; OF THE OREGON CITY MUNICIPAL CODE OF 1991

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the Municipal Code's conditional use criteria currently limits governmental agencies and services from locating in all but two zoning districts; and

WHEREAS, the city supports meeting the needs of the community by providing access to governmental agencies and services; and

WHEREAS, the city promotes implementing land uses that are permitted by the zoning district; and

WHEREAS, the city recognizes governmental agencies and services as uses that should be regulated as are most non-governmental uses within the city zoning districts.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 17: ZONING, Chapter 17.56: CONDITIONAL USES; SECTION 17.56.030 USES REQUIRING CONDITIONAL USE PERMIT., of the Oregon City Municipal Code of 1991, language in subsection (J), stating "Governmental agencies and services in the RA-2 district; and in historic conservation districts, excluding single family and two-family residential districts", is deleted.

Section 2. That Title 17: ZONING, Chapter 17.56: CONDITIONAL USES; SECTION 17.56.030: USES REQUIRING CONDITIONAL USE PERMIT., of the Oregon City Municipal Code of 1991, language of subsection (J) is replaced with the language in subsection (K) and the remaining subsections of 17.56.030, (L)-(Y), are reassigned in alphabetical order as (K)-(X), respectively.

Read first time at a regular meeting of the City Commission held on the 18th day of February, 1998 and the foregoing ordinance was finally enacted by the City Commission this 18th day of February, 1998.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of December, 1998

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 98-1004

Effective Date March 20, 1998

FINDINGS
FILE: ZC97-06
AMENDING CONDITIONAL USES
February 18, 1998

The following are supportive findings for ZC97-06 and implementing ordinance 98-1004.

1. The City Commission has directed staff to consider expanding the number and type of districts where governmental agencies and services could be allowed as a Conditional Use. The City currently has facilities such as the Clackamas County jail, County Offices on Abernethy Creek, and the armory which are pre-existing and non-conforming, limiting expansions or new construction.

2. ***The Oregon City Municipal Code Section 17.68.020 states "A. The proposal shall be consistent with the goals and policies of the comprehensive plan"***

   0 *State Planning Goal 1 - Citizen Involvement*

   Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

   4. Encourage citizen participation in all functions of government and land use planning.

   The City of Oregon City has noticed the stated and federal agencies of the pending adoption, notices have been published in the paper, and the City Staff has received significant feed back from developers in the area. The City has conducted two meetings of the Planning Commission developed a proposed ordinance which included additional criteria standards for governmental agencies and services. The City Commission met for a public hearing on December 17, 1997, and on February 18, 1998, review and implement a revised ordinance which requires governmental agencies and services to be regulated by use in each zoning district.

   0 *State Planning Goal 2 - Land Use Planning*

   The amendment to the Conditional Uses will require governmental agencies and services to be limited by their use(s) in locating in all zoning districts. This action reaffirms that governmental agencies and services should not receive differential treatment when locating their facilities. Other public facilities that are site critical, such as public utilities, emergency services, and schools, remain listed under Section 17.56.030 Conditional Uses. Therefore, the application satisfies Goal 2 of the Statewide Planning Goals and Policy 1.1 - Urban Form of Chapter 1 of the Metro Regional Framework Plan.

   State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources

These goals do not apply.

0 *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources -*

The governmental agencies and services are required meet all of the standards of the zoning district and applicable overlays. Therefore, this proposal satisfies Goal 5 of the Statewide Planning Goals and Chapter 3 - Parks, Natural Areas, Open Spaces, and Recreational Facilities, of the Metro Regional Framework Plan.

0 *State Planning Goal 6 - Air, Water and Land Resource*

The proposal for governmental agencies and services to be located as allowed by their uses will not change the zoning requirements nor will make additional impacts on air, water and land resources. Therefore, the proposed plan satisfies Statewide Planning Goal 6 and Chapter 4, Part 2 - Watershed Management and Water Quality of the Metro Regional Framework Plan.

0 *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
Not applicable

0 *State Planning Goal 8 - Recreational Needs.* This goal is not applicable.

0 *State Planning Goal 9 - Economy of the State.* This goal is not applicable.

0 *State Planning Goal 10 - Housing.*
There are no comprehensive plan policies which conflict with the proposed amendment. The revision precludes governmental agencies and services from locating inside residential areas unless there is a specific provision for office uses. Therefore, the proposed language reduces impact on buildable residential lands rather than the current language which allows such uses as a conditional use in the RA-2 district. This promotes a compact urban form based on compatible land uses. Therefore, the proposed amendments support Statewide Planning Goal 10 and Policy 1.1 of Chapter 1 - Land Use of the Metro Regional Framework Plan.

0 *State Planning Goal 11 - Public Facilities and Services.*

Comprehensive Plan Chapter I - Community Facilities, Policies state:

2. *Public facilities and services provided and maintained by the City shall be consistent with the goals, policies and implementing measures of the Comprehensive Plan.*

Comprehensive Plan Chapter M - Neighborhood Plan Maps identifies the uses proposed for the Comprehensive Plan by designation. Under "Public and Quasi-

Public" the Comprehensive Plan states:

"Areas in this category are publicly owned lands other than City parks, such as schools, cemeteries, government buildings and public utility facilities, such as sewage treatment plant and water reservoirs. The Community Facilities element addresses these uses. A need has been identified in some cases, for these facilities to be more compatible with adjoining areas through landscaping, facility design, and site arrangement. *These facilities generally can be located in any zoning district, although usually there should be some review, such as the conditional use process.*"

The proposed amendment complies with this adopted comprehensive language since *generally* the listed facilities can be located in any zoning district. The ordinance language clarifies that governmental agencies and services are to be located as the use allows in the zoning districts. Other facilities, such as public utilities, cemeteries, schools, and emergency services, are still listed as conditional uses within most zones, per OCMC Chapter 17.56.030. Therefore, Statewide Goal 11 and Policy 1.1- Urban Form of the Metro Regional Framework Plan.

0 *State Planning Goal 12 - Transportation- does not apply.*

0 *State Planning Goal 13 - Energy Conservation*

The proposed plan promotes the location of public agencies and services closer to other similar uses, thereby promoting an agglomeration of uses and trip linking, and promoting energy conservation. Therefore, this Goal 13 of the Statewide Planning Goals and Policy 1.4 - Economic Opportunity of the Metro Regional Framework Plan are satisfied.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy;*** - Does not apply

3. ***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.*** - Does not apply.

4. ***The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.*** - Does not apply.

Therefore, the criterion has been satisfied.

CONCLUSION:

The revisions to the Conditional Use language for governmental agencies and services support the comprehensive plan and provides a proper mechanism for review of these uses.

RECOMMENDATION:

Approval of ZC97-06 and Proposed Ordinance No. 98-1004

CITY OF OREGON CITY
PLANNING COMMISSION MEETING
SEPTEMBER 11, 1997

File No. ZC97-06. City of Oregon City. Affects all properties within City limits. Amendment to 17.56 - Conditional Uses to allow governmental buildings within certain zoning districts.

STAFF REPORT

Lydia Neill reported that this item was discussed in a work session on June 12, 1997, with the Planning Commission in which Ms. DeRidder presented the idea of allowing government buildings as a conditional use in various zoning districts throughout the City. She pointed out some of the problem areas because this particular use has not been called out. There are several buildings existing throughout the City which would create problems if they were damaged and then reconstructed. Ms. DeRidder wants to see a process in place to address that.

The Comprehensive Plan states that structures can be conditional uses if they are not permitted outright. The City Attorney recommended that a text amendment be brought before the Commission (memo dated August 6, 1997) and references conditional uses be permitted for government buildings in all zones. Some of these buildings are Clackamas Co. offices, the Post Office, and the Armory. The conditional uses would require a public hearing which allows the Commission to look at the particular use on the particular site and attach any conditions necessary to mitigate any adverse affects that the building would have on neighboring properties or deny the application so that with the conditional use there would be an opportunity for the Commission to make a judgment as to whether these uses were suited for the particular area.

The Staff recommendation is that the uses be included in the RA-2, RD-4 and M1 and tourist commercial districts, as well as the historic and conservation overlay district with the exclusion of the single-family residential districts.

This item is scheduled to be brought before the City Commission on October 1, 1997, with your recommendation, either approval or denial, or with some modification.

A City zoning map was brought in for referencing.

Chairman Hall asked if it was correct that the County uses on Abernethy Rd. were pre-existing, non-conforming.

Commissioner Johnson asked Staff what was being proposed with Clackamas Co. building a new site. **Lydia** said a conceptual plan was received from Clackamas Co. for modifications to their existing building on Abernethy. Staff let Clackamas Co. know that a pre-application was needed and further formal applications.

Commissioner Johnson asked if Clackamas Co. has submitted any resolutions about building their new offices. **Lydia** said not that she has seen.

Paul said that Clackamas Co. was interested in buying all of the property near the Intake Facility which may have some effect on some of the land zoned industrial if they are able to put government agencies there.

Lydia said there is also a pre-application with the Post Office on a site off of Molalla Ave. but nothing real firm.

Paul gave a brief history of the prior work session. In the Comprehensive Plan regarding the quasi public section of the quasi public zoning designation that allows government agencies in the areas designated as quasi public which the Abernethy site is. So Jim Bean suggested a code interpretation along with the conditional use permit to interpret that to allow a public and quasi public under the current zoning. This was run by Ed along with other scenarios, but he felt that the way for this to be done was through a text amendment to change M1 to allow government offices.

Commissioner Johnson said she did not have a problem with amending the code, but is there any urgency for this. **Lydia** said this might be a problem if the Post Office should come in with an application in the next month or so, there would be an application to be reviewed and the Staff would need some direction then from the Commission. The Post Office is considering a site just north of the fire station (pointed out on the area map). Another project coming in the near future is Clackamas Co. on Abernethy.

PUBLIC TESTIMONY

Speaking: **Denise McGriff**, representing the McLoughlin Neighborhood Assoc.

Ms. McGriff gave some history and examples of this provision in the Comprehensive Plan in the Oregon City area. When the City was working on the Tourist Commercial Zone, the End of the Oregon Trail Master Plan meant for the County to go away from that particular site. We thought that would happen when the flood came, but they are planning to rebuild.

Where the Post Office is now is zoned commercial and they are planning to move closer to the outer City limits (a trend of city Post Offices today).

Some of the history on this was that a previous Commissioner was very interested in cleaning up the conditional use permit section, so probably what we ended up with as compromises was not real clear either in terms of item J in the Comprehensive Plan.

The RE 2 district came in when the City was going to locate the library adjacent to First Presbyterian Church, but that will not happen now because the option has expired.

This Historic and Conservation District issue was of particular concern to two Commissioners in that there are already a lot of governmental buildings particularly in the McLoughlin District. There are none in the Canemah District. She recommended taking "Historic" out of the Canemah District because most of it is zoned R6 and the likelihood of putting any large governmental offices there is very slim.

In the Conservation District we have the City uses, Mexico Unlimited, Unemployment Office, schools and senior centers. It is also zoned for single family, LOC and LC.

Ms. McGriff's biggest concern is that governmental agencies is not defined. For example, the Intake Center is not commercial or industrial, but was allowed anyway. However, when the County wanted to put the Motor Pool in that same area, the request was turn down because it was not the type of use to be allowed in that particular zone. So, she would like to recommend that the Commission to define governmental agencies and services.

Commissioner Shirley asked her why we need a special class for governmental agencies and why doesn't it fit in within everyone else. **Ms. McGriff** answered that the government is different because there is a lot of people traffic generated in and out of some of these offices. Also, some of the things government does are not offices, like shops, police and fire departments, etc.

Commissioner Shirley said that what bothers him is that governmental agencies can range from the County shops to a quiet office complex. So that you could do any of these anyway you wanted. **Ms. McGriff** feels that Staff could be persuasive to the County or whoever about where they want to place their shops.

Chairman Hall said that it would be hard to define governmental agencies and be able to encompass everything. Good common sense needs to be used in determining a location for such a facility. What a commission does is determine that is a governmental use, but also what is it similar to, i.e. a batch plant is an industrial-type use. However, other offices such as welfare, etc. are harder to define and know where to locate within the City.

Ms. McGriff said she would like to see these things have minimal or no impact on residential districts, especially the historic district.

DISCUSSION

Lydia stated that there is agreement that there is somewhat of a problem and it is difficult to define what is governmental use. Staff is asking Commission to make this a conditional use which means that Commission has the discretion to deny an application, to look at the particular use to decide what adjacent uses are there, whether it is appropriate or not, and whether there is any conditions that can be attached to make this use compatible. Also, a lot of governmental uses need to be in certain zones to serve some of the people (fire department, post office, some County offices). So, we need to look at locating some of these uses in areas where it will be

convenient to people to get the needed services. Staff is asking for some guidance and to set some policy.

Chairman Hall said that he could visualize a governmental facility in an RD4 or R2 area. Some of these are high density residential units where counselors, psychologists, etc. may be located.

Lydia said Staff recommends not deleting governmental agencies from the historic overlay because there are some downtown buildings that would be appropriate for some governmental office situations. The Commission could determine when an application was received at such time if a particular use was appropriate.

Chairman Hall said that from extensive travel he has seen in other jurisdictions that having many different types of uses in close proximity to one another makes for a very vibrant living area. He said he is not suggesting that in Oregon City, but in time that is what may happen and done properly it can be a benefit.

Commissioner Johnson made the suggestion to add governmental agencies and service uses in all districts except single family residential districts under conditional use. She said there is no need to define it, just broadly state it.

Commissioner Shirley asked if the Commission can flatly deny one of these applications because it does not like it.

Paul said yes and said there is a section in the conditional use permit chapter that talks about specific uses (17.56.040) with an additional set of concerns, factors and criteria to consider. So it is open for the Commission to determine what conditional uses are appropriate.

Chairman Hall said that he agreed with Dan and said that the Commission cannot just say they do not like it, but must have some reasons as to why. Such reasons can be easy to generate. He also would like to send this issue to the Zoning Committee (members are Jim Bean, Jim Hall and Mary Johnson) of the Planning Commission for an early discussion so that it can be brought back at the next Commission meeting. He feels the Commission needs more time for consideration on this and that Ms. McGriff had some very good comments.

Commissioner Johnson asked how speedily the Commission should decide on this so that the Post Office and Clackamas Co. has proceed with their plans.

Lydia said it would go to the Zoning Committee, then back to the Commission for public hearing, then to the City Commission also. She said there is a full agenda for the next regular meeting of the Commission.

Commissioner Johnson suggested that the Zoning Committee can reach a consensus in short order via FAX so that discussion at the Commission meeting should not take long.

MOTION

Commissioner Johnson motioned to table ZC97-06 and refer it to the sub-committee on the major modification to the zoning regulation to put back for hearing on the September 23rd docket as the first item. **Commissioner Rutherford** seconded.

ROLL: Commissioner Rutherford, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye. **MOTION CARRIED 4-0.**

4.0 UNFINISHED BUSINESS

Direction of Density Bonus for Planned Developments; Comprehensive Plan Amendment.

Dan stated that the PUD ordinance was adopted at the last City Commission meeting. In putting together the findings Tamara noted a conflict with the Comprehensive Plan, so that aspect of it is not effective because of the conflict.

He read the policy under Housing: #5 "The City shall provide for planned development regulations to encourage flexibility in the provision of housing types and densities. Within planned development housing densities may exceed the densities provided in the City Zoning map if such developments carried out on a parcel of land or can take those parcels of land which has two or more different residential densities on the zoning map so long as the total permitted density of the entire property is not exceeded." Dan stated that the density bonus provisions in the PUD violate that.

Commissioner Hall said to take that out of the Comprehensive Plan. **Dan** said Staff will come back with a proposal to do that.

5.0 ADJOURNED

James Bean, Chairman

Tamara DeRidder, Planning Manager

Mr. Deppenmeier stated that he had a concern about the road alignment. There are two dwellings on tax lot 1002 and projected lot 24. He asked for a clarification on the approval of the subdivision, and added that lot 24 could not be further divided.

Tamara DeRidder responded that tax lot 24 can be divided.

Commissioner Bean stated that these are problems that need to be resolved between the parties involved. The Planning Commission has before it an application requesting a zone change and the question before the Planning Commission is does this application meet the city's criteria and standards. The applicant did request for a continuance. He suggested that the testimony for rebuttal be held over until a later date and the Planning Commission make a decision at that time.

Commissioner (Unidentified) moved to continue the public hearing for hearing the rebuttal testimony only to the Planning Commission's next regular meeting. Seconded by Commissioner .

ROLL: Commissioner Mattsson, Aye; Commissioner Nelson, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 6-0.**

File No. ZC97-06. City of Oregon City. Affects all properties within the City limits. Amendment to 17.56 - Conditional Uses to allow governmental buildings within certain zoning districts.

Commissioner Bean stated for the record that the public is being represented by Kathy Hogan.

STAFF REPORT

Tamara DeRidder stated that the amendments proposed for Conditional Uses in the city's code and a quantifier if a conditional use would have to be met. This should be left up to interpretation of the governing body. This would not just apply to governmental uses, but all uses.

Commissioner Bean asked what the code means when it says inadequate. Is there a scale to follow.

Tamara DeRidder responded it can be identified where the transit stops are and if there is a pedestrian sidewalk leading from the transit stop to the site. A typical distance a person would walk is a quarter of a mile.

Commissioner (Unidentified) asked if the applicant wouldn't be required to address this issue in their application.

Tamara DeRidder stated by adding that connective criteria which would not only apply to governmental buildings but all developments. The question before the Commission is three options: One, the city can look at Mary Johnson's language that says the city wants to have special conditions on governmental buildings. Two, the existing criteria covers what the city would be reviewing . There would be no need for additional criteria; or Three, an additional problem that is not being currently addressed to be the connectivity standard.

Commissioner Bean stated that he was inclined to agree with Commissioners Hall and Johnson. The connectivity issue is an important issue, but is this the area the commission wants to place it in the code.

Commissioner (Unidentified) explained that Metro has a conditional use to provide a portion of their revenues to the city for the enhancement district in town. He asked would it not be reasonable to have specific mitigation requirements for someone that creates a bigger impact within in a normal development.

Dan Kearns stated that the fee Metro is paying is not through the PUD, but through a political deal that was established between Metro and the city.

Commissioner (Unidentified) referred to page 178J - governmental agencies uses requiring conditional uses. She asked if the city's intention was to put governmental agencies in historical areas. The other areas defined are residential areas.

Tamara DeRidder responded that there are historical areas that are not residential, such as the Canemah area along 99E. This is existing language.

Commissioner Bean opened the public hearing. There being no public testimony Commissioner Bean closed the public hearing.

Kathy Hogan explained that her intent was to add more focus to the criteria that is already in the code. This is more of a PUD analysis. She suggested that Tamara's language be added to subsection 4, then additional information will be forth coming.

MOTION

Commissioner Johnson motioned that uses requiring conditional uses under Section 17.56.030 be amended as follows: Paragraph J to read governmental agencies and service

in all districts excluding single family residential districts then add Commissioner Johnson's recommendations. **Commissioner Hall** second the amendment.

ROLL: Commissioner Mattsson, No; Commissioner Rutherford, Aye; Commissioner Nelson, No; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. **MOTION CARRIED 5 - 2.**

Commissioner Bean stated that is recommendation be referred to the City Council.

(End of tape)

EXHIBIT "3"

C.C. Agenda

AGENDA

OREGON CITY COMMISSION
City Hall
320 Warner Milne Road
Oregon City

REGULAR MEETING

Wednesday, December 17, 1997
7:00 P.M.

The Urban Renewal Agency will conduct a meeting at 6:30 PM in the Commission Chamber of City Hall.

1. Flag Salute.
2. Approval of Executive Session minutes of November 5 and regular meeting minutes of November 19 and December 3, 1997.
3. Departmental Update.
4. Announcements/Requests for future agenda items.

PUBLIC HEARINGS

5. Commission Report No. 97-176, Zone Amendment of Municipal Code Chapter 17.56 - Public Hearing; If approved, Proposed Ordinance No. 97-1034, An Ordinance Amending Title 17: Zoning, Chapter 17.56: Conditional Uses, by Amending Language of Section 17.56.030(j) by Allowing Governmental Agencies and Services in all Districts Excluding Single Family Residential Districts; and by Adding a New Subsection 17.56.040(l), of the Oregon City Municipal Code of 1991.

CONSENT AGENDA

The following can be approved in one motion.

6. Commission Report No. 97-175, Consulting Services Contract for Library - Resolution No. 97-59.
7. Commission Report No. 97-177, Waiver of Remonstrance Acceptance - Berryhill Shopping Center.

Upon adjournment of the meeting, the City Commission will meet in Executive Session pursuant to ORS 192.660 (1)(e) Real Property Transactions.

For special assistance due to disability, please call City Hall at 657-0891, 48 hours prior to meeting date.

POST: Friday, December 12, 1997

City Hall/Municipal Elevator/Pioneer Community Center/Fire Stations No. 1 and 2/Public Works/Carnegie Center/Swimming Pool/Library/Cemetery/Steve's Market, Clackamas Heights/Cable TV Studio Reader Board

The City Manager noted that in the past, his evaluation forms were completed and given to the City Attorney prior to an Executive Session which has not been set. Fowler asked about the forms being submitted by the end of December. Neeley advised a staff evaluation was discussed with that needing to be part and parcel of the entire thing. He felt there was consensus of that happening. The mechanism has not been defined. Fowler to FAX the South Fork form to each and then propose a schedule.

With no further business, the meeting adjourned at approximately 9:30 PM.

CHARLES LEESON, City Manager

Tape recording transcribed by:
JEAN K. ELLIOTT, City Recorder

jke

REGULAR MEETING Oregon City, Oregon, December 17, 1997

A regular meeting of the City Commission was held at City Hall, 320 Warner Milne Road, on the above date at approximately 8:30 p.m.

Roll call showed the following present:

Timothy J. Powell, Comm. President
Commissioner Edward Allick
Commissioner Douglas L. Neeley

Charles Leeson, City Manager

The flag salute was lead by President Powell after which he called for approval of the minutes.

Regarding the minutes of November 19, 1997, Neeley referred to page 3, second paragraph to bottom of page, "Neeley requested that the Parks and Recreation Committee form a committee to look at a Master Plan for the Cemetery...". He stated his request was "that a subcommittee be formed that contained two members of the Parks and Recreation Committee, two members of the Friends of the Mt. View Cemetery and two members of the Barclay Hills Neighborhood Association".

A review of the tape recording for the November 19, 1997 meeting provided the following: Neeley stated "we should have the Parks and Recreation Committee form a committee to look at a master plan for the Cemetery which includes the area that is essentially a natural area that is on the, essentially, the east side of the mausoleum and look at the use in terms of park master plan and I recommended at that time the composition could include members of the Park and Recreation Committee, members of Barclay Hills Neighborhood Association and members of Friends of the Cemetery." Fowler stated "that is being worked on, I talked to Rick about that, there was some people who had volunteered some services from Portland State in terms of some inventory and thats being worked on."

It was moved by Neeley, to approve the Executive Session minutes of November 5 and regular meeting minutes of November 19, as corrected.

Allick asked for the procedure for correcting Executive Session minutes. With no answer to the question, it was moved by Neeley, second by Allick, to amend the motion to table the Executive Session minutes of November 5, 1997 until the next Executive Session for approval.

Roll call: Neeley, Aye; Allick, Aye; Powell, aye.

It was moved by Neeley, second by Allick, to accept the minutes of December 3, 1997.

Roll call: Neeley, Aye; Allick, Aye; Powell, Aye.

DEPARTMENTAL UPDATE

James Davis, Fire Chief, introduced new firefighters and advised of the process used in the hiring of them. The Code of Ethics was read and the Oath of Office administered to James Thornton, Gary Lamb, Craig Moisan and Adrien Jewitt by President Powell.

ANNOUNCEMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Allick again requested a podium. Carson advised that one is being constructed along with a railing along the handicap ramp. The Manager assured there would either be a temporary podium or a permanent one by the first meeting in January.

Neeley advised of having two or three people tell him that when these things are on cable broadcast, they can't hear us. Carson advised the complaint he has heard is that the microphone doesn't work they are picking up the sound from the Commission and staff. This entire cable system is being replaced with new cameras and monitors as part of the TCI agreement with that being where the problem is. The picture and sound will be very good once it is installed.

Neeley heard a complaint from a person who has sat in the procedures that particularly when it is full it is very difficult to get out without disturbing people. Whether the alley can be kept and also whether the seats can be brought forward a bit so people can get an exit out towards the back and not either come through the front or have to trip over lots of people in the process. He did not know if that is possible. The Manager noted having a little flexibility, but not much. Neeley advised he could see that but if there is a way to clear out the back a little bit so people could exit out through the back and not disturb the proceedings.

PUBLIC HEARING

Commission Report No. 97-176, Zone Amendment of Chapter 17.56 - Conditional Uses of the Oregon City Municipal Code by Amending Section 17.56.030(J) to Allow Governmental Agencies and Services in All Districts, Excluding Single Family Residential Districts, and Adding New Criteria Language for Governmental Services and Agencies as Section 17.56.040(I) Affects All Properties Within the Oregon City City Limits - Public Hearing; If approved, Proposed Ordinance No. 97-1034, An Ordinance Amending Title 17: Zoning, Chapter 17.56: Conditional Uses, by Amending Language of Section 17.56.030(J), By Allowing Governmental Agencies and Services in all Districts Excluding Single Family Residential Districts; and by Adding a New Subsection 17.56.040(I), of the Oregon City Municipal Code of 1991, was presented by the Manager. The report noted that on August 6, 1997, the City Commission directed staff to begin the review process that considers expanding the number of districts which could allow governmental agencies and services as a Conditional Use chapter of the Code. On September 11 and October 28, 1997, the Planning Commission reviewed application ZC97-06 for a zone amendment to the Code Section 17.56, Conditional Uses. The Planning Commission has recommended approval of amending the existing language for 17.56.030(J) to allow governmental agencies and services as conditional uses in all districts except for single family residential and by adding subsection 17.56.040(I) which creates additional criteria to be met by governmental agencies and services as a conditional use.

Testimony was received at the Planning Commission hearings where the issues raised included concerns of the compatibility of governmental agencies and services with historic districts and the impact on facilities in newly developing residential areas.

The modified language under uses opens up the option for governmental agencies and services to locate within all zoning districts except R-10, R-8, R-6 or R-6/MH districts. The added language under the criteria sets governmental agencies and services apart by requiring them to meet a more rigorous standards. The criteria requires the applicant to address the following key issues:

1. That the governmental agency and service shall be located to best serve the intended area;
2. Further design review will be required to assure compatibility to the surrounding area regarding appearance of the facility, parking, traffic and signage.

It was recommended by the Planning Commission that appl[illegible] [illegible]C97-06 be approved with supportive findings and conditions of approval. Attached for Commission review were the public notice containing proposed Ordinance No. 97-1034 and findings; Planning Commission minutes from September 11 and October 28, 1997; and, Planning Commission staff report.

It was recommended that the Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 97-1034 was posted at City Hall, Pioneer Community Center and Municipal Elevator by direction of the City Recorder. It was recommended that first and second readings be approved for final enactment to become effective January 16, 1998.

Rich Carson, Community Development Director, presented the information in the Report.

Allick noted that the Post Office and County offices were not in compliance in the areas they are in. Carson responded that the Post Office, because of the flood in the downtown area, is moving up on the hill. They are moving onto a property that is zoned M-1 Light Industrial. Government office is not allowed in M-1 but is allowed in Campus Industrial. The County wants to rebuild the facilities in the M-1 zone; the Armory situation is the use of the Armory is in a residential zone and is non-conforming.

Neeley felt it was now a correction because we had a zone amendment brought to us about two or three months ago to permit government offices to be conditional within light industrial. Carson did not recall this. Neeley repeated. Carson advised there is M-1, Light Industrial and there is M-1/CI which is an overlay; therefore, for Light Industrial with a Campus Industrial overlay, government offices are allowed as a conditional use. But straight M-1 it is not.

Powell asked if this would still be a conditional use and go through the Planning Commission. Carson noted it has added restrictions as to how the process will be handled that are not established for other conditional uses.

Allick questioned it and noted some disagreement within the Commission over what we should site in the floodplain. He did not want to open something without some due process so he can have some sayso over what goes into an area such as that. He asked if Commission has to hear the conditional use before its allowed. Carson responded affirmative. It will be public hearing at the Planning Commission level unless it is appealed. Carson cautioned that if the City wants to approach development in floodplains, the way to do it is not through a particular use in a particular location but to deal with it straight on.

Allick advised of reading in the paper about the Governor's Task Force on the Willamette Basin being very concerned about the flood plains and what we are doing with them in all cities. He wanted to make sure we have cooperation. We know the Federal government refuses things in the flood plains, now, i.e., funding being changed. He did not want to approve something that automatically goes to the Planning Commission to say they want to build something and if it is not appealed to the Commission, the Commission is not aware. People ought to know where the Commission stands on building in the flood plains. Carson noted that this change would expand the areas where a government office can be a conditional use with a public hearing before the Planning Commission. It will only come to the City Commission on appeal. Allick stated this was his concern. He felt anything done in that area should come

before the City Commission even though it goes before the Planning Commission. He wanted to review the findings at the City Commission level.

Carson suggested they approach that from the standpoint of a flood plain instead of a conditional use for a government buildings. Legislation should be drafted that before something goes into the flood plain, it come before the City Commission or re-do the flood plain ordinance to meet the Commission standards. Otherwise, the Commission will miss other uses that could go into any number of locations or zones at that location. In that area, the only government that will locate there is the one that is already there. There is a great deal of vacant lands on both sides in Clackamette Cove and around the Interpretive Center where there will be Tourist, Residential, Commercial, and Industrial uses that will occur over time, none of which this will deal with.

Allick did not know how to vote in favor of this matter knowing that if someone asks to place something governmental in this area, it will only come to the City Commission on appeal. Carson recommended that a work session be scheduled for a flood plain ordinance because it will deal specifically for that area and the structures allowed. That will take care of all uses, all zones and all properties. Metro's new requirements could also be discussed. Allick understood some policy statements have been made at Metro about that area and he wanted to make sure that comes before this Commission before there is input to the new plans down there.

Carson advised an update to the Commission could be done on both Federal and Metro flood plain issues in terms of what is being proposed and what is coming. Allick favored this.

Powell felt more discussion was needed and the balance of the Commission members present for that discussion.

Neeley felt when we have this work session either on January 9th or January 16th where we will be talking about growth issues, he wanted to have zoning issues on the table as well. He advised of a public meeting presentation of the Title 3 at the Environmental Learning Center by Metro on January 31st. He wanted to talk about this outside the flood plain because of his broader concerns. Governmental agencies and services seemed to include a gamut of things; it seems to be everywhere except low density residential areas. It appeared to him that having all government agencies and services stated there is simply too broad; he wanted it more specific of what is permitted. Next, he felt there was a degree of class bias - why exclude the low density, but it will be permitted in high density areas which he did not understand. If there will be exemptions for government office, why not have exemptions for non-government offices but that perform similar services. He felt it was too broad for what is permitted and too narrow for restricting it to high density.

Carson responded that government agencies and services as a class could be eliminated and say that government agencies similar to other uses can locate as a permitted use or as a conditional use in any zone.

Powell felt these were the same things discussed last time. He specifically asked that it be more specific because he did not feel we needed a gravel yard sitting on Molalla. Carson noted that this was the work of the Planning Commission which held a public hearing and crafted the document and referred it to the City Commission for action. Powell wanted to make the gravel yard point because it was a concern to most of the Commission.

Carson advised this could be referred back to the Planning Commission with instructions to take care of it or the Commission can act on it with staff returning with the modifications wanted. The Commission can either deny it and send it back to the Planning Commission with instructions or advise staff to make the changes wanted and it brought back

Allick felt clear direction should be given to staff. Powell wanted public input first. Carson suggested each Commissioner submit in writing what each wanted for staff to consolidate it in one memo and then decide.

President Powell declared the public hearing open and called for testimony. On the call for testimony in favor, none was offered. On the call for testimony in opposition, none was offered.

With no testimony, the hearing was closed.

Powell reiterated submitting in writing comments for consolidation and Commission discussion. Allick suggested proceeding and tell staff what is thought; he was not in favor of bringing this back, he wanted to proceed.

Neeley wanted it to not apply to residential areas, period, including multi-family. He wanted wording to deal with like services provided in the private sector. Carson asked what if those services are currently allowed in residential zones. Neeley stated then they have to be specific. Neeley presumed we can build a fire station in a residential zone. Carson felt under the existing conditional use process, this cannot be done. They have limitations on residential. Neeley felt this was a specific thing where an exemption could be applied. Carson read for a conditional use: "Government agencies and services in an R-A-2 District and Historic and Conservation Districts excluding single family and two family residential districts". Fire stations as a conditional use cannot be built in those districts. The proposal from the Planning Commission does not change that (17.56(J). Neeley asked the Manager if this will pose a problem in relation to South End. The Manager responded he read this differently than Planning. Carson suggested using "similar use" to simplify. Carson noted already having emergency services as a conditional use permit, he could look at eliminating the governmental services and agencies from the conditional use requirement and draft language regarding it being conditional depending on the zone to follow basically the same rules as the private sector.

Neeley wanted the new language to come back through the Planning Commission. Carson asked if he wanted to send it back with those instructions. Neeley preferred this.

Allick asked how important is this issue time-wise. Carson responded that the only thing time sensitive is the Post Office and they have advised since they are Federal they do not plan on following our requirements. The problem is the County is expanding their facilities by adding a floor and this cannot be done under the conditional use procedure; it will delay the County.

Powell asked how fast can it be done through the Planning Commission and how fast through staff. Carson responded probably February. Neeley expressed not caring about holding up the County facility. Powell felt that out of fairness, we needed to look at everybody. Carson advised the primary facility is the County who wants to get on with remodeling the facilities. We are not going to allow them to expand a non-conforming use unless it is allowed. They cannot even come in for a permit. Neeley made it clear he was not holding this up for that reason.

Neeley advised of expressing his suggestions. Allick agreed with Neeley but was not in favor of sending it back to the Planning Commission; he felt staff could do the modifications to include the suggestions of Neeley and bring it back to the City Commission. He did not feel anyone was being circumvented.

Powell repeated that Neeley wanted this to go back to the Planning Commission with the City Commission input. Powell felt we should do that but not specifically to a Planning Commission meeting, but allow them to give input if they would like. Powell repeated that Allick wanted staff to do it and bring it back to the City Commission.

Allick had no problem with the Planning Commission giving input; he did not want to hold this up any longer and understood the concerns of Carson wanting to move this forward.

Carson understood that staff was to modify the changes, bring them back to the City Commission, notify the Planning Commission of the changes for their input. The basic modification is to leave it the way it is except that we are going to look at government agencies and services as a similar use as applied in any other district and do away with it as a general category. We will leave the emergency services, fire and police, as a separate item that is allowed anywhere under a conditional use permit.

Neeley wanted to see the Planning Commission to get this for informational purposes at a Planning Commission meeting and give them the opportunity to comment. Carson responded we will do this as informational at their next meeting and bring it back to the Commission after that.

All of that was moved by Neeley, second by Allick.

Roll call: Allick, Aye; Neeley, Aye; Powell, Aye.

CONSENT AGENDA

The following were routine and could be approved in one motion. On the call for discussion of a particular item, none was requested. It was moved by Allick, second by Neeley, to approve the Consent Agenda items as recommended on each report.

Roll call: Neeley, Aye; Allick, Aye; Powell, Aye.

Commission Report No. 97-175, Consulting Services Contract for Library, was acted upon by the Urban Renewal Agency.

* * * * *

Commission Report No. 97-177, Waiver of Remonstrance - Berryhill Shopping Center, was presented. The report noted that on the December 17, 1997 agenda was a Waiver of Remonstrance for the construction, reconstruction and maintenance of Lot 8 at the project Berryhill Shopping Center - Planning File MP97-05. This project was approved and was described in Exhibits A and B and was required as a conditio of approval for development. It was recommended that the Commission accept the Waiver of Remonstrance and authorize the Mayor and City Recorder to execute.

* * * * *

Neeley requested an update of the Clackamette Cove property at the next meeting.

With no further business, the meeting adjourned at approximately 9:30 PM. with the advertised Executive Session canceled.

CHARLES LEESON, City Manager

Tape Recording transcribed by:
JEAN K. ELLIOTT, City Recorder
jke

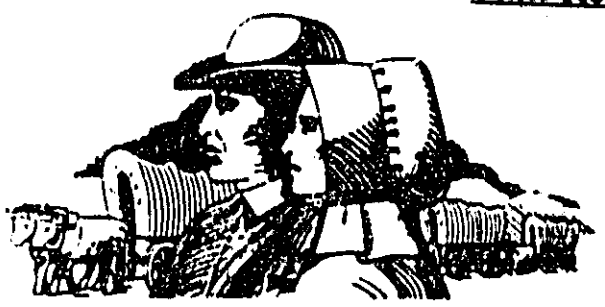
EXHIBIT "4"

Staff Report

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892



STAFF REPORT
October 28, 1997

FILE NO.: ZC97-06 - *Continued from September 11, 1997*

APPLICANT: City of Oregon City

REQUEST: Direction by the City Commission to consider the Governmental Buildings as a Conditional Use within certain districts

LOCATION: Lands located within the City of Oregon City

RECOMMENDATION: Recommend Approval of amended language for OCMC Section 17.56.030 to the City Commission

REVIEWERS: Tamara DeRidder, Planning Manager

EXHIBITS:

A. Staff report to the City Commission, August 6, 1997
B. O. C. Comprehensive Plan Chapter M - Neighborhood Plan Maps(part) - *On File*
C. O. C. Municipal Code Chapter 17.56 - Conditional Uses - *On File*
D. Recommended language by Commissioner Johnson

CRITERIA:

Municipal Code

Chapter 17.08	R-10 Single Family Dwelling District
Chapter 17.10	R-8 Single Family Dwelling District
Chapter 17.12	R-6 Single Family Dwelling District
Chapter 17.13	R-6/MH Single Family Dwelling District
Chapter 17.14	RC-4 McLoughlin Conditional Residential District
Chapter 17.16	RD-4 Two-Family Dwelling District
Chapter 17.18	RA-2 Multi-Family Dwelling District
Chapter 17.20	LOC Limited Office Commercial District
Chapter 17.22	LO Limited Office District
Chapter 17.24	NC Neighborhood Commercial District
Chapter 17.26	HC Historic Commercial District

Conditional Uses- Governmental Buildings
file: ZC97-06

Chapter 17.28	LC Limited Commercial District
Chapter 17.30	TC Tourist Commercial District
Chapter 17.32	C General Commercial District
Chapter 17.34	CBD Central Business District
Chapter 17.36	M-1 Light Industrial District
Chapter 17.38	M-1(CI) Campus Industrial District
Chapter 17. 40	M-2 Heavy Industrial District
Chapter 17.50	Administration and Procedures
Chapter 17.56	Conditional Uses

Comprehensive Plan:

Chapter D	Commerce and Industry
Chapter I	Community Facilities
Chapter M	Neighborhood Plan Maps

BASIC FACTS:

1. Process History:
   A. June 12, 1997, the Planning Commission conducted a work session to discuss the issue that the Conditional Uses do not include Governmental Buildings. It was interpreted that the Comprehensive Plan language could be interpreted to supersede that of the Municipal Code. The Comprehensive Plan stated that such structures are to be conditional uses throughout the city if they were not permitted out right.
   B. July 16, 1997, Associate Planner Paul Espe requests interpretation of city liability regarding this "interpretation" for Governmental Buildings.
   C. July 23, 1997, City Attorney Ed Sullivan responds to Mr. Espe recommending the City pursue either a zoning amendment to the conditional uses or have applicants rezone their properties to uses that allow offices buildings.
   D. August 6, 1997, City staff requests the City Commission to review the letter from Ed Sullivan and direct staff to begin a text amendment to the OCMC Section 17.56 - Conditional Uses to permit governmental buildings in all zones within the city.
   E. August 6, 1997, City Commission directs staff to begin a text amendment that will allow Governmental Buildings within certain zones of the City.
   F. The Planning Commission conducted a public hearing on September 11, 1997(set over from the August 26, 1997, hearing session), at which time the Commission directed staff to expand on the criterion by which to review a public agency which request a Conditional Use.

2. Governmental Buildings are not identified in OCMC Chapter 17.56 - Conditional Uses except as follows:
   Conditional Uses (17.56.040)

J. Governmental Agencies and service in the RA-2 district: and historic and conservation districts, excluding single family and two family residential districts.

Nonetheless, governmental buildings are permitted as office buildings within the following zones:

LO- Limited Office District (17.22.020)
C - Commercial (17.32.020)
CBD - Central Business District (17.34.020)
M-1(CI) - Campus Industrial (17.37.020) - when interpreted as regional offices

Conditional Uses in the following:

LOC - Limited Office Conditional (17.20.030)

17.56.010 Conditional Use Criteria:
A. The Planning Commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural resources;
3. The site and propose development are timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

3. The O.C. Comprehensive Plan Chapter M - Neighborhood Plan Maps identifies the uses proposed for the Comprehensive Plan by designation. Under "Pubic and Quasi-Public" the Comprehensive Plan states:

"Areas in this category are publicly owned lands other than City parks, such as schools, cemeteries, government buildings and public utility facilities, such as sewage treatment plant and water reservoirs. The Community Facilities element addresses these uses. A need has been identified in some cases, for these facilities to be more compatible with adjoining areas through landscaping, facility design, and site arrangement. *These*

facilities generally can be located in any zoning district, although usually there should be some review, such as the conditional use process."

4. Existing or proposed government buildings which have a conflict with the existing code:
   - A. Clackamas County Offices - Abernethy Road. Comprehensive Plan of Industrial and Quasi Public; Zone of M-1 - Light Industrial
   - B. Post Office - Proposed for Mollala Ave. South of Fir St. Comprehensive Plan of Commercial and Industrial; Zone of Commercial and M-1 - Light Industrial.
   - C. The Armory - Waterboard Park on John Adams St. Comprehensive Plan of Quasi-Public and Park; Zoned R-6 - Single Family Residential Dwellings.

5. The concerns that have been raised to date on this issue include:

   A. Do we want governmental buildings as a conditional use in all Zones?

   Response: Possibly. Commissioner Hall had stated that there *would* be instances where it was appropriate. He was comfortable with this direction as long as they could condition the approval to mitigate the impacts or outright deny. Residential lands may warrant possible protection. The question becomes, if governmental agencies were conditional uses in all zones are the existing criteria adequate to review the application and possibly render a decision of denial? Both staff and the City attorney believe that this language already exists under the current code.

   B. What are the impacts if we identify governmental agencies and services as conditional uses in certain industrial and residential zones?

   Response: The property will always be cheaper for industrial lands than any other zone. The addition of a governmental building, typically offices, within an industrial environment may be asking for problems with conflicting uses and types of traffic. Residential zones will typically be more compatible with the exception of early morning activities, IE. Post Office, and the volume of traffic on local streets.

   C. If we add governmental agencies and services as a conditional use will this be giving the developers of these facilities the wrong idea of where we want these uses to go?

   Response: A conditional use is only a mild incentive, it requires a public hearing where a permitted use is staff review only. It is important that the Commissions select the applicable zones with the understanding of the potential impacts on both the compatibility with other uses in the zone and the potential loss of buildable land area for the permitted uses in the zone.

D. If we create an additional list of criteria that governmental agencies must meet in order to site a structure are we causing additional hardship on government agencies not currently applied to other applicants?

Response: Possibly. The issue at hand is to answer "what harm needs mitigation", if any. Then the question is whether the language currently in the code covers those issues or not. If the issue is to supplement the on-site pedestrian or vehicular connections with off-site improvements the conditional use application is typically where it would be applied. The question that needs to be answered by the Commission is whether this is or is not already covered by an analysis on the current Conditional Use Review criteria. If no, then what should the language be? Then, should this additional criteria apply to all items under review for a conditional use?

E. Should we add language if we want the use to be located near the population they serve?

Response: This issue is already identified in the criteria, 17.56.030 (A)(3), where the location of the site selected comes into consideration. Another way to approach the issue is to assure that there will be off-site connectivity required to access this site. The typical measurement by Metro and ODOT is 1/4 of a mile walking radius. If you look to government agencies and services to be located within 1/4 mile of existing transit lines it may be too onerous and not fit all types of public services, IE. service vehicle storage. In addition, it is difficult to quantify what means of access a given population will use to access a certain governmental agency.

F. Will this have an adverse impact on areas that currently have a Historic District overlay?

Response: No direct impact. The current recommended language would expand the applicability to lands zoned RD-4 (duplex zone), TC (Tourist Commercial), and M-1 (Light Industrial). None of these zones are included within the McLoughlin Historic or the Canemah Historic Districts.

Conclusion:

The Commission has a wide variety of options. First, you may recommend expanding the number of zones available to Governmental Agencies and Services to all zones, a few zones, or no additional zones. Secondly, it should be determined if additional criteria is needed for review.

Commissioner Johnson has drafted language that she thought could be added that would specifically apply all Governmental Agencies and Services. Staff has offered a second option which would apply the need for connectivity for *all* conditional uses that generate an additional

5% trips on the local system. The Commission needs to consider if the additional language is warranted.

The Comprehensive Plan and Zoning Map contains the following designations which may be added to the applicable list:

Comprehensive Plan	Zoning Map
LR - Low Density Residential:	R-10, R-8, R-6
LR/MH - Low Density Residential/ Manufactured Home:	R-6/MH
MR - Medium Density Residential:	RD- 4
MCR - McLoughlin Conditional Residential:	RC - 4
MR/MH - Medium Density/ Manufactured Home	RD- 4
HR - High Density Residential	RA - 2**
C - General Commercial	C*, CBD*
TC - Tourist Commercial	TC
LC - Limited Commercial	LOC**, LO*, NC, LC
I - Industrial	M-1(CI)*, M-1, M-2

Note for Governmental Offices: * = Permited Use
** = Conditional Use

Recommendation:
Staff recommends that the Planning Commission recommend approval of ZC97-06 to the City Commission amending Section 17.56.030 - Uses Requiring Conditional Uses, as follows:

J. Governmental Agencies and service in the RA-2 district, ***RD-4 district, M-1 district, TC district***, and historic and conservation districts, excluding single family ~~and two family~~ residential districts.

With the following added language:

Option 1: Commissioner Johnson's proposed language, Exhibit D

Option 2: Connectivity. Where pedestrian, bicycle, and vehicular connectivity is inadequate within one-quarter mile of the site and the site is to generate at least 5% additional trips on the existing facilities then off-site improvements shall be conditioned to mitigate inadequacies in the multi-modal connectivity to the site.

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Public Utility Acceptance
Map 2-2E-4C T.L. 802

Report No. 98-16

On theFebruary 18, 1998 Commission agenda is the attached Public Utility Easement for the construction, reconstruction and maintenance of a water line through the property of the "Berryhill Condominiums", Map 2-2E-4C, tax lot 802 - City Planning File Number SP96-39. This project has been approved and is described by attached exhibits "A" and "B." The Public Utility Easement was required as a condition of approval for development.

It is recommended that the City Commission accept this Public Utility Easement and authorize the Mayor and the City Recorder to execute.

Charles Lesson
City Manager

cc: Rich Carson, Community Development Director
Allison Gonyeau, Engineering Technician
File SP96-39

CITY OF OREGON CITY

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT S&V Rentals, Inc., hereinafter called the GRANTOR, does hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate and maintain pubic utilities on the following described land:

See attached Exhibit "A" Legal Description and attached Exhibit "B" Sketch for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

The GRANTOR bargains, sells, conveys, transfers and delivers unto CITY a temporary easement and right-of-way upon, across and under so much of the aforesaid land as described as:

See attached Exhibit "C" Legal Description and attached Exhibit "D" Sketch for Legal Description

GRANTOR:
S & V Rentals, Inc.
PO Box 1153
Lake Oswego, OR 97035

GRANTEE:
City of Oregon City
320 Warner Milne Rd.
Oregon City, OR 97045

AFTER RECORDING RETURN:
City of Oregon City
320 Warr . Milne Rd.
Oregon City, OR 97045

It being understood that said temporary easement is only for the original excavation and construction of said utility line and upon the completion of the construction thereof shall utterly cease and desist, save and except for that portion hereinbefore described as being a permanent easement.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is $1.00, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and the CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions) and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

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In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 21st day of January, 1998 and it has caused its name to be signed and seal affixed by its officer, duly authorized thereto by order of its board of directors.

S & V Rentals, Inc.

Steve Hilgedick, President

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared Steve Hilgedick, President of S & V Rentals, Inc. and that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

OFFICIAL SEAL
C JEFFREY ABBOTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 060070
MY COMMISSION EXPIRES DEC. 3, 2000

Notary Public for Oregon

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from taxes, liens and encumbrances.

Mayor

City Recorder

EXHIBIT A

15-FOOT WIDE WATER LINE EASEMENT

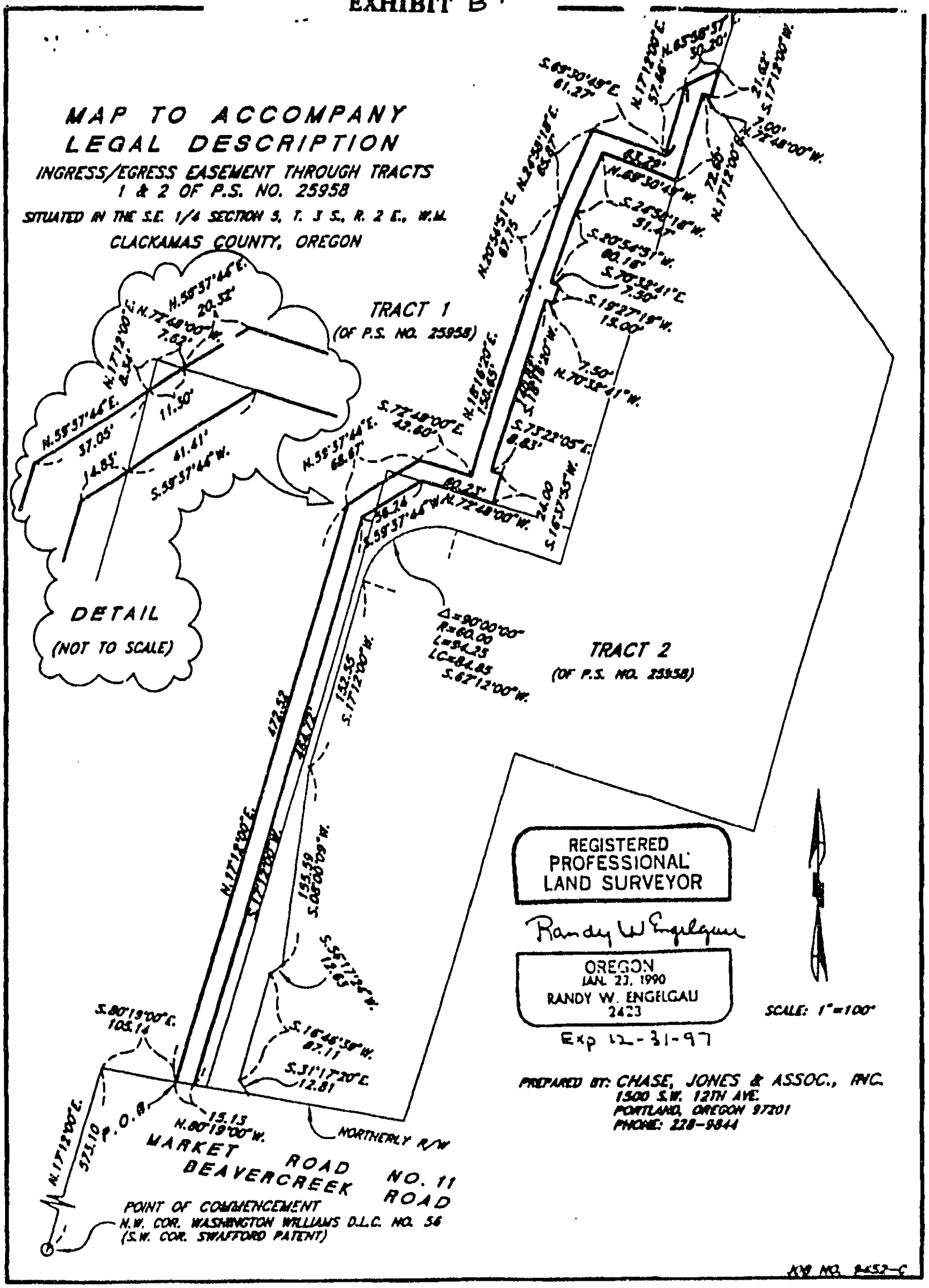
A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 4, AND IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, SAID TRACT BEING A PORTION OF THE JAMES G. SWAFFORD PATENT CERTIFICATION NO. 613, ALSO BEING A PORTION OF TRACT 1 AND 2 OF THE RECORD SURVEY NO. 25958 DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE THAT MARKS THE NORTHWEST CORNER OF THE WASHINGTON WILLIAMS DONATION LAND CLAIM NO. 56 (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SWAFFORD PATENT); THENCE NORTH 17°12'00" EAST ALONG THE EASTERLY LINE OF THE SAMUEL N. VANCE DONATION LAND CLAIM NO. 51 (BEING THE WESTERLY LINE OF SAID SWAFFORD PATENT), 573.10 FEET TO A POINT ON THE NORTHERLY LINE OF MARKET ROAD NO. 11 (BEAVERCREEK ROAD), 30.00 FEET FROM THE CENTERLINE THEREOF; THENCE SOUTH 80°19'00" EAST ALONG SAID NORTHERLY LINE OF BEAVERCREEK ROAD, 105.14 FEET TO THE POINT OF BEGINNING:

THENCE NORTH 17°12'00" EAST ALONG THE WESTERLY LINE OF TRACT 1 COMMON TO THE WAGNER TRACT RECORDED IN BOOK 251 PAGE 269 SHOWN ON THE RECORDED SURVEY NO. 25958 A DISTANCE OF 472.52 FEET; THENCE NORTH 59°37'44" EAST 37.05 FEET TO THE WESTERLY LINE OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING NORTH 59°37'44" EAST 11.30 FEET TO THE SOUTHERLY LINE OF TRACT 1 OF SAID SURVEY FROM WHICH A 5/8" IRON ROD WITH A "CHASE, JONES & ASSOC." CAP BEARS NORTH 72°48'00" WEST 7.62 FEET MARKING THE MOST WESTERLY NORTHWEST CORNER OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING NORTH 59°37'44" EAST 20.32 FEET; THENCE SOUTH 72°48'00" EAST PARALLEL WITH AND 15.00 FEET PERPENDICULAR AND NORTHERLY TO THE SAID LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 42.60 FEET; THENCE NORTH 18°16'20" EAST 158.65 FEET; THENCE NORTH 20°54'51" EAST 67.75 FEET; THENCE NORTH 24°58'18" EAST 65.87 FEET; THENCE SOUTH 69°30'49" EAST 61.27 FEET; THENCE NORTH 17°12'00" EAST PARALLEL WITH AND 15.00 FEET PERPENDICULAR WESTERLY TO THE WESTERLY LINE COMMON TO SAID TRACT 1 AND 2 OF SAID SURVEY 57.66 FEET; THENCE NORTH 65°58'37" EAST 30.20 FEET TO THE EASTERLY LINE OF TRACT 1 OF SAID SURVEY; THENCE SOUTH 17°12'00" WEST ALONG SAID EASTERLY LINE 21.62 FEET; THENCE NORTH 72°48'00" WEST 7.00 FEET TO A 5/8" IRON ROD WITH A CAP MARKED "CHASE, JONES & ASSOC." MARKING THE MOST NORTHERLY NORTHWEST CORNER OF TRACT 2 OF SAID SURVEY; THENCE SOUTH 17°12'00" WEST ALONG THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 72.60 FEET; THENCE NORTH 69°30'49" WEST 63.29 FEET; THENCE SOUTH 24°58'18" WEST 51.47 FEET; THENCE SOUTH 20°54'51" WEST 60.16 FEET; THENCE SOUTH 70°32'41" EAST 7.50 FEET; THENCE SOUTH 19°27'19" WEST 15.00 FEET; THENCE NORTH 70°32'41" WEST 7.50 FEET; THENCE SOUTH 18°16'20" WEST 140.82 FEET; THENCE SOUTH 73°22'05" EAST 8.83 FEET; THENCE SOUTH 16°37'55" WEST 24.00 FEET TO THE SOUTHERLY LINE OF TRACT 1 OF SAID SURVEY; THENCE NORTH 72°48'00" WEST ALONG THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 60.23 FEET; THENCE SOUTH 59°37'44" WEST 41.41 FEET TO THE WESTERLY LINE OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING SOUTH 59°37'44" WEST 14.83 FEET; THENCE SOUTH 17°12'00" WEST PARALLEL WITH AND 10.00 FEET PERPENDICULAR WESTERLY OF THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY TO THE NORTHERLY RIGHT-OF-WAY LINE OF BEAVERCREEK ROAD 464.72 FEET; THENCE NORTH 80°19'00" WEST ALONG SAID RIGHT-OF-WAY 15.13 FEET TO THE POINT OF BEGINNING.

JOB NO. 94CSP-C

EXHIBIT B


MAP TO ACCOMPANY
LEGAL DESCRIPTION
INGRESS/EGRESS EASEMENT THROUGH TRACTS
1 & 2 OF P.S. NO. 25958
SITUATED IN THE S.E. 1/4 SECTION 5, T. 3 S., R. 2 E., W.M.
CLACKAMAS COUNTY, OREGON
TRACT 1
(OF P.S. NO. 25958)
TRACT 2
(OF P.S. NO. 25958)
DETAIL
(NOT TO SCALE)
MARKET ROAD NO. 11
BEAVERCREEK ROAD
NORTHERLY R/W
POINT OF COMMENCEMENT
N.W. COR. WASHINGTON WILLIAMS D.L.C. NO. 56
(S.W. COR. SWAFFORD PATENT)
P.O.B.
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Randy W. Engelgau
OREGON
JAN. 23, 1990
RANDY W. ENGELGAU
2423
Exp 12-31-97
SCALE: 1"=100'
PREPARED BY: CHASE, JONES & ASSOC., INC.
1500 S.W. 12TH AVE.
PORTLAND, OREGON 97201
PHONE: 228-9844
JOB NO. 8452-C

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Waiver of Remonstrance Acceptance
Map 2-2E-4C T.L. 802

Report No. 98-17

On the February 18, 1998 Commission agenda is the attached Waiver of Remonstrance for the construction, reconstruction, and maintenanceof the "Berryhill Condominiums", map 3-2E-4C , tax lot 802 - City Planning File Number SP96-39. This project has been approved and is described by attached exhibits "A" and "B." This Waiver of Remonstrance was required as a condition of approval for development.

It is recommended that the City Commission accept this Waiver of Remonstrance and authorize the Mayor and the City Recorder to execute.

Charles Leeson
City Manager

cc: Rich Carson, Community Development Director
Allison Gonyeau, Engineering Technician
File SP96-39

WAIVER OF REMONSTRANCE

AND

CONSENT TO LOCAL IMPROVEMENT

STATE OF OREGON)
) ss.
County of Multnomah)

I, Steve Hilgedick, President of S & V Rentals, Inc., the undersigned, being the lawful owner of the following described real property located in the City of Oregon City, Clackamas County, Oregon:

For legal description, see Exhibit A and Exhibit B attached hereto

and wishing to divide or construct a building upon the above described real property, do hereby consent and agree that said property shall be counted in favor of any local improvements planned by the city of Oregon City and designed to serve the above described property; and further agree and consent to the formation of any local improvement district (LID) by the City of Oregon City benefitting said property. The undersigned hereby waive any right to remonstrate against the making of any such local improvements. The local improvements may consist of those improvements defined in ORS 223.387(1), including but not limited to streets, sidewalks, sanitary sewers, storm sewers and waterlines.

GRANTOR:	GRANTEE:	AFTER RECORDING RETURN:
S & V Rentals, Inc.	City of Oregon City	City of Oregon City
PO Box 1153	320 Warner Milne Rd.	320 Warner Milne Rd.
Lake Oswego, OR 97035	Oregon City, OR 97045	Oregon City, OR 97045

It is understood and accepted that the City Commission of Oregon City, in its discretion, may initiate formation of local improvement districts providing for the construction of local improvements at such time as a majority of the owners of property in this area either sign waivers of remonstrance similar to this one or petition the City for such improvements, or at such time that it is determined that such local improvements are required for the health and safety of the public.

This waiver of remonstrance and consent to local improvement is for the benefit of the City of Oregon City and is intended to run with the above-described land and bind the undersigned and all subsequent purchasers, heirs, assigns, administrators, executors and successors in interest.

IN WITNESS WHEREOF, the Property Owner of Record has executed this instrument this ____ day of January, 1998 and has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

S & V Rentals, Inc.

Steve Hilgedick, President

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared Steve Hilgedick, President of S & V Rentals, Inc., who being duly sworn, did say that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and acknowledged that said instrument is its voluntary act and deed.

OFFICIAL SEAL
C JEFFREY ABBOTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 060070
MY COMMISSION EXPIRES DEC. 9, 2000

Notary Public for Oregon

Accepted on behalf of the City of Oregon City on the condition that the Wavier of Remonstrance and Consent to Local Improvement is free and clear from taxes, liens and encumbrances.

_____
Mayor

_____
City Recorder

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 and more particularly described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17° 12' 00" East along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), a distance of 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road) 30.00 feet from the Centerline thereof; thence South 80° 19' 00" East along said Northerly line of Beavercreek Road, a distance of 105.14 feet to a found 5/8 inch by 30 inch iron rod with yellow plastic cap marked Chase, Jones and Associates, said iron rod being the initial point for the following described Tract, said point being located at the intersection of a line that bears North 17° 12' 00" East parallel with said Easterly line of the Vance Donation Land Claim, from a point which is South 79° 42' 00" East, a distance of 105.00 feet from said Easterly line, said initial point also being in the Easterly line of the Wagner Tract recorded in Book 251, Page 269; thence North 17° 12' 00" East parallel with said line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, a distance of 675.33 feet; thence South 72° 48' 00" East 181.37 feet to a point in the line common to Tract 1 and 2 as per Survey No. 25958; thence South 17° 12' 00" West along said West line 167.12 feet; thence North 72° 48' 00" West along the common line between Tract 1 and 2 of said survey 156.37 feet to a found 5/8 inch by 30 inch iron rod with a yellow plastic cap marked Chase, Jones and Associates, marking the most Westerly Northwest corner of said Tract 2; thence South 17° 12' 00" West along the common line between Tract 1 and 2 of said Survey 504.91 feet to the Northerly right-of-way line of Beavercreek Road; thence North 80° 19' 00" West along said Northerly right-of-way line 25.22 feet to the initial point.

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 and more particularly described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17° 12' 00" East along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), a distance of 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road) 30.00 feet from the centerline thereof; thence South 80° 19' 00" East along said Northerly line on Beavercreek Road, a distance of 105.14 feet to a found 5/8 inch x 30 inch iron rod with yellow plastic cap marked Chase, Jones and Associates, said point being located at the intersection of a line that bears North 17° 12' 00" East parallel with said Easterly line of the Vance Donation Land Claim from a point which is South 79° 42' 00" East, a distance of 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, Page 269; thence North 17° 12' 00" East parallel with said line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, a distance of 675.33 feet to the point of beginning of the tract of land herein to be described; thence continuing North 17° 12' 00" East 156.34 feet to the Northeast corner of said Wagner Tract; thence North 79° 42' 00" West along the Northerly line of said Wagner Tract 105.00 feet to the said Easterly line of the Vance Donation Land Claim (also being the Westerly line of said Swafford Patent); thence North 17° 12' 00" East along said Vance Donation Land Claim line and the Swafford Patent line 194.96 feet; thence South 72° 48' 00" East 63.00 feet; thence North 17° 12' 00" East 100.00 feet; thence South 72° 48' 00" East 50.00 feet; thence South 17° 12' 00" West 80.00 feet; thence South 72° 48' 00" East to the Easterly line of Tract 1 of Record Survey No. 25958 a distance of 179.61 feet; thence South 17° 12' 00" West along said survey line 166.11 feet; thence North 72° 48' 00" West along said survey line 7.00 feet; thence South 17° 12' 00" West along the common line between Tracts 1 and 2 of said survey 192.57 feet; thence North 72° 48' 00" West 181.37 feet to the point of beginning.

EXHIBIT B

CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

February 18, 1998

TO THE HONORABLE MAYOR AND COMMISSIONERS

SUBJECT: Purchase of Unimproved Land for Future Park Properties.

Report No. 98- 18

On the February 18, 1998 agenda is a recommendation to purchase 13.71 acreas of unimproved land from the Oregon City School District to be used for future park properties by the City. Location of this land is shown on the attached map.

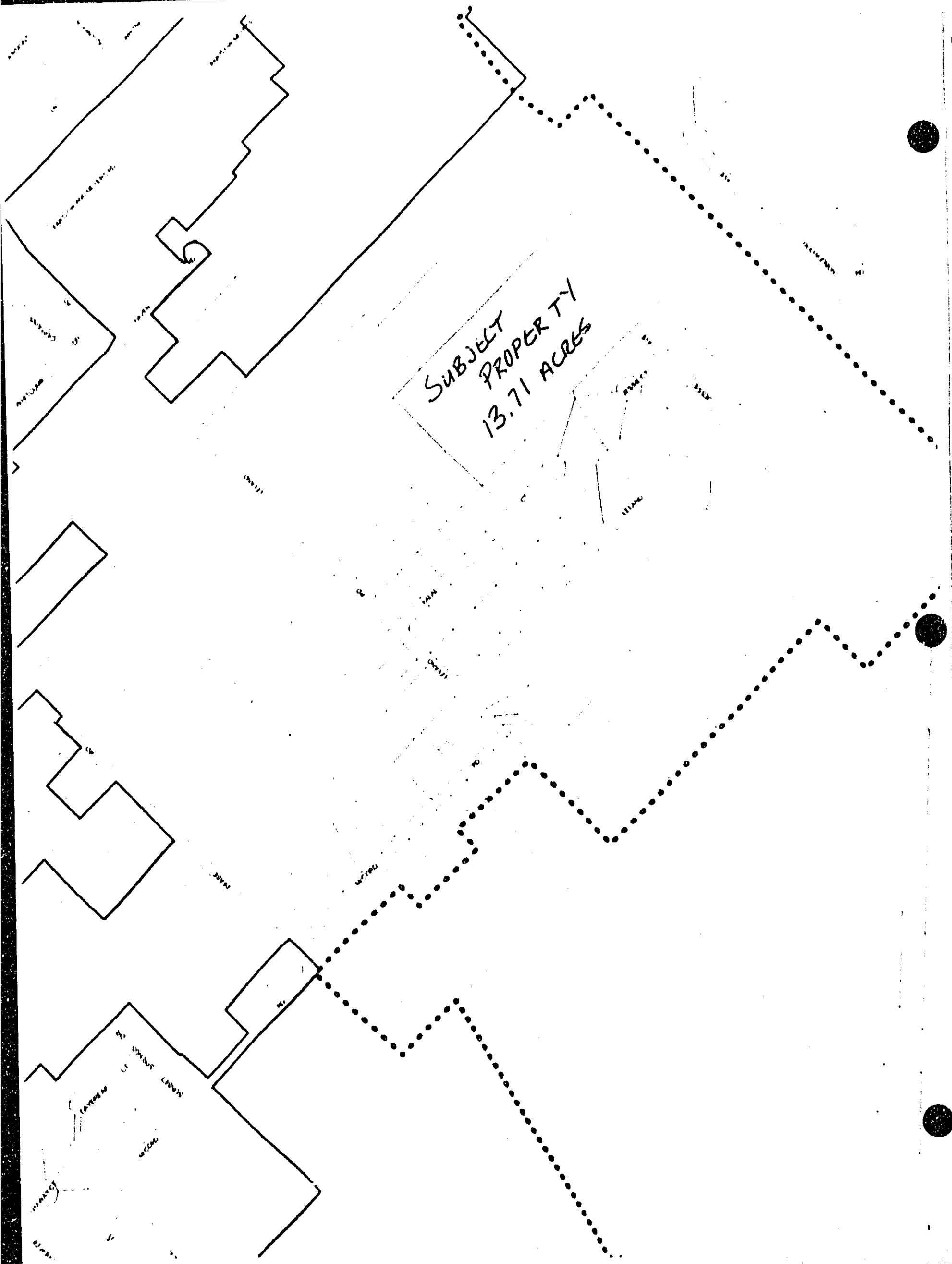
Based on a February, 1997 appraisal the purchase price is not to exceed $654,000. Money for this purchase will come from the Parks System Development Charge (SDC) Fund.

It is recommended that the City Manager be authorized to execute all documents related to this acquisition with the purchase price not to exceed $654,000.

CHARLES LEESON
City Manager

Attach.
cc: David L. Wimmer, Finance Director
Parks and Recreation Committee
Oregon City School Administration

ISSUED BY THE CITY MANAGER


SUBJECT
PROPERTY
13.71 ACRES