



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 19, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Oregon City Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 3, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Humphrey, DLCD Metro-Portland Regional Representative
Tony Konkol, City of Oregon City

<paa> ya/

FORM

2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Oregon City Local file number: PZ 06-01
 Date of Adoption: 7/5/2007 Date Mailed: 7/13/2007
 Date original Notice of Proposed Amendment was mailed to DLCD: 4/19/07

- | | |
|------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive Map amendment from Low Density Residential to Medium Density Residential and a zone change from R-6 to R-3.5 for a parcel totally 19,733 square feet.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

No change.

Plan Map Changed from: LDR to: MDR
 Zone Map Changed from: R-6 to: R-3.5
 Location: 318 Willamette Street Acres Involved: 0.45
 Specify Density: Previous: 7.2 units/acre New: 12.4 units/acre
 Applicable Statewide Planning Goals: na
 Was an Exception Adopted? YES NO

DLCD File No.: 001-07 (16044)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

na

Local Contact: Tony Konkol Phone: (503) 657-891 Extension: _____

Address: PO Box 3040 City: Oregon City

Zip Code + 4: 97045- Email Address: tkonkol@ci.oregon-city.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

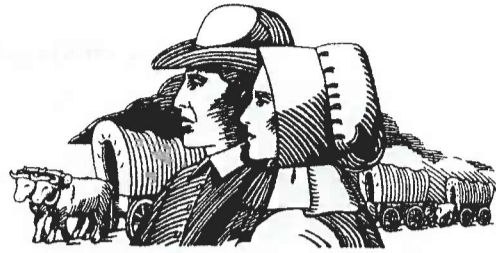
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF OREGON CITY

Land Use Decision

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



NOTICE OF LAND USE DECISION
PZ 06-01, ZC 06-02, TP 06-09 AND WR 06-32 (TYPE IV)
DATE OF MAILING OF NOTICE OF DECISION: July 13, 2007

**APPLICANT/
OWNER:** Kristen Westerman
318 Willamette Street
Oregon City, Oregon 97045

REPRESENTATIVE: Brian Lee – Pace Engineers
1300 John Adams Street
Oregon City, Oregon 97045

REQUEST: Comprehensive Plan Map amendment from Low Density Residential to Medium Density Residential, Zone Change from “R-6” Single-Family Dwelling District to “R-3.5” Dwelling District, a Water Quality Resource Area exemption and a 5-lot subdivision.

LOCATION: 318 Willamette Street, identified as Clackamas County Map 2S-2E-32CB, Tax Lot 5400.

CONTACT: Tony Konkol, Senior Planner

DECISION: On July 5th, 2007 after reviewing all of the evidence in the record and considering all of the arguments made by the Applicant, opposing and interested parties, the City Commission voted 5-0 to approve with conditions the requested Comprehensive Plan Amendment, Zone Change, Subdivision and Water Resource Exemption. Accordingly, the City Commission adopted as its own the Staff Report and Conditions of Approval for File Numbers PZ 06-01, ZC 06-02, TP 06-09 AND WR 06-32.

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

The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 320 Warner-Milne Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.

ORDINANCE NO. 07-1012

AN ORDINANCE AMENDING THE CITY'S COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; TITLE 17: ZONING, CHAPTER 17.06.030: OF THE OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING THE PROPERTY IDENTIFIED AS CLACKAMAS COUNTY MAP 2S-2E-32CB, TAX LOT 5400 FROM R-6 SINGLE-FAMILY DWELLING DISTRICT TO R-3.5 DWELLING DISTRICT AND APPROVING A WATER QUALITY RESOURCE AREA EXEMPTION AND A 5-LOT SUBDIVISION ON THE PROPERTY.

WHEREAS, the City of Oregon City has adopted Comprehensive Plan and Zoning Maps to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use goals; and

WHEREAS, the City of Oregon City Comprehensive Plan and Zoning Maps may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the owner of the subject site, located at Clackamas County Map 2S-2E-32CB, Tax Lot 5400, and identified as 318 Willamette Street, Oregon City, has requested the approval of a comprehensive plan map amendment from Low-Density to Medium-Density Residential, a zone change from R-10 Single-Family Dwelling District to R-3.5 Dwelling District, a water quality resource area exemption and a 5-lot subdivision; and

WHEREAS, a comprehensive plan designation of the site as Medium-Density Residential would support the R-3.5 Dwelling District zoning designation and the water quality resource area exemption and 5-lot subdivision meets, or can meet through compliance with the attached conditions, all of the criteria for approval pursuant to the City of Oregon City Municipal Code; and

WHEREAS, the zone change from R-6 Single-Family Dwelling District to R-3.5 Dwelling District, which will increase the number of housing units by two, has been found to have no significant impact on the water, sewer, storm drainage, schools, transportation system and complies with the Transportation System Plan and that no off-site mitigation is required; and

WHEREAS, the proposed water resource area exemption and subdivision have been found to meet all of the criteria for approval, or can meet the approval criteria by complying with the conditions of approval attached to this ordinance as Exhibit 1; and

WHEREAS, notice of the proposed hearings were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed; and

WHEREAS, on June 11, 2007 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions and one amended condition to the City Commission by a 4 – 0 vote for the requested comprehensive plan amendment, zone change, water quality resource area exemption and subdivision application and included as Attachment A, Exhibit 1; and

WHEREAS, approving the comprehensive plan amendment and zone change is in compliance with the Goal and Policies of the Oregon City Comprehensive Plan and that the water

quality resource area exemption and subdivision applications as proposed and conditioned are in compliance with all applicable city requirements.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. This application (PZ 06-01, ZC 06-02, WR 06-03 and TP 06-09) is hereby approved with conditions as to this particular property: Clackamas County Tax Assessor Map 2S-2E-32CB, Tax Lot 5400.

Section 2. The Commission also adopts the findings and conclusions that are attached as Attachment A, Exhibits 1 and 2 to this Ordinance and incorporated herein to support the City's approval to amend the comprehensive plan and zoning maps and approve the water quality resource area exemption and 5-lot subdivision.

Section 3. The property described as Clackamas County Map 2S-2E-32CB, Tax Lot 5400 is hereby amended from Low-Density Residential to Medium-Density Residential and rezoned from "R-6" Single-Family Residential District to "R-3.5" Dwelling District on the Official Oregon City Zoning Map.

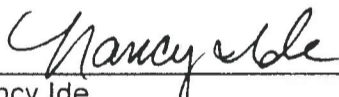
Section 4. The water quality resource exemption and 5-lot subdivision are approved with the conditions attached to this Ordinance as exhibit 1.

Read for the first time at a regular meeting of the City Commission held on the 20th day of June 2007, and the City Commission finally enacted the foregoing ordinance this 5th day of July 2007.



ALICE NORRIS, Mayor

ATTESTED to this 5th of ^{July}~~June~~ 2007



Nancy Ide
City Recorder

**RECOMMENDED CONDITIONS OF APPROVAL
AS AMENDED BY THE PLANNING COMMISSION ON JUNE 11, 2007
Planning File: PZ 06-01, ZC 06-02, WR 06-03 & TP 06-09**

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements.
2. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
3. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the Uniform 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.
4. The Applicant shall provide a grading plan conforming to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.
5. The Applicant shall provide individual 1-inch copper water service lines to each lot from the existing 6-inch main in Willamette Street or construct a new public water main, in a public utility and access easement, in the proposed driveway. If a new public water line is constructed, it shall be designed with a minimum 6-inch water main. Separation between the public water system and the fire suppression and irrigation supply system complying with City Municipal Code requirements shall be provided.
6. New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.
7. The Applicant shall provide separate sewer laterals to each lot from the existing 6-inch main in Willamette Street or construct a new public sewer main, in a public utility and access easement, in the proposed driveway. If a new public sewer line is constructed, it shall be designed with a minimum 6-inch sewer line located a minimum of 10 feet from the public water main described in Condition of Approval 4.
8. All lots will be provided with service connections to new storm detention and water quality treatment/collection systems in each lot.
9. If CC&R's are proposed at a later date, they shall be submitted for approval by staff prior to recording of the final plat in order to incorporate the appropriate conditions of approval, maintenance agreements, dedications, easements and related documents.
10. Improvements for the half-street improvement shall consist of a pavement width of 14 feet on the Applicant's side of the centerline plus 10 feet on the opposing side of the centerline, curb and

gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, street lights, and street trees.

11. The Applicant shall dedicate additional ROW to provide 24 feet of ROW on their side of centerline.
12. Non-vehicle access strips (NVAS) are required along the Logus Street frontage. Some modification of the NVAS locations may be allowed as approved by the City on a case-by-case basis at time of plat review. The Applicant shall show the location of reserve strips and NVAS on the Final Subdivision Plat.
13. Ten-foot PUEs along all street frontages and all public off-and on-site easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements on- and off-site shall be indicated on the construction plans. Any offsite utility/construction easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans.
14. The applicant shall follow the Geotechnical report recommendations. The applicant shall submit detailed construction plans and report showing how the subdivision plans meet or mitigate 17.44.060 Development Standards, A-K prior to or coincident with the subdivision plans.
15. The applicant shall receive Clackamas County Fire District 1 approval for the private driveway access to the three lots along the south side of the project, or approval of alternative fire and life safety measures, prior to the issuance of a grading permit for the site.
16. The applicant has proposed a 5-lot subdivision, however, the applicant has proposed to record the plat without removing the northern home on the site, creating a situation where the lot line goes through the house. The applicant submitted information indicating that the county would accept this situation provided a plat restriction is recorded. Staff does not support this proposal. Allowing the lot line to go through the home would create a non-conforming situation that is not allowable. Therefore, the applicant shall choose one of ~~three~~four options to conform to code.
 - It appears the applicant could redesign the layout, reducing the lot sizes of parcels 2 – 5 by the 10% allowed, and moving the lot line between parcels 1 and 2 to the east to meet the setback requirements of the R-3.5 zone.
 - The applicant could record the plat with 4-lots and when they are prepared to demolish the existing home on parcel 1, they could apply for a partition.
 - The applicant could record the plat with 4-lots and when they are prepared to demolish the existing home on parcel 1, they could construct a duplex on the lot.
 - The applicant could demolish both existing homes and record the plat with 5-lots.
17. A plat restriction shall be placed on the subdivision that limits to a maximum of two (2) total driveway cuts, which would require the parcels 1 and 2 share a driveway if future development occurs.
18. The Applicant has proposed a subdivision with lots ranging from 3,540 square feet to 8,864 square feet, which exceeds the minimum lot size requirement of 3,500 square feet. However, it appears the applicant has not removed the Willamette Street right-of-way dedication from the lot area. The applicant shall submit a revised site map demonstrating the lot size with the ROW dedication removed from the calculation.
19. The Applicant has proposed to orientate the front of the home on parcels 3 – 5 to the private driveway rather than the undeveloped Logus right-of-way adjacent to the southern property line of the site. Staff supports the reversal of the lot orientation as Logus will never be built due to the topography of the area and the water resource. The front yard setback for parcels 3 – 5 shall be

from the northern lot line and the rear yard setbacks for parcels 3 – 5 shall be from the Logus Street right-of-way.

20. The applicant has proposed house designs that do not comply with the single-family housing design standards because of the size of the garage as related to the width of the home and the location of the garage as related to the front façade of the home. All new construction shall meet the standards set forth in OCMC 17.20 Residential Design Standards.
21. The applicant shall receive city approval of a tree protection plan for the remaining trees and have the measures installed on site prior to the issuance of a grading permit on the site. The applicant shall cause to be recorded a conservation and preservation document that protects the existing trees and prohibits the removal of any of the trees unless the tree has been found to be dead or diseased and in danger of dying, or presents a hazard to the subject property. If a tree is removed for any reason, the property owner shall replace the tree with a similar tree from the Oregon City Native Plant List.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



Complete March 23, 2007
120-Day July 21, 2007

FILE NO.: PZ 06-01, ZC 06-02, TP 06-09 & WR 06-03

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: Planning Commission: June 11, 2007
City Commission: June 20, 2007

HEARING LOCATION: Oregon City City Hall – Chambers 7pm
320 Warner-Milne Road
Oregon City, Oregon 97045

**APPLICANT/
OWNER:** Kristen Westerman
318 Willamette Street
Oregon City, Oregon 97045

REPRESENTATIVE: Brian Lee – Pace Engineers
1300 John Adams Street
Oregon City, Oregon 97045

REQUEST: Comprehensive Plan Map amendment from Low Density Residential to Medium Density Residential, Zone Change from “R-6” Single-Family Dwelling District to “R-3.5” Dwelling District, a Water Quality Resource Area exemption and a 5-lot subdivision.

LOCATION: 318 Willamette Street, identified as Clackamas County Map 2S-2E-32CB, Tax Lot 5400.

REVIEWER: Tony Konkol, Senior Planner
Bob Cullison, Development Services Manager

RECOMMENDATION: Recommend to the City Commission an Approval with Conditions for their consideration at the June 20, 2007 hearing.

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

Attachment A
Exhibit 2

I. BACKGROUND:

The applicant is requesting comprehensive plan map amendment from low density residential to medium density residential, a zone change from R-6 Single-Family Dwelling District to R-3.5 Dwelling District, an exemption for the Water Quality Resource Area overlay district and a 5-lot subdivision for one tax lot of approximately 0.45-acres identified as Clackamas County Tax Assessor Map 2S-2E-32CB tax lot 5400 (Exhibit 1). There are currently two detached homes on the site, the applicant has proposed to demolish the southern home as part of the application. There are 14 trees of six-inch diameter or greater located on the site. The applicant has submitted a narrative, site plan, traffic report, geotechnical report and draft CC&R's (exhibits 2 – 6).

II. BASIC FACTS:

A. Location and Current Use

The subject site is located west of Molalla Avenue, on the south side of Willamette Street. Logus Street, which is undeveloped, is located south of the site. The site is developed with a two single-family detached homes, and is accessed via a shared driveway along the west side of the lot.

B. Surrounding Land Uses

The property to the west of the site is zoned R-3.5. The properties to the south are zoned R-3.5 and Mixed Use Corridor 1. The properties to the east are zoned R-6 and Mixed Use Corridor 1. The properties to the north of the site and Willamette Street are zoned R-6.

C. Public Comment

Notice of the public hearings for the proposed Comprehensive Plan amendment, Zone Change, exemption and Subdivision was mailed to DLCD, the neighborhood association and property owners within 300 feet of the subject site on April 19, 2007. The notice was advertised in the Clackamas Review and the subject site was posted with a request for comments and identifying when and where the Planning Commission and City Commission hearings would be held. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

No comments were received concerning this application.

III. DECISION-MAKING CRITERIA:

Chapter 17.68, "Changes and Amendments"

(a) **17.68.010 Initiation of the amendment.**

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

A. A resolution request by the commission;

B. An official proposal by the planning commission,

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991. prior code §11-12-1)

Finding: Initiated. The applicant has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 2 through 6.

(b) **17.68.020 Criteria.**

The criteria for a zone change are set forth as follows.

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

Finding: Complies. Consistency with comprehensive plan policies and goals is addressed in Section B below.

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

Finding: **Complies.** The zone change from R-6 Single-Family to R-3 5 Dwelling District, which is a 5.2 unit per acre increase, which is an increase of 2 dwelling units on the site, has been found to have no significant impact on the water, sewer, storm drainage, transportation system, police and fire or schools. There are existing water and sewer facilities in Willamette Street that are adequately sized to accept the increased density proposed by the applicant.

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

Finding: **Complies.** The projected transportation impacts resulting from a zone change from R-6 Single-Family to R-3 5 Dwelling District, which is a 5.2 unit per acre increase, has been found to have no significant impact on the transportation system, the request complies with the Transportation System Plan and that no off-site mitigation is required.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment (Ord. 91-1007 §1(part), 1991 prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in June of 2004. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section B of this staff report.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010.

A. Such conditions and restrictions shall thereafter apply to the zone change,

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50-330. (Ord. 91-1007 §1(part), 1991 prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time for the comprehensive plan amendment or zone change. Conditions of Approval would be attached to any proposed development of this site should it be found necessary. This section is not applicable.

B. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(1) Citizen Involvement

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

Finding: **Complies.** The applicant held a neighborhood meeting on October 10th, 2006 at the Eastham Community Center to discuss the proposal. The City's process includes public notice, public hearings, and notifying surrounding neighbors. At the time of application, the Barclay Hills Neighborhood Association was not meeting.

(2) **Land Use**

Goal 2.7. Maintain the Oregon City Comprehensive Plan Land Use Map as the official long-range planning guide for land use development of the City by type, density and location.

Finding: **Complies.** The applicant has proposed the only density permitted within the Medium Density Residential Comprehensive Plan designation. The properties to the west and south of the site are zoned R-3.5 and Mixed Use Corridor 1. The proposed R-3.5 zoning designation, which would allow the development of 3,500 square foot lots, would provide additional housing types and price ranges in Oregon City, would be designed with similar lot and home sizes as permitted on the properties to the west and south and is located approximately 450 feet from the Eastham Community Center, which provides education and recreational opportunities, approximately 350 feet from Molalla Avenue, which is a transit street and provides close and convenient vehicular access and a connection to commercial amenities within walking distance to the site.

(6) **Quality of Air, Water and Land Resources**

Policy 6.1.1. Promote land use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: **Complies.** The subject site is approximately 350 feet from Molalla Avenue. The proposal amendment and zone change would increase the density within walking distance to the educational, employment and commercial areas along Molalla Avenue.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.

Finding: **Complies.** Future development of the site will be required to provide water quantity and quality facilities and an erosion control plan to be utilized during construction to protect water quality. No increases in water pollution are anticipated due to the amendment or zone change as both uses are residential in nature.

(10) **Housing**

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

Finding: **Complies.** The proposed amendment to Medium Density Residential and zone change to R-3.5 would allow additional smaller lot, attached housing types to be developed within the city. The R-3.5 designation allows detached and attached homes to be constructed on 3,500 square foot lots or duplexes on 7,000 square foot lots, which provides a more affordable housing type than those found in the R-6 zoning designation. The applicant has proposed the construction of two separate attached home buildings, one with 3 units and one with 2 units. The area north of Willamette Street consists of 13 R-6 lots, the area to the south of the site consist of a large apartment complex, and to the east of the site is a lot zoned R-6 and the Mixed Use Corridor parcels along Molalla Avenue. The change would be compatible with the existing land uses and would provide for a mix of Commercial and Low, Medium and High Density Residential housing types, creating a balanced variety of uses, densities and housing types.

(11) **Public Facilities**

Goal 11.1. Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. Urban services are available or can be extended and made available to the site. Public water, sanitary sewers and storm drainage facilities are available or can be made available to the site. No comments have been submitted indicating that the public facilities necessary to accommodate the density increase exist.

(12) Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Finding: **Complies.** The applicant submitted a Transportation Analysis Letter (TAL) that was reviewed by the City's Traffic Consultant. The TAL assumed the maximum build-out of the site, which is mathematically 5 homes at the R-6 zoning designation. The TAL, supported by the City's Traffic Consultant, found that the proposed amendment and zone change from R-6 to R-3.5 will have no significant impact on the transportation system, will comply with the Transportation System Plan and will not trigger any off-site mitigation (Exhibit 7).

OREGON CITY MUNICIPAL CODE

Chapter 16.08.010 - Purpose and General Provisions

All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.

Finding: The proposed project was reviewed by the appropriate agencies and the findings necessary to be in compliance with Chapter 16.08.010 have been included. **The Applicant can satisfy this standard by complying with the attached Conditions of Approval.**

Chapter 16.08.020 - Pre-application Conference

Finding: The pre-application conference, identified as PA 06-37, was held on June 21, 2006.

Chapter 16.08.040 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.

- A. Site Plan
- B. Traffic/Transportation Plan
- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan
- D. Erosion and Sediment Control Permit

Finding: The Applicant provided detailed plans of the proposed development (Exhibits 2 - 6).

Chapter 16.08.050 - Preliminary Subdivision Plat - Narrative Statement

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.

A. Subdivision Description.

Finding: The Applicant provided a detailed description of the proposed development (Exhibits 2 - 6).

B. Timely Provision of Public Services and Facilities

Water

Finding: There is an existing 6-inch City ductile iron water main in Willamette Street. There is an existing fire hydrant nearby at the corner of Willamette Street and Molalla Avenue. The Applicant appears to have proposed constructing a new City water line in their new driveway, connecting to the main in Willamette Street. It is not clear from the Application or plans submitted if the new water line in the driveway is a proposed to be a public water main or water service for Lot 3.

New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements. Individual 1-inch copper water service lines shall be furnished to each lot. Separation between the public

water system and the fire suppression and irrigation supply system complying with City Municipal Code requirements shall be provided. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, 5, and 6.**

Sanitary Sewer

Finding: There is an existing 6-inch City gravity sanitary sewer main in Willamette Street. The Applicant appears to have proposed constructing a new City sewer line in their new driveway, connecting to the main in Willamette Street. It is not clear from the Application or plans submitted if the new sewer line in the driveway is a proposed to be a public sewer main or lateral for Lot 3. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, and 7.**

Storm Sewer and Storm Water Drainage

Finding: The site is located in the Singer Basin. The site generally slopes to the north at approximately 10%. There are no public storm drainage facilities in Willamette Street adjacent to the proposed development, nor a visible ditch. Runoff in Willamette Street appears to flow as sheet flow west along Willamette Street and north along Holmes Street towards the nearby school.

The Applicant did not provide a Preliminary Storm Water Report. The Applicant proposes an "infiltrator" type of system. Detention shall be provided for developments creating over 2,000 square feet of impervious surface to mitigate impacts to down-stream receiving waters. As such, any infiltration facility shall be designed to City standards.

The Applicant has proposed a storm sewer system that, with a few modifications, appears will meet City Municipal Code requirements. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, and 8.**

Parks and Recreation

Finding: Park System Development Charges will be paid at the time building permits are issued for each lot in the subdivision. This standard is met.

Traffic and Transportation

Finding: A Transportation Analysis Letter (TAL), dated October 4, 2006, was prepared for this project by Michael T. Ard, PE of Lancaster Engineering and was submitted to the City for review. John Replinger, Consulting Traffic Engineer, found that the development has no significant impacts on the transportation system and does not require any offsite mitigation measures. He also found that the site distance was adequate for the proposed two driveway approaches.

Schools

Finding: The Oregon City school district is responsible for providing adequate facilities and has not indicated that there is inadequate capacity to serve this development. This standard is met.

Fire and Police Services

Finding: The applicant shall receive Clackamas County Fire District 1 approval for the private driveway access to the three lots along the south side of the project, or approval of alternative fire and life safety measures, prior to the issuance of a grading permit for the site. **The applicant can meet this standard by complying with condition of approval 15.**

C. Approval Criteria and Justification for Variances.

Finding: The Applicant has is not requesting any variances.

D. Geologic Hazards

Finding: The site contains a very small section of steep slopes over 35%. As such, the Applicant submitted a geotechnical report prepared by Kristopher Hauck and Dave Baska of Zipper Zeman Associates, Inc. The applicant shall follow the report recommendations. The applicant shall submit detailed construction plans and report showing how the subdivision plans meet or mitigate 17.44.060 Development Standards, A-K prior to or coincident with the subdivision plans. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, and 14**

E Water Resources

Finding: The site is located in the Oregon City Water Quality Resource Area Overlay District. The applicant has requested an exemption from the standards since the site is approximately 378 feet from the identified resource.

F Drafts of the proposed CC&R's

Finding: The Applicant has proposed CC&R's for this development that are in compliance with the standards of the Oregon City Municipal Code and does not allow uses or designs that would be in conflict with the Oregon City Municipal Code.

G Phasing

Finding: The Applicant is not proposing to develop the site in phases. However Lot one is large enough to partition again. Any future lot division will be processed through the Minor Partition Land Use process.

H Density

Finding: The subject site is approximately 0.45 acres and the net developable acres are approximately 0.43 acres. The maximum density for this subdivision is 5-lots (0.43-acres * 12.45 units / acre) and the minimum density, which is 80% of the maximum, is 4-lots (0.43-acres * [12.45 units/acre * 0.80]). The applicant has proposed 5 lots, which meets the density requirements of the R-3.5 dwelling district.

Chapter 16.12.020 - Street Design-Generally

The location, width and grade of the 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, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets

Finding: The location, widths, and grades of the proposed street network, as proposed, appears to provide for connectivity with future development of adjacent properties, a convenient street system, and safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The proposed street system meets the general street design requirements of the City with minor modifications.

Chapter 16.12.030 Street Design-Minimum right-of-way

This standard addresses minimum right-of-way width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer's recommendation

Finding: Willamette Street is classified as a Local Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 42 to 54 feet. Currently, Willamette Street has a ROW width of approximately 30 feet with 15 feet on the applicant's side of the centerline of ROW. The applicant has proposed additional ROW dedication along the project site's frontage with Willamette Street. The proposed road section requires a 24-foot right-of-way width on the applicant's side of the street.

Local Streets require a ROW width of 42 to 54 feet, per the City TSP. The Applicant has proposed a future 48-foot ROW width for the new street and a 39-foot ROW now for the half street. Improvements will include half-street improvement width of 24 feet (14-foot on their side of the centerline and the 10-foot safety lane on the opposite side), curb and gutter, 5-foot-wide planter strip (including curb), 5-foot-wide sidewalk behind the planter strip, and street trees. The development will provide, as a minimum, the required 24-foot ROW for the Local Street. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, 10, and 11.**

Chapter 16.12.040 Street Design-Reserve Strips

The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the City Engineer to protect public safety and welfare.

Finding: The Applicant has proposed to construct a private driveway along the west property line to access the 3 lots with frontage on Logus Street. Staff would recommend that when the lot on Willamette Street is redeveloped, that only one additional driveway cut be provided to serve both lots. The applicant could access the site via the proposed private drive or provide a joint driveway for the benefit of both of the new homes.

The Applicant can satisfy this standard by complying with Condition of Approval 15 and 17.

Chapter 16.12.050 Street Design-Alignment

Finding: No new street are proposed, this standard is not applicable.

Chapter 16.12.055 Minimum Street Intersection Spacing Standards

Finding: No new intersections are proposed, this standard is not applicable.

Chapter 16.12.060 Street Design-Constrained Local Streets and/or Right-of-Way

Finding: The applicant has not proposed the development of a constrained street.

Chapter 16.12.065 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Finding: Complies. The proposed development will have no significant impact on the transportation system, the development complies with the Transportation System Plan and the proposal does not require off-site mitigation (Exhibit 5).

Chapter 16.12.070 Street Design-Intersection Angles

Finding: No new intersections are proposed, this standard is not applicable.

Chapter 16.12.080 Street Design-Additional right-of-way

The decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards.

Finding: This standard was addressed above in Section 16.12.030.

Chapter 16.12.090 Street Design-Half Street

Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.

Finding: The applicant has not proposed the development of a half street, this standard is not applicable.

Chapter 16.12.100 Street Design--Cul-de-sac

Finding: The applicant has not proposed the development of a cul-de-sac, this standard is not applicable.

Chapter 16.12.110 Street Design--Private Street

Finding: The applicant has not proposed the development of a private street, this standard is not applicable.

Chapter 16.12.120 Street Design--Street Names

Finding: No new streets are proposed, this standard is not applicable.

Chapter 16.12.130 Street Design--Grades and Curves

Finding: The Applicant has indicated that the proposed street will be designed to conform to City standards. The Applicant has satisfied this standard as proposed.

Chapter 16.12.140 Street Design--Access Control

Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require access control, screen planting or wall contained in a reserve strip 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.

Finding: Non-vehicle access strips (NVAS) are required along the Logus Street frontage. Some modification of the NVAS locations may be allowed as approved by the City on a case-by-case basis at time of plat review. The Applicant shall show the location of reserve strips and NVAS on the Final Subdivision Plat. **The Applicant can meet this standard by complying with Condition of Approval 12.**

Chapter 16.12.150 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 non-local automobile traffic.

Finding: Willamette Street will be designed as a local street, which will include sidewalks, additional traffic calming measures do not appear to be necessary at this site.

Chapter 16.12.160 Street Design--Alleys

Finding: The Applicant has not proposed any alleys. This standard is not applicable.

Chapter 16.12.170 Street Design--Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation.

Finding: The Applicant has proposed to provide sidewalks along Willamette Street that will provide for pedestrian circulation. No transit stops are indicated for this location on the TSP. This standard is met as proposed.

Chapter 16.12.180 Street Design--Planter Strips

A 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 community development director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street may use tree wells located near the curb within a seven-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

Finding: The Applicant has proposed to plant four street trees. The Applicant shall select and plant all the street trees in accordance with Chapter 12.08. The Community Development Director may approve

street trees more than 35 feet apart but in no case may the total number of trees required on the site be reduced. **This standard is not met. The Applicant can satisfy this standard by complying with condition of approval 10.**

Chapter 16.12.190 Blocks-Generally

Finding: The limited size of the development, topography and existing development patterns limits the ability to construct the existing block system created by Willamette Street and Logus Street. This standard is met as proposed.

Chapter 16.12.200 Blocks-Length

Finding: The Applicant is developing on a site with an existing block and will not be created a new block system.

Chapter 16.12.210 Blocks-Width

Finding: The Applicant is developing on a site with an existing block and will not be created a new block system.

Chapter 16.12.220 Blocks-Pedestrian and Bicycle Access

A To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

- 1. Where a new street is not practicable,*
- 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage, or*
- 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips*

B Pedestrian/bicycle accessways shall be provided:

- 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities,*
- 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future,*
- 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
- 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.*

C An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

- 1. That other federal, state or local requirements prevent construction of an accessway,*
- 2. That the nature of abutting existing development makes construction of an accessway impracticable;*
- 3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district,*
- 4. That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;*
- 5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.*

Finding: No discontinuous street right-of-ways will be created as part of this development and there are no activity centers that require a pedestrian path through the site to connect to. To the south of the site is a creek that limits the north-south connectivity and if a connect is so desired, there is an existing ROW to the west of the site that could serve as a pedestrian connection if so desired in the future.

Chapter 16.12.230 Building Sites

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance.

Finding: The Applicant has proposed to orientate the front of the home on parcels 3 – 5 to the private driveway rather than the undeveloped Logus right-of-way adjacent to the southern property line of the site. Staff supports the reversal of the lot orientation as Logus will never be built due to the topography of the area and the water resource. The front yard setback for parcels 3 – 5 shall be from the northern lot line and the rear yard setbacks for parcels 3 – 5 shall be from the Logus Street right-of-way.

The applicant has proposed a 5-lot subdivision, however, the applicant has proposed to record the plat without removing the northern home on the site, creating a situation where the lot line goes through the house. The applicant submitted information indicating that the county would accept this situation provided a plat restriction is recorded. Staff does not support this proposal. Allowing the lot line to go through the home would create a non-conforming situation, the setback requirements of the underlying zone would not be met and the home would be located over the lot line.

Staff has identified 3 options, though more may exist.

1. It appears the applicant could redesign the layout, reducing the lot sizes of parcels 2 – 5 by the 10% allowed, and moving the lot line between parcels 1 and 2 to the east to meet the setback requirements of the R-3.5 zone.
2. The applicant could record the plat with 4-lots and when they are prepared to demolish the existing home on parcel 1, they could apply for a partition.
3. The applicant could record the plat with 4-lots and when they are prepared to demolish the existing home on parcel 1, they could construct a duplex on the lot.

The applicant can meet this standard by complying with conditions of approval 15.

Chapter 16.12.232 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Finding: The subject site is approximately 0.45 acres and the net developable acres are approximately 0.43 acres. The maximum density for this subdivision is 5-lots (0.43-acres * 12.45 units / acre) and the minimum density, which is 80% of the maximum, is 4-lots (0.43-acres * [12.45 units/acre * 0.80]). The applicant has proposed 5 lots, which meets the density requirements of the R-3.5 dwelling district.

Chapter 16.12.235 Calculations of Lot Area.

A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.

Finding: The Applicant has proposed a subdivision with lots ranging from 3,540 square feet to 8,864 square feet, which exceeds the minimum lot size requirement of 3,500 square feet. However, it appears the applicant has not removed the Willamette Street right-of-way dedication from the lot area. The applicant shall submit a revised site map demonstrating the lot size with the ROW dedication removed from the calculation. **The applicant can meet this standard by complying with condition of approval 18.**

Chapter 16.12.238 Flag Lots

Finding: No flag lots are proposed. This standard is met as proposed.

Chapter 16.12.240 Building Sites—Frontage Width Requirement

Finding: All lots have 20 feet or more of frontage on a public street. This standard is met as proposed.

Chapter 16.12.250 Building Sites -Through Lots

Finding: No through-lots are proposed. This standard does not apply.

Chapter 16.12.260 Building Sites—Lots and Parcel Side Lines

Finding: The proposed lot lines run at right angles to the street upon which they face. This standard is met as proposed.

Chapter 16.12.270 Building Sites—Solar Access

Finding: The Applicant has orientated lots to meet this standard to the extent practicable due to the site constraints. This standard is met.

Chapter 16.12.280 Building Sites—Grading

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Finding: The Applicant has provided a preliminary rough grading plan. The Applicant has proposed a retaining wall and removal of all existing trees along the west property line. Removal of these trees does not appear to be necessary, and the Applicant does not own the 4-foot tax lot nor the property to the west. The proposed grading appears to extend beyond site boundaries. The applicant shall have an arborist certify the necessity of removing the trees to build the retaining wall. No grading or tree removal offsite without written documentation from the adjacent owner in the form of a temporary construction easement or similar document. **The Applicant can satisfy this standard by complying with Conditions of Approval 1, 2, 3, and 4.**

Chapter 16.12.290 Building Sites—Setback and Building Location

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orient the front of the primary structure to face the neighborhood collector, collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)

Finding: The Applicant has proposed to orientate the front of the home on parcels 3 – 5 to the private driveway rather than the undeveloped Logus right-of-way adjacent to the southern property line of the site. Staff supports the reversal of the lot orientation as Logus will never be built due to the topography of the area and the water resource. The front yard setback for parcels 3 – 5 shall be from the northern lot line and the rear yard setbacks for parcels 3 – 5 shall be from the Logus Street right-of-way.

It appears the applicant has proposed house designs that would not comply with the single-family housing design standards because of the size of the garage as related to the width of the home and the location of the garage as related to the front façade of the home. **The applicant can meet this standard by complying with conditions of approval 18 and 19.**

Chapter 16.12.300 Building Sites—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 decision-maker shall require an arrangement of lots, parcels and streets that facilitates future redivision.

Finding: Should the applicant choose to record 4-lots and reapply for a partition when they are ready to demolish the existing home on parcel 1, it appears they have proposed an arrangement of lots that would facilitate the future redivision of parcel 1. Staff recommends that the applicant be limited to a maximum of two (2) total driveway cuts, which would require the parcels 1 and 2 share a driveway if future development occurs. **The applicant can meet this standard by complying with condition of approval 17.**

Chapter 16.12.310 Building Sites—Protection of Trees

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the community development director determines it is impracticable or unsafe to preserve these trees, the Applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1

Tree Replacement Requirements

<i>Size of tree removed (Inches in diameter at the 4-foot height)</i>	<i>Number of trees to be planted.</i>
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Where the community development director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the community development director finds will reasonably satisfy the objectives of this section. 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. (Ord. 03-1014, Att B3 (part), 2003 Ord 98-1007 §1(part), 1998)

Finding: There are 8 trees on site and 6 off-site, off which 12 will be removed. The applicant has proposed to remove only those trees located within the proposed ROW or building footprint. Staff concurs with the applicant's finding that no tree mitigation is required. The applicant shall receive city approval of a tree protection plan for the remaining trees and have the measures installed on site prior to

the issuance of a grading permit on the site. In order to preserve the protected tree, the applicant shall cause to be recorded a conservation and preservation document that protects the existing trees and prohibits the removal of any of the trees unless the tree has been found to be dead or diseased and in danger of dying, or presents a hazard to the subject property. If a tree is removed for any reason, the property owner shall replace the tree with a similar tree from the Oregon City Native Plant List. **This standard has not been met. The Applicant can meet this standard by complying with condition of approval 21.**

Chapter 16.12.320 Easements

This standard governs the location, improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.

Finding: The Applicant has proposed 10-foot-wide public utility easements (PUE) along the street frontage. Ten-foot PUEs along all street frontages and all public off-and on-site easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements on- and off-site shall be indicated on the construction plans. Any offsite utility/construction easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans. **The Applicant can satisfy this standard by complying with Conditions of Approval 1 and 13.**

Chapter 16.12.330 Water Resources

Any land division which contains water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed.

Finding: The site is located within the Water Quality Resource Area Overlay District however the resource is 375 feet away from the property and therefore is exempt from further review under OCMC 17.49

Chapter 16.12.340 Minimum Improvements—Procedures

In addition to other requirements, improvements installed by the Applicant either as a requirement of these or other regulations, or at the Applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works Stormwater and Grading Design Standards.

Finding: The Applicant shall provide construction plans for all required improvements to the city for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standards and city policy. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. As-built plans will be provided as required. **This standard is not met. The Applicant can satisfy this standard by complying with Conditions of Approval 1, 3 and 14.**

Chapter 16.12.350 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.

Finding: This standard addresses minimum improvements, which are required for public transportation systems, storm water drainage and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The Oregon City Engineering Division reviewed the need for the minimum improvements required for this project under Title 16 above. **This standard is not met. The Applicant can satisfy this standard by complying with condition of approval 1-14.**

16.12.360 Minimum Improvements—Road Standards and Requirements

Finding: This section addresses requirements for public streets that do not meet adopted standards. The applicant has proposed streets that will meet the city standards. This section does not apply.

16.12.370 Minimum Improvements—Timing Requirements

Finding: The Applicant has indicated that prior to applying for final plat approval construction of all public improvements required as part of the preliminary plat approval will be completed per the approved plans or a guarantee for the construction of those improvements will be provided.

Chapter 17.16 “R-3.5” Dwelling District

Finding: The applicant has proposed the development of single-family detached residential units on lots ranging from 3,500 to 7,000 square feet, which is in compliance with the permitted uses and minimum lot sizes of the R3 5 Single-Family dwelling district. All of the proposed lots meet or exceed the minimum lot widths, depths and setback requirements. This standard is met as proposed.

RECOMMENDED CONCLUSION AND DECISION

Staff recommends that the Planning Commission forward the proposed Comprehensive Plan amendment, Zone Change, Water Quality Resource Area exemption and Subdivision, identified as Planning Files PZ 06-01, ZC 06-02, WR 06-03 and TP 06-09, with a recommendation of approval with conditions to the City Commission for a public hearing on June 20th, 2007.

EXHIBITS

The following exhibits are attached to this staff report

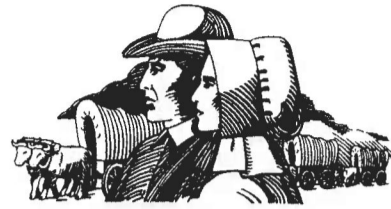
- 1 Vicinity map
- 2 McGregor Subdivision and Zone Change Narrative, dated November, 2006
- 3 McGregor Subdivision Preliminary Plans, dated September, 2006
- 4 Oregon City Public Works Department Comments, (On File)
- 5 David Evans and Associates, Review of Transportation Analysis Letter, dated May 14, 2007

CITY OF OREGON CITY

PLANNING DIVISION

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TEL (503) 657-0891

OREGON CITY, OREGON 97045
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CITY OF OREGON CITY - PLANNING DIVISION

Notice Of Decision (NOD) Mailing List

DATE: July 13, 2007

FILE # PZ 06-01, ZC 06-02, TP 06-09, WR 06-32

IN-HOUSE DISTRIBUTION

- BUILDING OFFICIAL
- ENGINEERING MANAGER
- PUBLIC WORKS- OPERATIONS
- CITY ENGINEER/P.WORKS DIRECTOR.
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- PARKS MANAGER
- ADDRESSING
- CITY ATTORNEY
- TRANSPORTATION CONSULTANT (DEA)

MAIL-OUT DISTRIBUTION

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- N.A. LAND USE CHAIR
- FIRE CHIEF
- CLACKAMAS COUNTY – Joe Marek
- CLACKAMAS COUNTY – Ken Kent
- SCHOOL DISTRICT 62
- TRI-MET
- ODOT - Sonya Kazen
- ODOT – Loretta Kiefer
- DLCD
- Other: _____

Owner: Westerman

Applicant: Lee

People who testified or wrote in:

Kehoe

DEPT OF

JUL 16 2007

**LAND CONSERVATION
AND DEVELOPMENT**