



# Oak Lodge Community Council

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August 18, 2009

Rick McIntire  
Senior Planner  
Clackamas County Planning Division  
Development Services Building  
150 Beaver Creek Road  
Oregon City, Oregon 97045

Re: Land Use Applications: Z0466-09-M  
Z0467-09-HAD  
Z0468-09-HMV  
Z0469-09-WBV  
Z04070-09-R

Dear Mr McIntire:

The above referenced applications form the request to partition the lot at 1230 SE River Forest Rd into three parcels. In our effort to submit comment by August 19, the application and the site have been reviewed by the Oak Lodge Community Council's Land Use Committee and Board of Directors. The following comments represent the views of those two groups. These comments will be presented to the membership of the Oak Lodge Community Council at its regular monthly meeting on August 26. The Council may submit additional comment after that meeting.

The subject lot covers 1.37 acre on the east bank of the Willamette River. It lies within an established neighborhood of large lots zoned Urban Low-Density Residential R-10. It was immediately clear to us that the neighborhood values its canopy of mature trees and the easy pedestrian access afforded by the quiet, curving streets. When we met neighbors of the subject lot, we learned that several were developing backyard wildlife habitats, both because the historic development patterns enable and encourage wildlife, and because of the proximity to the conservation area along the river. In addition, the neighbors we met formed a tight social community.

ZDO 301 Urban Low Density Residential:

ZDO 301 defines its purpose to:

- A. "Provide and protect residential land for families who desire to live in a low density environment.
- B. Protect the character of low density neighborhoods.
- C. Provide for development within the carrying capacity of hillsides and environmentally sensitive areas."

The applicant proposes to divide the lot into three parcels between 11,270 sq ft and 14,254 sq ft. These parcels are comfortably above the 10,000 sq ft minimum. But we believe they will be squeezed into a particularly sensitive environment and the developer must take great care to respect the surrounding ground. In the following paragraphs, I will discuss several conditions that we believe the developer should meet to gain our approval:

ZDO 705 Willamette River Greenway:

ZDO 706 Habitat Conservation Area:

The applicant proposes to define a habitat conservation area on the 24,000+ sq ft of ground between the river's low water level and the bank where the existing dwelling was constructed. This tract is intended to meet requirements for several special district overlays, including the Willamette River Greenway and the Habitat Conservation Area. Until recently, it was overgrown with invasive species such as Himalayan Blackberry, English Ivy, and Scotch Broom. These plants are among those "designated as noxious weeds



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and a menace to the public welfare by the Oregon Department of Agriculture. These plants shall not be planted in wetland or buffer areas” (Clackamas County Planning Director’s Prohibited Plant List, ZDO 709-09 5/3/01). There appears to have been an effort to clear the ground of these plants. At present, there is much exposed dirt. The effort must be sustained, and appropriate Willamette riparian vegetation should be planted in their place. As a condition of approval, we request that the county require a specific landscape plan for this area, consistent with ZDO 705.03.C “A conditional use shall be granted only if the applicant shows that the request will result in the preservation of a filter or buffer strip of natural vegetation along the river bank.”

In reference to ZDO 705.03.B.2, “where necessary, public access has been provided by appropriate legal means to and along the river,” the applicant states “No legal public access currently exists that would be impacted by this proposal.” Mallard Ct, which will be discussed as the access to the property, has two other lots between the subject property and River Forest Rd. Those residents have occupied their homes in excess of 35 years and neighborly access to the river has been granted to them implicitly by the previous owners of the subject lot. If the applicant proposes an arrangement among the new owners of the three partitioned lots for common river access, we request that that access be extended to the owners of the two existing homes on Mallard Ct as well. Such a grant would serve the spirit of community that has been active in the area and should be maintained.

### ZDO 1002 Protection of Natural Features:

The ground has already been cleared of mature trees in anticipation of this development. Four mature white oaks and a red cedar have been removed from the property. At this time, a coast redwood (*Sequoia sempervirens*) has been allowed to remain in the near center of the development. Paragraph 1002.04 refers specifically to “Trees and Wooded Areas” and instructs, “Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan whenever feasible.” It is too late to design two new homes with respect to the footprints of the lost oaks and cedar, as we would prefer in nearly every case. However, we do request that the county require as a condition of approval for this partition that the developer preserve the redwood, unless it can be shown to be irredeemably unhealthy or to pose an immediate threat to fall by a certified arborist.

After clearing the ground for development, we will expect to see the applicant oversee the design and construction of two new dwellings. Landscape plans will be developed. As a courtesy to the neighborhood and in an effort to integrate into the surrounding environment, we request that the applicant plant at least four Oregon white oak trees where they can provide their usual community benefits of preserving air and water quality, providing a buffer against wind, moderating temperature and controlling erosion.

### ZDO 1007 Roads, Circulation and Parking:

The applicant refers to the necessary widening of Mallard Ct, which is currently a long thin driveway from a particularly narrow section of River Forest Rd to the original river front dwelling on the subject lot. The applicant also refers to the hammerhead turnaround for emergency vehicles, consistent with requirements of ZDO 1007. As noted earlier, Mallard Ct currently serves two additional properties, 15890 and 1388 SE River Forest Rd. Mallard Ct is higher than the driveways and front yards of these properties so an enlarged road must be designed to contain storm water and route it away from these properties.

In addition, neighbors are concerned about the traffic impacts in the larger context. There are two aspects of potential traffic impacts we want you to be aware of:

1. The subject lot at 1230 SE River Forest Rd is bordered immediately to the north by a larger lot at 1224 SE River Forest Rd. The owner of that neighboring lot has communicated his desire to explore the potential for partitioning his lot as well. If he does so, Mallard Ct would serve several times the traffic volumes it experiences now. It is our understanding that Mallard Ct is a public road. It should be improved as a half street. In addition, the entry of Mallard Ct onto SE River Forest Rd should be



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analyzed to ensure safe sightlines and turning radii for this increasing number of motor vehicle movements.

2. Oak Grove Blvd provides access to the River Forest neighborhood from the north. River Forest Rd serves the same function to the south. At Mallard Ct, River Forest Rd narrows and rises to the south before it forms a tricky junction on a curve with River Forest Place at the top of a small ridge. The number of pedestrians and bicyclists who travel this area is considerable. Space for them is tight and increasing traffic volumes should prompt a review of public safety in this area. I won't presume to quote road standards in this letter, and we don't believe improvements have to be cost-prohibitive.

Examples of improvements:

- a. Ensure that sufficient shoulder space on River Forest Rd provides safe passage for pedestrians.
- b. On the west side of River Forest Rd, between Mallard Ct and River Forest Lane, an old guard rail contains errant motorists from rolling off the short cliff. But that guard rail doesn't extend far enough north to keep motorists from falling into the front yard of 1388 SE River Forest Rd. Extend the guard rail a short distance and it will contain pedestrians and bicyclists on the shoulder as well.
- c. That same yard is washed by storm water from River Forest Rd above it. A short berm would contain that water and direct it to a more appropriate destination.

### ZDO 1008 Storm Drainage:

As soon as we met neighbors, we heard about thin soil over bed rock and large boulders, and the difficult and expensive construction techniques required in the area. In fact, evidence of the historic quarry is everywhere. The rock and the issues it presents were not noted in the application. The neighbors cite examples of poor drainage now and do not want construction to exacerbate the problem. Rather, this development should mitigate drainage problems in the small basin it will inhabit and directly effect. ZDO 1008.02 requires a plan for storm drainage "for all significant residential, commercial, industrial and recreational development. This requirement includes all proposals in or immediately adjacent to an Open Space on the Comprehensive Plan map, in or adjacent to an identified Major Hazard area and in areas of or adjacent to an area having an historic localized flooding problem resulting from storm drainage." This provision continues, "The County may require that the applicant design and construct a drainage system which will insure that offsite impacts caused by that development can be mitigated." As a condition of approval, we request that the applicant provide a plan to analyze the current patterns of storm drainage in the subject and neighboring properties and to construct a system to drain the area effectively, per current engineering standards and County requirements. There should be no additional water flowing into neighboring properties.

Sincerely,

Ed Riddle, Vice-Chair, OLCC