

## Summary of revised Conditions and Findings

### COA #7

The applicant will be required to provide street improvements along the frontage of the property in accordance with the realignment of the Lazy Creek Lane ROW. Along Lazy Creek Lane the following will be required on the north side of the centerline: 25 feet ROW consisting of 16 feet pavement, 0.5 feet curb, 5 feet sidewalk and 3.5 feet public access behind the sidewalk. Along Lazy Creek Lane the following will be required on the south side of the centerline: 10.5 feet ROW consisting of 8 feet pavement, 0.5 feet curb and 2 feet public access behind the curb. (DS)

### **16.12.013 - Modifications.**

#### **Lazy Creek Lane**

A modification to the standard street section has been requested for Lazy Creek Lane that is necessary to serve the proposed development. The City standards for a local residential street are: 54-foot right-of-way, 32 feet of pavement, (2) 12-foot shared space travel lanes, curb and gutter, 5-foot sidewalk, and 5.5-foot landscape strip. ROW dedication along the south side of the subject property will be required to align the street section with the existing Lazy Creek Lane ROW to the east and the west of the proposed development. 7. The applicant will be required to provide street improvements along the frontage of the property in accordance with the realignment of the Lazy Creek Lane ROW. Along Lazy Creek Lane the following will be required on the north side of the centerline: 25 feet ROW consisting of 16 feet pavement, 0.5 feet curb, 5 feet sidewalk and 3.5 feet public access behind the sidewalk. Along Lazy Creek Lane the following will be required on the south side of the centerline: 10.5 feet ROW consisting of 8 feet pavement, 0.5 feet curb and 2 feet public access behind the curb.

#### *A. The modification meets the intent of the standard;*

The standards listed in Table 12.04.180 are listed as maximum design standards and it is recognized that they may be reduced through the modification process where appropriate. The intent of the standards is not specifically listed, but is clearly intended to achieve the goals of the TSP to provide for safe and efficient traffic flows throughout the city. The proposed plan would provide for adequate right-of-way for the local street section. Trees will be planted behind the curb-tight sidewalk, which moves potential sight obstructions at the proposed intersection further behind the curb than would be the case with street trees in a planter strip. The TAL submitted with this application indicates that there are no anticipated operational or safety issues associated with the proposed development. Thus, the intent of the standard will be met.

#### *B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

The proposed street section is adequate for two lanes of vehicular traffic and will be designed to provide safe movement of pedestrians and bicycles. The requirement for 24 feet of pavement along Lazy Creek Lane provides two travel lanes. In accordance with Clackamas Fire requirements, no parking signs will be placed on both sides of the street.

#### *C. The modification is consistent with an adopted transportation or utility plan; and*

The adopted TSP provides maximum street sections with the understanding that lesser standards may be approved where appropriate through the modification process. Lazy Creek Lane is a local street which will carry low traffic volumes and have a statutory residential speed limit of 25 mph.

*D. The modification is complementary with a surrounding street design; or, in the alternative;*

The proposed street section is adequate for vehicular traffic as it generally matches the existing Lazy Creek Lane street section to the west of the proposed development.

The proposed street section is adequate for two lanes of vehicular traffic and will be designed to provide safe movement of pedestrians and bicycles. The proposed street section will transition to meet the existing street section to the west and the proposed street section to the east in Lazy Creek Lane. The unnamed local road will carry low traffic volumes and have a statutory residential speed limit of 25 mph.

*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.*

At this time, the applicant is not asserting a constitutional basis for the requested modification.

## **COA #27**

The engineered drainage plans and drainage report shall comply with the current version of the Public Works Stormwater and Grading Design Standards. All publicly owned stormwater ponds shall be located in a separate tract dedicated to Oregon City for stormwater facilities. Open ponds shall not be located in dedicated public road right-of-way areas. (DS)

### **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 OCMC 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 as Conditioned.** For the proposed onsite improvements, the applicant has proposed to meet onsite water quality and detention standards through a combination a private onsite stormwater swale and a proposed stormwater pond located south of the proposed Lazy Creek Lane.

The proposed location of the stormwater pond is within the existing City right-of-way. All publicly owned stormwater ponds shall be located in a separate tract dedicated to Oregon City for stormwater facilities. Open ponds shall not be located in dedicated public road right-of-way areas (4.7.12). In order to locate the proposed stormwater pond in the proposed location, the applicant will need to apply for a vacation of the existing right-of-way and obtain approval for the vacation by City Commission. It is likely that such a vacation request will be approved. Final approval of the construction permit plans is contingent on approval for the vacation of the existing right-of-way by the City Commission.

The applicant has provided a conceptual design that appears to comply with the Public Works Stormwater and Grading Design Standards. The maximum active storage depth is 4 feet, in accordance with Stormwater Grading and Design Standards 4.7.2. All proposed retaining walls shall be located within the separate tract and outside of the public right-of-way. The storm drainage design within the proposed development shall include 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.

For the necessary offsite improvements, the applicant has proposed a stormwater swale along the north side of Lazy Creek Lane to meet stormwater treatment and detention standards. The applicant shall provide stormwater treatment and detention for all proposed onsite and offsite improvements, in accordance with the current Public Works Stormwater and Grading Design Standards.

For the necessary offsite improvements of Lazy Creek Lane to the east of the proposed development, the applicant may construct a stormwater swale or pay a fee-in-lieu to meet stormwater treatment and detention standards, in accordance with the current Public Works Stormwater and Grading Design Standards. It is possible that installation of the swale could impact adjacent property redevelopment. OCMC 16.12.010 urges the City Engineer to take the remaining development potential of adjacent properties into account when reviewing utility plans. As a result, the City would prefer payment of a fee-in-lieu in this case. The fee shall be based on the applicant's engineering cost estimate for the City to construct an equivalent stormwater management facility or facilities. Final approval for the fee-in-lieu amount shall be approved by the City Engineer. The applicant's development proposal triggers the General Thresholds (1.2.1) of the current Public Works Stormwater and Grading Design Standards, as it results in greater than 5,000 square feet of new or replaced impervious surface. The Stormwater and Grading Design Standards are applicable to the entire development, including the necessary offsite improvements. The provision of stormwater treatment along this widened and resurfaced area to the east is required due to stormwater degradation that may result from a significant increase in traffic levels that is directly attributable to this development.

The applicant shall design a conveyance system to safely convey stormwater within the Lazy Creek Lane right-of-way from the proposed development to the existing stream corridor located just east of the residence at 13835 Lazy Creek Lane. The applicant has the option to design a piped system or a ditch system to safely convey stormwater to the stream corridor. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**