

NOTICE OF DECISION ON PARTITION : APPROVAL WITH CONDITIONS
CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION & DEVELOPMENT
LAND USE & ENVIRONMENTAL PLANNING DIVISION

Sunnybrook Service Center, 9101 SE Sunnybrook Blvd., Clackamas OR 97015

Phone: (503) 353-4500 Fax: (503) 353-4550

TO: Applicant, Citizens Planning Organization, Agencies, and Property Owners within 300 feet of this application.

DATE: April 16, 2007

LAST DATE TO APPEAL: April 30, 2007

FILE NOS.: Z0235-06-M

STAFF CONTACT: Rick McIntire (503-353-4516)

APPLICANT/PROPERTY OWNER: George & Bridget Beudet, 21198 S. Beaver Creek Rd., Oregon City, OR 97045

LEGAL DESCRIPTION: T2S, R2E, Section 07BA, Tax Lot 301 W.M.

SITE ADDRESS: 4926 SE Hill Rd., Milwaukie, OR

TOTAL AREA INVOLVED: Approximately 0.76 acres (33,000 S.F.).

PRESENT ZONING: Urban Low Density Residential (R-10); 10,000 s.f. average lot size district.

CITIZENS PLANNING ORGANIZATION FOR AREA: Oak Lodge CPO c/o Dick Jones, 3205 SE Vineyard Rd., Milwaukie, OR 97267; 503-652-2998

PROPOSAL: A Partition of the subject property into three (3) parcels for single family residential home sites.

FINDINGS: The Planning Division staff has reviewed your application for a three-parcel Partition. This Partition application is subject to Sections 301, 1001, 1002, 1003, 1006, 1007, 1008, 1012, 1014, 1022, and 1106 of the Clackamas County Zoning and Development Ordinance (ZDO). The Planning Division has reviewed these sections of the ZDO in conjunction with this proposal and makes the following findings:

1. The applicant is requesting preliminary approval of a partition to divide the subject property into three (3) parcels. The subject property is located on the southwesterly side of SE Hill Rd. approximately 80 ft. south of the intersection with SE Weeks Ct. in the Oatfield Ridge area. Parcel 1, the easternmost parcel, contains an existing single family dwelling that will be removed from the property. Access to the three proposed parcels will be provided via a new shared private access road along the southerly side of the subject property. The subject property is relatively level, having a 4% slope from northwest to southeast, and has no natural features of

any note. This request was previously approved under Planning file no. Z0252-02-M, however, that approval expired in 2004.

2. Section 1106 of the ZDO sets forth the process, standards and requirements for the application and review of a Partition, which is defined as a division of property that creates three (3) or fewer parcels in a calendar year. Pursuant to Subsection 1106.02(A), partitions shall comply with the ZDO and Oregon Revised Statutes (ORS) Chapter 92. Compliance with the applicable provisions of the ZDO is discussed in the findings that follow.
3. Section 301 of the ZDO sets forth the allowed uses, dimensional standards and development requirements of the R-10 zoning district, which is the applicable zoning for the subject property, the standards of which apply to this proposal.
 - A. A condition of approval is warranted requiring that all structures on, and uses of, the parcels created by this proposal conform to the requirements of the R-10 zoning district, subject to the provisions of Section 301 of the ZDO.
 - B. Pursuant to Sections 301.08B and 1014.04B of the ZDO, the minimum average lot size and density requirement for the R-10 zoning district is 10,000 square feet per dwelling lot/dwelling unit with a minimum lot size of 8,000 s.f. for flexible lot size partitions. In this case, the applicant is proposing three parcels, each of which will be at least 10,000 s.f. in size with the largest, Parcel 3, being 12,500 s.f. in size. Each of the proposed parcels will comply with the minimum lot/parcel size requirements of the R-10 zoning district. **This criterion is met.**
 - C. Pursuant to Subsection 301.08B of the ZDO, the density calculation for the subject property shall be made pursuant to the provisions of Section 1012. The staff has calculated the permitted maximum density of the property as three (3) dwelling units, one on each of the three proposed parcels. **This criterion will be met.**
4. Sec. 1000 of the ZDO sets forth the general standards for development of property within the unincorporated area of Clackamas County. The standards set forth in the Sec. 1000 series of the ZDO apply to all partition applications and approvals.
5. Section 1001 of the ZDO sets forth the general provisions of the 1000 Sections that, taken together, set forth the general standards for development of property and associated facilities within the unincorporated area of Clackamas County.
 - A. Pursuant to Subsection 1001.02(A), the standards set forth in the 1000 Sections apply to all partition applications and approvals.
 - B. Pursuant to Subsection 1001.03 of the ZDO, all development in the County is subject to several specified codes and / or ordinances adopted by the Board of County Commissioners (BCC) and incorporated into the ZDO. These include the Oregon Residential Specialty Code, Fire and Life Safety Code and, pursuant to Subsection 1001.03(F), any other code or ordinance adopted by the BCC. The latter provision includes the County Excavation and Grading Ordinance, County Roadway Standards and County Road Use Ordinance that have particular importance in the review of land division requests. The County Roadway Standards also incorporate the Fire Apparatus Access Road Standards adopted by most of the fire districts in Clackamas County including the Clackamas County Fire District no. 1 (CCFD#1), the fire protection services provider for the area including the subject property.

The relevance of these codes will be discussed later in these Findings. Conditions of approval are warranted to ensure compliance with the codes and ordinances incorporated in the ZDO pursuant to Subsection 1001.03. **These criteria will be met.**

6. Section 1002 of the ZDO sets forth the standards, requirements and considerations that pertain to the protection of the natural features of Clackamas County.

A. Pursuant to Subsection 1002.02(A), all developments shall be planned, designed, constructed and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains and other significant landforms.

The subject property does not contain any of these features. **This criterion is not applicable.**

B. Pursuant to Subsection 1002.02(B), developments shall be planned, designed, constructed, and maintained to avoid the substantial probability of accelerated erosion; pollution, contamination, or siltation of lakes, rivers, and streams; damage to vegetation; and injury to wildlife and fish habitats. Developments shall also be planned, designed, constructed and maintained to minimize the removal of trees and other native vegetation that stabilize hillsides; retain moisture; reduce erosion, siltation, and nutrient runoff; and preserve the natural scenic character.

The subject property is nearly level with no streams, wetlands or other water features in close proximity. In addition, pursuant to the CCSD#1 Surface Water Management Rules and Regulations, erosion control measures will be required to be installed and maintained throughout the construction period and until such time as disturbed areas are revegetated or built upon. **This criterion will be met.**

C. Pursuant to Subsection 1002.03, specific development standards and considerations apply on hillsides that exhibit slopes of 20 percent or greater.

These criteria are not applicable as the property does not contain slopes of 20% or greater.

D. Pursuant to Subsection 1002.04, specific development standards and considerations apply to trees and wooded areas.

i. Pursuant to Subsection 1002.04(A), existing wooded areas, significant clumps and groves of trees, and vegetation shall be incorporated into a development plan *wherever feasible*, using site planning and design techniques that include, but are not limited to, a series of site planning and design techniques listed under this Subsection (emphasis added).

ii. Pursuant to Subsection 1002.04(B), trees and wooded areas to be retained shall be protected during site preparation and construction, according to County design and specifications listed under this Subsection.

The subject property is nearly devoid of any significant trees. One to two trees near the existing house and along the northerly boundary exist. It appears that this (these) tree(s)

can be protected during the development of Parcels 1 and 2 given the location at the edge of the proposed parcels. **This criterion can be met.**

- E. Pursuant to Subsection 1002.05, specific development standards and considerations apply to river and stream corridors.

There are no river or stream corridors in close proximity to the property. **This criterion is not applicable.**

- F. Pursuant to Subsection 1002.06, specific development standards and considerations apply to wildlife habitats and distinctive resource areas.

The Comprehensive Plan maps do not identify any specific wildlife or distinctive resource areas. **This criterion is not applicable.**

7. Section 1003 of the ZDO sets forth the standards, requirements and considerations that pertain to natural hazards to safety such as areas of landslides, floodplains, soil hazards, and fire hazards.

According to the DOGAMI Bulletin 99, Lake Oswego and Gladstone, map that depicts potential geological, soils and flooding hazards for Clackamas County, the subject property is not subject to any of these potential hazard conditions. **These criteria are not applicable.**

8. Section 1006 of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

9. Pursuant to subsec. 1006.02A of the ZDO, the location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soils and the site consistent with the rules and regulations of the surface water management regulatory authority.

Storm water management and sanitary sewer services is subject to the Rules and Regulations and Standard Specifications of the Clackamas County Service District no. 1. Water service is subject to the standards of the Oak Lodge Water District. Electricity, gas, telephone and other services shall be installed to the standards of the relevant service provider. **This criterion will be satisfied.**

10. This development is subject to the provisions of subsec. 1006.02B of the ZDO. This requires that all development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the district serving the development, in this case the Oak Lodge Water District. Subsec. 1006.02B(2) requires written certification from a public water system that the District has the authority to provide water service to the development and that the District can provide the development with adequate potable water in quantities sufficient for year-round use. Subsec. 1006.02B(4) requires that land divisions shall not be approved unless they can be served by a public water system in compliance with the drinking water standards of the Oregon State Health Div., and that new development within the boundaries of a water service system shall receive service from this system.

Pursuant to subsec. 1006.04B(4) of the ZDO, the proposed development shall be provided with water service by the Oak Lodge Water District subject to availability of water and compliance with the District's standards and requirements. The District has not submitted comments

concerning this proposal, however, the applicant has submitted a Preliminary Statement of Feasibility from the District indicating that water service is available in adequate quantity to provide for normal domestic and fire protection needs of the proposed development. Fire flow requirements are determined by the Clackamas County Fire District no. 1. Previously, the Fire District did not indicate that any new fire hydrants are needed for this development, however the existing fire hydrant at the southeasterly corner of the property may need to be relocated if it conflicts with the street frontage improvements that will be required for this development.

A condition of approval is warranted requiring that the applicant shall install water service consistent with OLWD and CCFD#1 standards and specifications. **This criterion will be satisfied.**

11. This development is subject to the provisions of subsec. 1006.02C of the ZDO pertaining to underground installation of utilities. All development that has a need for electricity, gas and communication services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the district or company, all such facilities shall be installed underground.

A condition of approval will be imposed requiring that all new utility lines or other utility facilities necessary to serve the development shall be installed underground. **This criterion will be satisfied.**

12. This development is subject to the provisions of subsec. 1006.02D of the ZDO pertaining to the provision of public/private sanitary sewerage. Pursuant to subsec. 1006.02F of the ZDO, the development of the subject property is contingent upon the availability of area-wide sanitary sewerage since this property is within the Portland Metro Urban Growth Boundary. Pursuant to subsec. 1006.02D of the ZDO, all development that has a need for public and/or private sanitary sewers shall install the facilities pursuant to the requirements of the District serving the development.

The subject property is located within an area-wide sewerage service district administered by the Clackamas County Service District no. 1 (CCSD#1). The applicant has submitted a Preliminary Statement of Feasibility from the CCSD#1 indicating sanitary sewer service is available in SE Hill Rd. to serve the proposed development subject to CCSD#1 review of the plans for the sewer lateral connections and issuance of permits. Conditions of approval are warranted requiring compliance with the CCSD#1 standards for connections to the CCSD#1 sanitary sewerage collection system. **This criterion will be satisfied.**

13. Pursuant to subsec. 1006.02G of the ZDO, street lighting is required for new development within the Urban Growth Boundary where street lighting does not exist. The County Street Lighting Service District no. 5 (CCSD#5) has not submitted comments concerning this proposal. Therefore, a condition of approval is warranted requiring that the applicant contact the CCSD#5 staff (Kevin Noreen, 503-353-4699) to determine if additional lighting is required. If additional lighting is required, the condition will require that the applicant submit a request for the installation of lighting and for the formation of an assessment area to help pay for the costs of the operation and maintenance of area street lighting. **This criterion will be satisfied.**
14. Pursuant to subsec. 1006.02H of the ZDO, easements shall be provided along property lines as deemed necessary by the County DTD, special districts, and utility companies. Easements for

special purposes shall be of a width deemed appropriate by the responsible agency. The need for and location of such easements is usually determined during the street and street frontage, sanitary sewer and storm sewer plans review processes. Such easements, if any are required, shall be shown upon the final plat of the partition. A condition of approval to this effect is warranted. **This criterion will be satisfied.**

15. Section 1008 of the ZDO sets forth the standards, requirements and considerations for storm drainage that are typically addressed by the storm water management agency with jurisdiction over the proposal. In this case, that agency is the CCSD#1.

The subject property is within the CCSD#1, the storm water management regulatory agency for the area including the subject property. The applicant has submitted a preliminary statement of feasibility and comments signed by the CCSD#1, indicating that management of stormwater consistent with the CCSD#1 Surface Water Management Rules and Regulations is feasible for the new homes and other impervious surfaces to be developed. The CCSD#1 has also submitted more detailed comments dated April 10, 2007. A stormwater detention conveyance system will be required to accommodate the stormwater collected from roof, foundation and footing drains, the new access road and any other impervious surfaces. The storm water outfall will have to be extended along the Hill Rd. frontage to an acceptable point of connection to a storm sewer or roadside ditch capable of accommodating the contribution.

A condition of approval is warranted requiring that the applicant/developer obtain approval of the means of stormwater collection and disposal consistent with the CCSD#1 Surface Water Management Rules and Regulations prior to final partition plat approval.

Based upon these comments, the staff finds that the requirements of Sec. 1008 and the CCSD#1 Surface Water Management Rules and Regulations can be satisfied.

16. The following pertains to the provision of access to the proposed parcels and required street and street frontage improvements. This development is subject to the provisions of Secs. 1007, 1014, and 1106 of the ZDO and the County Roadway Standards pertaining to access. The following findings discuss compliance with the provisions of the ZDO and the County Roadway Standards noted above. The County DTD, Construction and Development Sec. has reviewed this proposal and submitted comments dated April 9, 2007 (incorporated herein by reference) containing the following information.

The applicant has proposed a three-parcel partition on SE Hill Road. Proposed Parcel 1 is currently developed with a single family residence that will be removed and replaced. Access is proposed via a proposed shared access road along the southeasterly property line serving all three parcels. Adjoining the subject property along the northwest property line is an access drive for View Acres Elementary School. A previous, identical application was approved for the project site under file number Z0252-02-M but was not completed and has since expired.

SE Hill Road is designated as a Collector roadway in the Comprehensive Plan. The minimum right-of-way width design standard for a Collector road is 60 feet (30 feet from centerline) in order to accommodate a two-lane facility with 6-foot wide bike lanes, and a 5-foot wide unobstructed sidewalk. SE Hill Road is presently constructed to an overall width of approximately 34 feet, including two travel lanes, and two bike lanes.

As a Collector roadway, individual access from residential driveways is restricted for new development. If access is available to a lower functional classification roadway, access must be taken from that roadway. The subject site has no alternative access. Since the minimum access spacing on a collector roadway is 150 feet, which cannot be met for two approaches on the site frontage, a single, shared access will be required from SE Hill Road to serve the three proposed parcels. Although the proposed access point does not meet a spacing of 150 feet from all access points, there are no other alternatives that could meet spacing. The proposed driveway meets spacing standards to the maximum extent practicable (Reference: Clackamas County Comprehensive Plan, Table V-5).

In accordance with the Clackamas County Roadway Standards, access for partitions shall provide minimum intersection sight distance at the approach to the County road based on the travel speed of the roadway. Sight distance on a collector roadway is measured from a location that is 15 feet back from the travel lane (fog line) from an eye height of 3.5 feet at the driveway to an object height of 3.5 feet in the oncoming travel lane. SE Hill Road is posted 35 miles per hour, requiring 390 feet of intersection sight distance, per the 2001 AASHTO Exhibit 9-55. Although the project site is located within a school zone, sight distance is based on the underlying posted speed. Particularly in this case, the school zone speed only applies at the start and end of the school day. The previous partition approval was granted under the County's former sight distance standards. The County has subsequently updated standards to be consistent with AASHTO, resulting in an increased sight distance requirement. Therefore, the current standards apply to this proposed partition.

Sight distance at the proposed driveway approach is restricted to the northwest by the horizontal curve in SE Hill Road and vegetation located on the inside of the curve. The staff identified intersection sight distance constraints for the proposed access on SE Hill Road in preliminary comments dated May 12, 2006. The proposed access drive does not meet minimum intersection sight distance for the posted speed. The applicant has pursued a speed study to determine the 85th percentile speed of the roadway. The applicant completed a number of measurements but was unable to obtain adequate data using the standard "tube count" method. The applicant has provided a radar sample acceptable to the Engineering Division establishing an 85th percentile speed of 33 mile per hour for vehicles traveling in a southeasterly direction on Hill Rd.

Based on the 85th percentile speed of 33 miles per hour, the applicant is required to provide a minimum of 368 feet of intersection sight distance to the northwest of the proposed access road approach. It appears that the applicant can achieve minimum intersection sight distance. Based on the posted speed of 35 miles per hour, a minimum of 390 feet of intersection sight distance will be required to the southeast.

Clackamas County has adopted design and construction standards for private access roads in the urban area. These standards are contained in the *Clackamas County Roadway Standards*. As identified by Standard Drawing R100, a private access road serving 3 lots is required to provide a minimum travel surface of 20 feet, within a 25-foot wide common access and utility easement. The Engineering Division is in the process of revising the Roadway Standards and has determined that 3 lots may be adequately served by a minimum of a 12-foot wide travel surface, within a 20-foot wide common access and utility easement.

The Clackamas County Roadway Standards require that access roads in partitions be designed to provide for adequate emergency services access. Access roads in excess of 150 feet in length

and where the farthest corner of a home is more than 300 feet from a turnaround area are typically required to provide an emergency vehicle turnaround area at the end of the driveway. It appears that the proposed driveway may result in the home on Parcel 3 close to or exceeding 300 feet from SE Hill Road. Written verification from the Fire District will be required verifying that adequate emergency services access is provided. If an emergency services turnaround is not required by the Fire District, at a minimum, a passenger vehicle turnaround will be required to provide an area for visitors, service and delivery vehicles an area to maneuver without using private driveways to turn around. A 20-foot long turnaround wing is adequate to serve passenger vehicles.

The applicant is responsible for designing and constructing frontage improvements on SE Hill Road and for constructing access improvements necessary to serve the proposed parcels. Construction of these improvements requires a Street Construction and Encroachment Permit and engineering plans prior to commencement of construction and recording of the partition plat.

At the present time SE Hill Road operates at a Level of Service of “D” or better. It is estimated that the proposed partition will add 20 vehicle trips per day to the road system, including two additional vehicle trips during the AM and PM peak periods. The addition of one vehicle trip per peak period or 20 trips per day will not result in the Level of Service being reduced to less than “D”.

The Planning staff finds that the partition does, or can, comply with the relevant provisions of Secs. 1007, 1014, and 1106 of the ZDO, the County Roadway Standards and the Comprehensive Plan pertaining to access for partitions. Conditions of approval will be imposed requiring compliance with these standards. **These criteria will be satisfied.**

17. This application is subject to the provisions of Sec. 1022, Concurrency, of the ZDO. Section 1022 of the ZDO sets forth the Concurrency Standards for sanitary sewer, surface water management and water service, as well as minimum standards for transportation facilities.
 - A. Pursuant to Subsection 1022.03 pertaining to sanitary sewer service, approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider. The statement shall verify that sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development.

The applicant has provided the necessary Preliminary Statement of Feasibility from the CCSD No. 1.
 - D. Pursuant to Subsection 1022.04 pertaining to surface water management, approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and

conveyance system capacity for the development.

The applicant has provided the necessary Preliminary Statement of Feasibility from the CCSD No. 1.

- E. Pursuant to Subsection 1022.04 pertaining to water service, approval of a development that requires public water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development.

The applicant has provided the necessary Preliminary Statement of Feasibility from the OLWD.

- F. Pursuant to Subsection 1022.07 pertaining to transportation facilities, approval of a development shall be granted only if transportation facilities are adequate or will be made adequate in a timely manner, except those exception areas identified in Subsection 1022.07(A)(1-4).

As previously noted, the County Construction & Development and Transportation Engineering Sections have found that the transportation facilities are adequate, or will be made adequate in a timely manner. The subject property is not located in one of the exception areas identified in Subsection 1022.07(A)(1-4).

The relevant criteria in Section 1022 have been satisfied.

18. ESA DISCLAIMER: The Federal Endangered Species Act (ESA) is not a criterion for approval of this application. The County has reviewed the approval standards in light of the requirements of the ESA, believes that the criteria for approval are consistent with the terms of the ESA and has submitted the Development Ordinances for consideration for a “4(d)” programmatic limitation. However, the analysis included in this report does not include an evaluation by the County of the application for consistency with the ESA nor does the report reach any conclusions concerning that federal law. The applicant is responsible for designing, constructing, operation and maintaining the activities allowed by an approval of this application in a manner that ensures compliance with the ESA. Any questions concerning this issue should be directed to the applicant, its consultant and the federal agencies responsible for administration and enforcement of the ESA for the affected species.

DECISION: **Approval with conditions.** Based upon the above findings, it is the decision of the Clackamas County Planning Division staff to grant preliminary approval of this application for a Partition. Final partition plat approval is subject to satisfaction of the conditions of approval identified below:

CONDITIONS OF APPROVAL

1. Approval is based upon the preliminary plan submitted with the application, the Findings discussed above, and the conditions of approval contained herein. Any change in design,

including lot layout and access to lots, must be approved by the Planning Division prior to final plat approval.

2. All conditions of approval shall be financially guaranteed or completed prior to issuance of any building permits dependent upon this approval unless otherwise noted below.
3. Within two (2) years of the date of this decision, a final partition plat survey of the partition must be submitted to this office for review. Once approved by the Planning Division, the approved partition plat will be sent to the County Surveyor for review. When approved by the Surveyor, the plat must then be filed and recorded by the County Clerk. **Failure to record the final partition plat with the County Clerk within two (2) years of the date of this decision will void this partition approval.** Prior to expiration of this approval, the applicant may request a one-time, one (1) year extension subject to Sec. 1106 of the ZDO. The final partition plat shall be prepared by a registered professional land surveyor in a form and with information consistent with ORS Chap. 92, relevant portions of ORS Chap. 209.250, the County ZDO, and these conditions of approval.
4. The individual parcels shall not be sold, transferred or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk. Not more than one Building or Manufactured Home Placement Permit may be issued until the final plat is recorded provided that the existing home is removed.
5. All structures and uses shall conform to the requirements of the R-10 Zoning District. Nothing in this approval shall be construed to allow any use or structure that is not otherwise permitted in the zoning district subject to Sec. 301 of the ZDO.
6. **Prior to final partition plat approval**, the existing home on Parcel 1 shall be demolished or relocated as it will not comply with setback requirements to the new access easement. A Demolition Permit shall be obtained from the County Building Codes Division.
7. The applicant/developer shall construct sight-obscuring fencing along the southerly boundary of the partition plat area from a point twenty feet westerly of the entrance onto Hill Rd. to the westerly terminus of the access road/turnaround to provide privacy for adjacent residences. The fence shall be a minimum of five (5) ft. in height. The fencing shall be completed concurrently with completion of the access road improvements.
8. Street lighting is required within the urban area; therefore, the applicant shall contact the CCSD#5 (Street Lighting District) staff (Kevin Noreen; 503-353-4699) to determine if additional lighting is required. At minimum, the applicant shall submit a written request for the formation of an assessment area to pay for the operation and maintenance of existing or new street lighting. **If additional lighting is required, the applicant shall submit a written request for the installation of street lighting prior to final plat approval.**
9. Pursuant to subsec. 1006.04B(4) of the ZDO, the proposed development shall be provided with water service by the Oak Lodge Water District subject to compliance with the standards and specifications of the OLWD and the CCFD#1. Any water supply system improvements needed to serve the development are the responsibility of the developer.

10. This development is subject to the provisions of subsec. 1006.02C of the ZDO pertaining to underground installation of utilities. Except where otherwise prohibited by the district or company, all new utility facilities shall be installed underground.
11. All existing, proposed and required easements shall be shown and properly documented upon the final plat pursuant to ORS Chap. 92 and Sec. 1006 of the ZDO.
12. The proposed plat is subject to the requirements of the Clackamas County Service District no. 1 (CCSD#1) for storm water management. The applicant shall comply with the CCSD#1 Surface Water Management Rules and Regulations and Standard Specifications and Section 1008 for surface water management.
 - a) **Prior to final partition plat approval**, the applicant shall obtain written approval from the CCSD#1 of the means of storm water collection and disposal from roof, foundation and footing drains and driveway surfaces from all parcels and for the required street improvements.
 - b) The costs of the storm drainage facilities improvements shall be borne entirely by the developer. Each lot is subject to a System Development Charge (SDC) and these fees shall be paid prior to issuing of a building permit.
 - c) This development is subject to a minimum surface water plan review fee of \$250.00 and an erosion control plan review fee of \$450.00. Plan review fees are due with the first submittal for plan review.
 - d) Storm drainage detention calculations shall be performed using the King County method (SBUH hydrograph – software version 4.21B or higher). The detention requirement is to reduce the 25-year developed discharge to the 2-year pre-developed rate and the 2-year developed discharge to one-half of the pre-developed rate.
 - e) Water quality requirements shall be met. Facilities shall be designed to treat the runoff from rainfall up to the amount of 2/3 of a 2-yr storm.
 - f) Stormwater infiltration shall be provided. Infiltration systems shall be sized with sufficient capacity to infiltrate up to the one-half inch of rainfall in a 24-hour period.
 - g) Any springs, seeps, wetlands, sensitive areas, and required buffers shall be clearly shown and noted on the plans and identified by a certified professional. In addition, the location of each building must be shown on the plans so that potential stormwater impacts can be effectively evaluated.
 - h) The developer's engineer shall provide supporting data to the CCSD#1 that the downstream conveyance system has adequate capacity to accommodate the storm drainage flows and not cause flooding. Modifications to the existing storm drainage system may be required to reduce the potential flooding impact.
 - i) An upstream stormwater conveyance/offsite drainage analysis shall be submitted for review. Drainage crossing into the site shall be routed around the site to an acceptable outfall or through the on-site conveyance/detention system.

- j) The Erosion Control plan shall include a plan to implement wet weather measures within 14 days of final grading and between the months of October 1st and April 30th.
- k) The final partition plat shall depict any easements and/or plat notes/restrictions required by the CCSD#1.
- l) The owner shall enter into a stormwater maintenance agreement with Clackamas County Service District No. 1. for the maintenance of the stormwater facilities. The following statement shall be added to the Notes/Restrictions on the partition plat:

“CLACKAMAS COUNTY SERVICE DISTRICT #1, ITS SUCCESSORS OR ASSIGNS IS HEREBY GRANTED THE RIGHT TO CONNECT TO, CONSTRUCT, OPERATE, INSPECT, MAINTAIN, REPLACE, REPAIR OR ENLARGE STORM DRAINAGE AND SANITARY FACILITIES ALONG PUBLIC EASEMENTS. NO STRUCTURES, FENCING, OR LANDSCAPING SHALL BE INSTALLED IN THE EASEMENT WITHOUT PRIOR CONSENT OF CCSD#1 AND CCSD#1 WILL NOT BE IN ANY WAY RESPONSIBLE FOR REPLACING THE STRUCTURES, FENCING, OR LANDSCAPING THAT MAY EXIST OR BE PLACED WITHIN THOSE EASEMENTS. NOTICE SHALL BE PROVIDED BEFORE SUCH ACTIVITIES ARE COMMENCED.”

- m) The following plat restriction shall be shown on all partition plats within the CCSD #1:

“SUBJECT TO CCSD #1 RULES AND REGULATIONS AND STORM WATER FACILITY MAINTENANCE AGREEMENT; RECORDER'S FEE NO. _____, CLACKAMAS COUNTY DEED RECORDS”.

- n) The applicant shall submit complete civil-engineered plans, including an erosion control plan, for review and approval to the CCSD#1. Plans shall be submitted to the WES, Technical Services Coordinator.
- o) **Prior to final partition plat approval**, the applicant shall submit to the Planning Dept. written verification from the CCSD#1 that its standards for sanitary sewer service can be satisfied prior to development.
- p) The final partition plat shall depict any easements and/or plat notes/restrictions required by the CCSD#1.

- 13. The proposed plat is subject to the requirements of the Clackamas County Service District no. 1 (CCSD#1) for sanitary sewer service.

- a) **Prior to final partition plat approval**, the applicant shall obtain written approval of the sanitary sewer system improvements needed to serve the proposed partition.
- b) The sanitary sewer plans and specifications are subject to the applicable state and federal laws for the construction of sewerage systems.
- c) The development is subject to the Rules & Regulations and Standard Specifications of Clackamas County Service District No. 1 for sanitary sewers.
- d) The costs of the sanitary sewer system improvements shall be borne entirely by the owner/developer. Each lot is subject to a sanitary sewer System Development Charge (SDC). These fees shall be paid prior to issuance of a building permit.

- e) This development is subject to a minimum plan review fee of \$400.00 for sanitary sewer. Plan review fees are due with the first submittal for plan review.
 - f) The developer is required to install sanitary sewer and storm drain facilities to the limits of the property in order to allow for continuity in the conveyance systems. Easements shall be provided for gravity connections to the adjoining properties as deemed necessary by the CCSD#1.
 - g) A collection sewer charge may apply depending on the type of connection to the existing sanitary sewer line, the amount to be determined later. This fee shall be paid prior to final acceptance of the sanitary sewer system. The developer shall contact the CCSD#1 to obtain the amount.
 - h) The applicant shall submit complete civil-engineered plans, including an erosion control plan, for review and approval to the CCSD#1. Plans shall be submitted to the WES, Technical Services Coordinator.
 - i) Any substantial deviation from the approved construction plans must have prior approval of the District. A Public Sanitary Sewer Extension application is valid for two-years. If the Sanitary Sewer Extension is not completed and accepted within two-years of the date the permit is issued then the District reserves the right to require another plan review and additional fees. If a time extension is requested, the CCSD#1 will review the status of the completion of the project and fees will be assessed at the standard minimum plan review rate for any time extension.
14. The County DTD, Construction and Development Sec. has submitted comments dated June 4, 2002 containing the following requirements designed to assure compliance with the provisions of Secs. 1007, 1014, and 1106 of the ZDO, the County Roadway Standards and the Comprehensive Plan pertaining to access design and construction standards.
- a) All frontage improvements in, or adjacent to Clackamas County right-of-way and the proposed private access drive, shall be in compliance with *Clackamas County Roadway Standards*.
 - b) The applicant shall dedicate approximately 5 feet of right-of-way and shall verify by survey that a 30-foot wide, one-half right-of-way width exists along the entire site frontage or shall dedicate additional right-of-way as necessary to provide the minimum one-half right-of-way width.
 - c) The applicant shall design and construct the following improvements along the entire site frontage of SE Hill Road. These improvements shall consist of:
 - (1) A 5-foot wide unobstructed curb-tight sidewalk. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc, when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Mailboxes shall be relocated or replaced in accordance with standards established by the local Post Office. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.

- (2) Since the sidewalk will not connect to sidewalks on adjacent properties, the ends of the sidewalk shall require the construction of temporary asphalt ramps, adjacent to the ends of the sidewalk, providing a transition from the new sidewalk to the edge of pavement. The ramps shall meet ADA guidelines and shall be a minimum of two (2) inches in thickness.
- (3) Drainage facilities in conformance with Water Environment Services requirements, *ZDO* section 1008 and *Clackamas County Roadway Standards* Chapter 3.
- d) The proposed parcels shall not have individual access to SE Hill Road but shall be permitted access to the new, shared private access drive. A note prohibiting individual vehicular access to SE Hill Rd. shall appear on the final plat.
- e) Pursuant to Clackamas County Roadway Standards, the private access road serving Parcels 1, 2 and 3 shall be designed and constructed to meet the following minimum requirements:
 - (1) A minimum 20-foot wide reciprocal and perpetual common access and utility easement from SE Hill Road and serving Parcels 1, 2 and 3.
 - (2) A minimum 12-foot wide paved driveway surface, constructed per Drawing R100 of the Clackamas County Roadway Standards, including drainage facilities.
 - (3) A concrete driveway approach, constructed per Standard Drawing D600.
 - (4) Written verification from the CCFD#1 Fire Marshal will be required verifying that adequate emergency services access is provided, that a sufficient turnaround exists or will be constructed (if required), that corner radii are acceptable, and that vertical and horizontal clearances are acceptable. If a turnaround is required it shall be constructed per Standard Drawing C350.
 - (5) If it is determined by the Fire District that an emergency services turnaround is not required, at a minimum a passenger vehicle turnaround shall be provided with a paved turnaround at least 20 feet in length and a paved width of 12 feet, including minimum 10-foot radius curves.
 - (6) Drainage facilities in conformance with Water Environment Services requirements, *ZDO* section 1008 and *Clackamas County Roadway Standards* Chapter 3.
- f) The applicant shall provide adequate intersection sight distance at the intersection of private drives with SE Hill Road. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct vehicular sight distance. Minimum sight distance of 368 feet shall be provided to the northwest. Based on the posted speed of 35 miles per hour, a minimum of 390 feet of intersection sight distance will be required to the southeast in compliance with AASHTO requirements, and shall be measured from a point 15 feet back from the edge of the travel lanes. The applicant shall provide plan and profile survey data, demonstrating sight lines and compliance with minimum intersection sight distance as part of the Street Construction and Encroachment Permit for the project (Reference AASHTO Exhibit 9-55).

- g) Positive drainage shall be provided for all parcels to an acceptable surface water management system having the capacity to accommodate the anticipated contribution per the Clackamas County Zoning and Development Ordinance Section 1008 and Water Environment Services standards. Storm water detention facilities cannot be located within public rights-of-way. Provisions shall be made for roof and foundation drains from the new home within the partition.
- h) The construction of the required access road and street frontage improvements requires a Street Construction and Encroachment Permit. **The permit shall be obtained from the County Engineering Division prior to the commencement of any work and final plat approval.** To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the SC&E application.
- i) Prior to commencement of utility work within the right-of-way of Hill Road, the applicant shall obtain a Utility Placement Permit from the County DTD, Engineering Div.
- j) All required improvements shall be constructed and inspected or financially guaranteed **prior to final partition plat approval.** Construction of the sidewalk along the plat frontage on Hill Road shall be completed with the construction of the remainder of the frontage improvements.
- k) A private road maintenance agreement for the shared private road implementing ORS 105.170 - 105.185 shall be recorded with and referenced upon the final plat.
- l) The applicant shall submit, at time of initial paving, reproducible as-built plans for all improvements showing all construction changes, added and deleted items, location of utilities, etc. A professional engineer shall stamp as-built plans. In addition, provide one set of AutoCAD as-built files on a floppy disk or in DXF format to be translated into AutoCAD format.

ESA Disclaimer

The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the County concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY
FORWARDED TO THE PURCHASER.**

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE. IF YOU DISAGREE WITH THESE FINDINGS OR CONDITIONS, YOU MAY APPEAL THIS DECISION TO THE CLACKAMAS COUNTY HEARINGS OFFICER. THE COST OF THE APPEAL IS \$103.00. YOUR APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY 5:00 PM ON THE LAST DATE TO APPEAL, WHICH IS **APRIL 30, 2007**. THIS DECISION WILL NOT BE EFFECTIVE UNTIL THE DAY AFTER THE APPEAL DEADLINE PROVIDED THAT AN APPEAL OF THIS DECISION IS NOT FILED BY THE APPEAL DEADLINE.