

STAFF REPORT
Proposed Veranda Master Plan and Subdivision

HEARING DATE: October 23, 2023

REPORT DATE: October 5, 2023

TO: Gresham Planning Commission

FROM: Ken C. Onyima, Senior City Planner

FILE NUMBER: SD/MIS 20-26000343 (MPLAN 21- 00652)

PROPOSAL: To establish an applicant-initiated Pleasant Valley Master Plan and 187-lot subdivision (revised to 175 lots) for an approximately 38.9-acre area. All existing improvements on the site will be removed and the current well and onsite septic system will be decommissioned.

The applicant proposes revising the zoning district boundaries and platting 135- lots on the LDR-PV portion of the site and 40 lots in the MDR-PV portion of the site. The majority of the area with ESRA Overlay will be set aside as undevelopable Tract A. A second tract for slope and tree protection will be established at the southeast corner of the site, Tract D. Mitigation of the impacted wetland areas on the site is also proposed.

APPLICANT: Jim Leeper

REPRESENTATIVES: Ray Moore, All County Surveys and Planners
Stacey Reed, AKS Engineering
Kenneth Katszaroff, Schwabe Williams and Wyatt

LEGAL DESCRIPTION: Section 1S3E20D Tax Lot 1200
Tax Lot 1100 (roadway only)

LOCATION: 7928 SE 190th Dr.

EXHIBITS: A. Vicinity Map
B. Applicant's Narrative and Plans
B-1: Narratives and Plans

- B-2: Additional Applicant’s Narrative (May 2023)
- B-3: Revised Preliminary Plan (5/19/23)
- B-4: Revised Wetland Report by Castle-Rose September 22, 2021
- B-5: Castle Rose (OFWAM) Locally Significant Report (April 22, 2022).
- B-6: Preliminary Storm Report (May 2023)
- C. Wetland Delineation Concurrence by DSL (1/23/20)
- D. OFWAM Report Review by PHS (May 19, 2022)
- E. ESRA-PV Determination AKS Memo (1/12/23)
- F. AKS ESRA-PV Mitigation Plan Technical Memo (5/23/2023).
- G. Impaired Waters List
- H. DSL Wetland Notice of Response (6/8/23)
- I. Local Significance of Wetlands Memo (3/22/23) (Majidi Memo).
- J. May 23, 2023 Schwabe Legal Response to Majidi 3/22/23 Memo
- K. Schwabe Memo (Jan. 20, 2023)
- L. March 1, 2023 City Attorney’s Response to Schwabe Jan 20, 2023 Memo
- M. Current Stream Layer
- N. DEQ 303(d) Listed Stream
- O. Schott Delineation Figure 6
- P. City of Gresham Natural Resources Technical Review of the AKS Engineering submittal in May of 2023
- Q. Pacific Habitat Services Technical Wetland Review of the AKS Engineering submittal in May of 2023
- R. City of Gresham Legal Response to the Schwabe Memo of 05/24/23.
- S. GSI Veranda Opinion 9/1/2023
- T. Public Comments

RECOMMENDATION: Staff recommends denial of the proposed applicant-initiated Pleasant Valley Veranda Master Plan and the 175-lot subdivision.

SECTION I

BACKGROUND INFORMATION

FINDINGS OF FACT

- A. LOCATION:** The subject property is located at 7928 SE 190th Drive, a 40.17 acre parcel, described as Tax Map 1S3E20D Lot 1200.
- B. ZONING:** At the time of application, the subject property is zoned primarily as Low Density Residential-Pleasant Valley (LDR-PV) and partially Medium Density Residential Pleasant Valley (MDR-PV) at the southwest corner, as well as Environmentally Sensitive Restoration Area—Pleasant Valley (ESRA-PV) along the north portion of the property and a smaller section of the southeast corner of the property.

The property is also partially mapped within the Neighborhood Transition Design Area Overlay Sub-district (NTDA) which buffers the ESRA-PV. The Floodplain Overlay is also mapped adjacent to portions of Kelley Creek corresponding with the FEMA Special Flood Hazard Areas.

Of note, a citywide project updated environmental overlay standards on this property effective January 15, 2021, approximately three weeks following the application date for the subject application. At the applicant's request, the review timeline for this application has been extended beyond the typical land use review timeline as discussed in Section H.

- C. PROPOSAL:** The applicant is engaging in an applicant-initiated master plan of an area that is within the Pleasant Valley area and subject to the Pleasant Valley Plan District standards of the Gresham Community Development Code. The Development Code requires the Planning Commission to approve a Master Plan showing plans on street and block layout, neighborhood design, interface with natural resources, housing variety and other issues. It can be seen as an intermediate step between the adopted Pleasant Valley Plan and subsequent land division and/or site design review development plans.
- D. SITE DESCRIPTION:** The subject site is approximately 40 acres on a mostly rectangular parcel abutting SE 190th Drive to the west. Most of the site has historically been in agricultural use, with a single 1919 home and accessory structures located on the northwest corner of the parcel.

The topography of the site reaches a high point of approximately 550 feet in elevation at the southeast corner of the site, and slopes downward to the north and west, down to an elevation of about 375 feet at the northwest corner of the site. The majority of the site is characterized by open field, immediately abutting mature wooded land to the east and partially to the south.

Kelley Creek runs along the north edge of the property with nearby riparian vegetation. Wetlands have been delineated on the site as shown in the applicant's provided January 2020 DSL wetland concurrence (Exhibit C) including a 0.12 acre wetland immediately along Kelley Creek to the northeast (Wetland 4), a 0.26 and a 0.1-acre wetland to the north (Wetlands 3 and 2), a larger 4.97-acre wetland on the western half of the property (Wetland 5), and a smaller 0.07 wetland nearer the southwest corner (Wetland 1).

E. SURROUNDING LAND USES

This area is located south of the Pleasant Valley Phase 1 Master Plan area, characterized by single detached home development primarily from the last decade. To the west and southwest are predominantly multi-acre parcels in a mix of agricultural and large-lot residential uses. The property to the south and partially to the east of this property is under Metro ownership as managed as the 74-acre West Bliss Butte natural area.

SECTION II

APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

Section 11.0101	Development Permit Required
Section 11.0204	Type III Procedure – Quasi-Judicial Hearing
Sections 11.0210-11.0214	Processing Development Actions
Section 11.0300	Public Deliberations and Hearings

SECTION III

APPLICABLE COMMUNITY DEVELOPMENT CODE

Sections 4.1401-4.1469	Pleasant Valley General Provisions, Purpose and Characteristics, Standards
Sections 4.1470-4.1472	Master Plan – General
Sections 4.1473-4.1482	Master Plan Submittal Requirements and Standards
Sections 4.1483-4.1486	Master Plan Procedures
Article 6	Land Divisions
Appendix 5	

SECTION VI

REGULATORY FINDINGS

The review of the consistency of this proposed Master Plan with all applicable procedures and requirements of the Community Development Plan Code are as indicated in the following findings.

A. Community Development Code Procedures

Section 11.0101 – Development Permit Required. This section requires that no development may occur without first obtaining a development permit. The applicant has initiated this Pleasant Valley Master Plan.

Section 11.0204 – Type III Procedure – Quasi-Judicial Hearing. This section requires that the Planning Commission shall hold a public hearing and make a final decision on Type III Master Plan application. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make findings for each of the applicable criteria. The section also provides for a hearing process consistent with Section 11.0300. The Planning Commission, at public hearings in conformance with provisions of this section, will consider this proposal. Findings are made for the applicable criteria in this report or as revised in the record.

Sections 11.0210-11.0214 -- Processing Development Actions. These sections generally provide for how an application shall be made and the timelines for which the City must act on the application. As this is an applicant-initiated Master Plan provisions for pre-application conference, submittal requirements, and timelines for city actions apply.

B. LAND USE HISTORY

- a. Annexation into City of Gresham June 20, 2006. (AX-06-108; MU0406)

C. APPLICATION ACCEPTANCE DATE

A pre-application meeting was held on July 23, 2019 (PA 19-26000272), while the Early Neighborhood Notification meeting was held on October 23, 2020.

The application was submitted on December 22, 2020 and deemed incomplete on January 14, 2021. Completeness was forced on July 19, 2021. A request for 120-day extension was made by the applicant on September 24, 2021. This extended the 120-day to January 5, 2022. Series of other extensions have been granted with the latest extension being the one that extended the decision timeline indefinitely per the Leathers Oil Co v City of Newberg Or App 2011 decision. On May 24, 2023 the applicant submitted revised plans and narrative and requested that a September 11, 2023 hearing date be set. This date was later moved to October 23, 2023.

Section 11.0300 – Public Deliberations and Hearings. This section requires that for a Type III Planning Commission hearing that a notice is posted in a conspicuous place along affected street frontages, mailed to all property owners within 300 feet of subject property and to any City-recognized Neighborhood Association and published in a newspaper of general circulation in the City at least 20-day prior to the hearing. A notice was posted on the site on August 23, 2023. The notice was mailed to all property owners and property owners within

300 feet of the area on August 21, 2023. The notice was published in the Gresham Outlook, on August 18, 2023. All dates are at least 20 days prior to the September 11, 2023 hearing date. Another notice was published in the Gresham Outlook, notice sent and posted on October 3rd, 2023 for the October 23, 2024 hearing. The Planning Commission will make a decision that will be based on findings of fact contained in this report and in the hearings record and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

D. Pleasant Valley Master Plans -- General

Master plans in Pleasant Valley are intended to ensure that the Pleasant Valley are is planned for “cohesive and livable neighborhoods, mixed use centers, employment areas, open spaces, and other parts of the Pleasant Valley Community.” GDC 4.1470(B). Master plans are also a “tool for review and refinement of Sub-district boundaries,” which the applicant in this case has requested. GDC 4.1470(C) and 4.1472. Meaning, the applicant proposes to develop the property so that the density allowed overall by the site’s MDR-PV and LDR-PV zoning is maintained, but the dimensions of individual lots do not conform to the requirements of the Sub-district boundary within which that lot is located. This master planning tool allows greater flexibility in designing a land division than if the base zone standards were applied through a subdivision.

State law requires that the City apply only clear and objective standards, conditions and procedures regulating the development of housing, such as this proposal. ORS 197.307(4). The development standards in the MDR-PV and LDR-PV zone and the City’s subdivision process are clear and objective, in compliance with state law. However, the proposal does not comply with the development standards in the MDR-PV and LDR-PV zone when those zones’ boundaries are applied. Instead, the applicant has elected to rely upon the flexibility of refining the Sub-districts boundaries provided by the master plan.

The master plan provides an alternative to complying with the clear and objective standards of the MDR-PV and LDR-PV zones, and state law allows such an alternative process to include standards that are not clear and objective so long as the applicant retains the option of pursuing a clear and objective path, the density allowed is at or above the density allowed by that path, and the process complies with applicable statewide land use planning goals and rules. ORS 197.307(6). The Pleasant Valley master plan meets the criteria in ORS 197.307(6). The applicant has elected to pursue refinement of the Sub-districts rather than strictly applying the Sub-district boundaries, the allowed density is preserved, and the master plan process complies with all applicable law. Accordingly, the discretionary criteria in the master planning section of the Code may be applied to the proposal.

4.1471 Applicability

Master plan approvals are required before or concurrent with any development applications under Section 6.0300 Partitions and Subdivisions and/or Article VII Site Design Review. Subsequent land use approvals must be consistent with the master plan.

Findings, Satisfied:

This applicant-initiated Master Plan process is being proposed concurrent with a 175-lot subdivision under Section 6.0300. The subdivision approval will be consistent with the master plan as provided in **Section 4.1485** Duration and Implementation.

4.1472 Master Plans and Refinements of Sub-district Boundaries

The Plan District Map establishes the general location of sub-districts to be used in master plans and applied upon annexation. Applicants may propose refinements of the sub-district boundaries as part of the master plan review process. Refinements of sub-district boundaries may be approved if they:

- (A) Do not result in increases in density, and

Findings, Satisfied:

A sub-district boundary refinement is proposed for the plan area. The adopted Pleasant Valley Plan District has 3.29 acres of MDR-PV shown for this site in a rectangular configuration at the SW corner of the site. Accounting for right-of-way, the net acreage is 2.26 acres which will allow density of 27 units to 45 units. This refinement distributes the MDR-PV lots throughout the development, as opposed to concentrating them at the SW corner. The MDR-PV density is therefore maintained with the boundary refinement.

- (B) Are consistent with the Comprehensive Plan’s goals and policies for Pleasant Valley, and

Findings, Satisfied:

Regarding the proposal to adjust the MDR-PV and LDR-PV sub-district boundaries as provided in Section 4.1472(C), in part Policy 1 of Goal 10.703 Residential Land Use/Neighborhoods is that “each Pleasant Valley neighborhood will include a wide variety of housing options for people of all ages and incomes”. Findings are made for Section 4.1472(C) that the overall housing variety and densities that would have been required and allowed for the LDR-PV and MDR-PV separately are still met with the distribution. The proposal is consistent with this criterion.

- (C) Are consistent with and provisions of the Plan District and this chapter, or

Findings, Satisfied:

Regarding the proposal to adjust the MDR-PV and LDR-PV sub-district boundaries as provided in Section 4.1472(C), findings are made that the proposal is consistent with Sections 4.1404 (LDR-PV) and 4.1405 (MDR-PV). The distributed district lots will be

developed consistent with the standards of these Plan Districts. The proposal is consistent with this criterion.

(D) Are necessary in light of a physical condition (e.g. topography) that makes the original sub-district designation impractical for the site.

Findings, Does Not Apply:

As Criterion C applies to the refinement, this criterion does not apply.

Submittal Requirements and Standards

4.1473 Level of Detail

(A) Master plans are intended to display conceptual designs for land use, transportation, natural resource areas, and other physical attributes of the subject property. Similarly, public facility information is intended to be submitted at a conceptual level of detail sufficient to demonstrate compliance with the approval criteria.

Findings, Not Satisfied:

The applicant argues that some of the standards for master plan are not clear and objective standards as required under the needed housing statute (ORS 197.304(4)). The words “intended to display conceptual designs”, “intended to be submitted at a conceptual level of detail” and “sufficient to demonstrate compliance” are some of the examples of the not clear and objective standards cited by the applicant.

The criteria in GDC 4.1473 are not clear and objective, but described in Section D above, the master plan’s discretionary approval criteria can be applied to the proposal pursuant to ORS 197.307(6).

However, if a reviewing body determines that the City erred in its interpretation of ORS 197.307 as applied to these criteria, and the criteria are subject to ORS 197.307(4) instead of (6), in the alternative the City waives the application of GDC 4.1473 because it is not clear and objective. Even if the criteria in GDC 4.1473 are waived, staff still recommend denial of the application based upon the clear and objective criteria that continue to apply, as detailed below.

Nevertheless, the applicant has provided a revised Master Plan that provides a conceptual design for the development of a new neighborhood that will feature a residential land use, transportation improvements, stormwater facilities, neighborhood parks, and preservation of the natural resource area along Kelley Creek to the north and the ESRA to the southeast of the site. This conceptual plan is provided in the revised Sheet **P-02A** of Exhibit B-3 in the project proposal. The maps and text conceptually describe land use sub-district boundaries, street and block layout, housing and lotting study layouts, water public facilities, stormwater public

facilities, wastewater public facilities, transportation and circulation public facilities and parks, trails, and open space public facilities.

The revised plan, however, does not provide for the preservation of natural resource areas on the site (approximately 5.52 acres of wetland) identified as jurisdictional wetland by the Oregon Department of State Lands (DSL). See Exhibit C.

These wetlands meet the mandatory criteria in OAR 141-086-350(2)(b) for being considered a locally significant wetland, as detailed in the city's environment consultant, Pacific Habit Solutions (PHS) [May 19, 2022 and May 2023] memo. (See Exhibits D and Q). If the city elects to consider whether the wetlands should nevertheless be characterized as not being locally significant, as permitted under state law, the reports by both Castle Rose and AKS Engineering conclude that these wetland areas are not locally significant wetlands (See Exhibits B-5 and E for details).

However, PHS's review of their findings disagreed with these conclusions and found that under both the mandatory and discretionary standards, the wetlands are locally significant (See Exhibit D and Q). Based on this, the ESRA regulations apply to this locally significant wetland. The standards for land division under **Section 4.1443** Standards state that the only type of lot allowed within the ESRA-PV sub-district is a lot that will be created for a residence which existed before the ESRA-PV was applied to a subject property. The approximately 5-acre wetland areas (ESRA) are proposed to be developed with lots contrary to the standards of **Section 4.1443**.

The preliminary site plan (5/19/23) shows a waterway in the northeast corner of the Veranda parcel, situated within the proposed SE Eastwood Ave. Right of Way and "Tract D". The applicant has not provided for an appropriate protective buffer for this stream; they indicate in narrative materials that they have provided a 50-foot protective setback, however:

- 1) City staff have measured the distance from the new stream's center line to the proposed roadway and lot #81 and find a setback ranging from 8-25 feet.
- 2) As this land use application is submitted under the ESRA-PV standards, City staff have measured the ESRA-PV buffer to be applied here as 200 feet. This is based on the approved Pleasant Valley Concept Plan maps (2001) and PV Implementation Project (2004). Both documents show the buffer of that creek as 200 feet from stream center line.

This will have a significant implication on the number of lots and street layouts at the northeast corner of the site.

The maps combined with the text do not provide, at a conceptual level, sufficient detail to demonstrate compliance with the approval criteria of preservation of natural resources.

The applicant intends to mitigate any wetland impacts as required. However, because the application is being proposed under the ESRA standard in effect at the time of the application, there is no allowance for development and mitigation within a locally significant wetland under the ESRA standards.

The master plan application is being proposed concurrently with the subdivision application; thus, the conceptual plan represents the subdivision application. As a result, the proposal shall comply with the standards for land division in ESRA.

- (B) In addition to the submittal requirements of 11.0211 (Development Permit Application) 10 copies of a Master Plan site plan shall be submitted along with an 8-1/2 x 11-inch or 11 x 17-inch reduced copy of the Master Plan site plan. The Master Plan site plan must characterize all graphic data to scale.

Findings, Satisfied:

The Master Plan site plan has been submitted electronically as currently required.

- (C) If the applicant is in exclusive ownership of only part of the master plan area, then the applicant shall provide proof of attempt to contact those other owners by registered mail. The purpose of this provision is to encourage and provide opportunity for those property owners to participate in the master plan effort.

Findings, Not Applicable:

The area of this proposed Master Plan is in exclusive ownership of the applicant. The requirement of the section is not applicable.

4.1474 Size of Master Plan

The purpose of this requirement is to provide a tool to meet the purpose statement above. By requiring minimum areas for master plans, the City intends to avoid incremental and uncoordinated development in Pleasant Valley.

Master plans must cover a minimum of 20 acres. The City may allow a master plan of less than 20 acres when the following are met:

- (A) Full compliance with this requirement will preclude the orderly and efficient development of an area within Pleasant Valley, or
- (B) Full compliance with this requirement cannot be achieved due to a unique physical condition, parcel pattern, or other similar constraint, and
- (C) Will not result in substantial development that could preclude compliance with applicable code provisions and comprehensive plan policies.

Findings, Satisfied:

The proposed Veranda Master Plan area is approximately 40.24 acres in size which exceeds the 20-acre minimum requirement.

4.1475 Neighborhood Design Guidelines

The concept of neighborhoods as the organizing format for residential land use is an essential part of the vision for Pleasant Valley. The development of individual properties is intended to fit together into complete, cohesive neighborhoods. Master plans must demonstrate compliance with the following guidelines, which are intended to be guiding but flexible in application.

- (A) Pleasant Valley shall have walkable neighborhoods with a defined center and edges. The edge of the neighborhood marks the transition from one neighborhood to another. An edge might be a natural area, a transit stop, or a tree-lined arterial street. The neighborhood center should be a main gathering space with priority given to public spaces, such as parks and civic buildings. From the center to the edge should be a comfortable walking distance of one-quarter to one-half mile radius (5-to-10-minute walk).

Findings, Satisfied:

The proposed Master Plan provides a conceptual design of a neighborhood that is consistent with the guideline above. The neighborhood is based on a walkable ¼ mile radius, have a planned private open space/pocket park at the center and has defined edges. The edges are defined by Kelley Creek and its open space area to the north, vacant property to the east, Metro owned property to the south and southeast, and SE 190th Drive to the west.

- (B) Lots with less than 50 feet of frontage shall receive access from a rear alley, parking court, an access that is shared with an adjoining property, or other similar access technique approved by the City.

Findings, Satisfied:

The plan has several areas that are proposed to have lots with less than 50 feet of frontage. This includes all LDR-PV lots that will be developed with single-family attached homes (Lots 3-6, 15-16, 153, 154, 163 and 164), and all MDR-PV lots (Lots 1-2, 7-10, 11-14, 17-26, 155-162, 165-175). These lots are proposed to have shared driveways.

- (C) Pleasant Valley neighborhoods shall be designed to increase transportation options. Neighborhoods shall be bike and walking friendly, especially so that children can travel safely. Neighborhoods shall be designed with transit in mind. A transit stop(s) should be located within walking distance of a neighborhood.

Findings, Satisfied:

The neighborhood, as designed, will provide direct routes for drivers, pedestrians, and bicyclists both within the neighborhood and to adjacent neighborhoods.

This is another guideline that is not clear and objective.

However, the streets within the new neighborhoods will be developed with sidewalks and planter strips for pedestrians and easy connections to bike lanes in the higher-classified roadways of SE 190th Drive.

(D) Neighborhoods shall be designed to incorporate the existing natural features in a way that enhances the aesthetic environment while minimizing impacts. A compact, mixed-use neighborhood with transit options is one strategy for preserving open space and natural resource areas.

Findings, Not Satisfied:

Kelley Creek runs just north of the proposed Veranda neighborhood. The City has delineated an ESRA-PV area surrounding this creek encompassing approximately eight acres of the subject property. This neighborhood has been designed to limit impacts to this resource area by placing all development outside of the ESRA boundary. In a revised narrative and plan, the applicant states “Regardless, the revised subdivision plan features the city mapped ESRA-PV boundary. SW 44th Street is now located along the ESRA-PV boundary so that all homes constructed on lots across this street will face Kelley Creek. A small portion of four lots (Lots 102-105) are proposed to be located within the ESRA-PV boundary but the entire building envelope on these lots is located outside this boundary”.

This addresses the ESRA related to Kelley Creek, however, the over 5 acres of wetland present on the property as recognized by DSL (See Exhibit C) has not been proposed for preservation as required. Developments, including lots and streets, are proposed within these resource areas.

The criteria in GDC 4.1475D are not clear and objective, but described in Section 4.1473D above, the master plan’s discretionary approval criteria can be applied to the proposal pursuant to ORS 197.307(6).

However, if a reviewing body determines that the City erred in its interpretation of ORS 197.307 as applied to these criteria, and the criteria are subject to ORS 197.307(4) instead of (6), in the alternative the City waives the application of GDC 4.1475 because it is not clear and objective.

(E) Parks must be designed consistent with the Gresham Public Works Standards.

Findings, Satisfied:

There is no park area designated within this master plan area by the Pleasant Valley Concept Plan, therefore this criterion is satisfied. However, a pocket park area of 0.165 acres is proposed near the center of the neighborhood.

- (F) Neighborhoods shall have strong connections to the Kelley Creek and Mitchell Creek open space systems. The design and function of neighborhoods shall facilitate preserving, enhancing, and restoring Pleasant Valley's open space system.

Findings, Satisfied:

The Veranda neighborhood is not located near Mitchell Creek; rather it is located immediately south of Kelley Creek and its ESRA. The revised plan shows that lots adjacent to this ESRA-PV will face the Kelley Creek ESRA, across a street, facilitating a stronger neighborhood connection to open space areas. A soft surface pedestrian pathway will be provided along the length of the streets within the outermost edges of the ESRA-PV boundary to allow for neighborhood enjoyment of the open space area. Additionally, a pedestrian pathway over Kelley Creek is planned through the ESRA-PV to connect the Veranda subdivision with the adjacent neighborhood to the north, increasing neighborhood connectivity and accessibility of the open space to local residents. Therefore, the updated Preliminary Plans and planned subdivision preserve, enhance, and restore the Kelley Creek open space, thus meeting the standards of this section.

4.1476 Housing Variety

The purpose of this element is to: (a) assist in meeting the housing mixes intended for Pleasant Valley, as described in the Comprehensive Plan, (b) avoid over-repetition of the same building type/lot size, and (c) promote housing choices.

All master plans shall conceptually map and describe the proposed housing mix to demonstrate that a variety of lot sizes and/or building types have been provided.

- (A) In the LDR-PV Sub-district, this standard is met by providing a housing mix that meets one of the following:
- (1) A variety of lot sizes for detached dwellings where at least 30 percent of the proposed lots are greater than 7500 square feet and the remaining lots are either less than 7500 square feet or are attached dwellings, or
 - (2) At least 15 percent of the dwellings have accessory dwellings, or
 - (3) At least 30 percent of the dwellings shall be alley loaded and at least two of the street level variety techniques as listed in subsection (5) are implemented within the development, or
 - (4) At least 30 percent of the dwellings shall have attached or detached garages that are either flush or behind the rear building line of the dwelling with access to the front and/or rear of the lot, or
 - (5) Street level variety; four of the following:
 - a. 100 percent varied front setbacks at a minimum of 3 feet to adjoining lots;

- b. 5 or more front elevations with no two the same side by side or opposite;
- c. A minimum of two types of front exterior surface treatment, e.g. lap siding, stone, brick, stucco, etc;
- d. 30 percent with attached covered front porch and railing, 48 square feet or larger;
- e. 6:12 gable roofs with 2X8 fascia and front elevation shutters;
- f. At least 2 or more vertical columns are provided on the front façade of the dwelling. Architectural styles may include Corinthian, Doric, Egyptian, Ionic Romanesque, etc.
- g. 30 percent attached garage located 5 feet or more behind the front building line;
- h. Front (street facing) dwelling window treatments that include one or more of the following; bay, bow, box, casement, double-hung, etc.;
- i. Garage door treatment, e.g. 4 panel windows, carriage door, etc.;
or

(6) Other techniques found to be consistent with the purpose of this standard.

Findings, Satisfied:

As stated in the narrative, the homes will comply with Street Level Variety, Method 5, of the Housing Variety standard. Each home will have a minimum of four of the nine street level techniques as listed.

(B) In the MDR-PV Sub-district, the housing variety standard is met by providing a housing mix that complies with the requirements listed below.

- (1) For development of 40 dwelling units or less, a mix of housing types must include at least two of the following: –Single-Family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If two housing types are provided, the lesser number must be at least 30% of the total dwellings. If three or more housing types are provided, two of lesser number of them must comprise at least 30% of the total dwellings;
- (2) For development of more than 40 dwelling units, a mix of housing types must include at least three of the following: –Single-Family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If

three or more housing types are provided, two of the lesser number of them must comprise at least 30% of the total dwellings;

(3) For developments of more than 40 dwelling units, a mix of building types, within the same housing type, is required. Building types may vary according to number of units per building, orientation of front entries (street versus courtyard), and number of stories. Live-work units count as a separate building type. A minimum of three building types must be provided, with two of lesser number of them comprising at least 30% of the dwellings.

(4) Other techniques which are found to be consistent with the purpose of this standard.

Findings, Satisfied:

The Master Plan proposes single-family detached and single-family attached (two units) dwellings in the MDR-PV district for a total of 40 units. The proposed 12 Single-family detached units make up 30% of the 40 units as required. The other 28 units are single-family attached (2-units) units. This pattern shows consistency with criterion 1.

(C) Where the Master Plan is proposed that includes LDR-PV and MDR-PV residential sub-districts in the same project, the Plan may combine the densities of the two sub-districts when the following criteria are met:

(1) The LDR Housing Variety per section 4.1476 is met; and

(2) The MDR Housing Variety per section 4.1476 is met; or

(3) Other techniques found to be consistent with the purpose of this standard and

(4) The density does not exceed the maximum density allowed by the underlying residential sub-districts.

Findings, Not Satisfied:

The proposed master plan includes the LDR-PV and MDR-PV residential sub-districts. The Master Plan has not proposed compliance with the density range permitted for each of the underlying sub-districts because the plan includes the wetland (ESRA) areas in the density calculation. New lots that would have their buildable areas for new development within the ESRA-PV sub-district is prohibited. Other than those land divisions exempted by Section 4.1436(G), the only type of lot allowed within the ESRA-PV sub-district is a lot that will be created for a residence which existed before the ESRA-PV was applied to a subject property (4.1443).

The proposed density of 175 units exceeds the allowed maximum density of 151 units as discussed under Section 4.1408A.

- (D) Except as provided in Subsection (C) each sub-district within a Master Plan shall meet the average minimum and maximum density standards required for the sub-district. However, within any particular area of a Master Plan the actual density may be less than the minimum or more than the maximum sub-district requirements.

Findings: Not Satisfied.

The Veranda Master Plan is designed with 175 dwelling units as revised, which exceeds the density range stated by Code including the wetland (ESRA) area (see findings under Section 4.1408(A)).

4.1477 Density Transition

The planned variety of housing types and mix of densities in Pleasant Valley will benefit from carefully planned transitions between the various building types and lot sizes. Transitions of housing types and density shall consider the following guidelines:

- (A) Similar uses, lot sizes, and building sizes should be located opposite each other on the same street.
- (B) For adjoining uses, similar street-side setbacks shall be used.
- (C) Appropriate locations for a change in use, lot size, or building type are:
 - (1) The mid-point of blocks and or along alleys
 - (2) Block ends
 - (3) On lots that face neighborhood parks, private open spaces and/or ESRA's.
- (D) The same attached building type (e.g., apartments) should not extend more than 2 blocks or 900 feet (whichever is less) along the same street.
- (E) Figure 4.1477 illustrates the density transition concept and is intended as a guideline.

Findings, Satisfied:

Development of the proposed neighborhood layout took into account the above guidelines, and is generally designed so that similar uses, lot sizes, and building sizes should be located opposite each other on the same street and to make transitions in lot size and building types at the mid-points and end of blocks. The proposed site plan has been designed so that attached buildings do not take up

more than 2 blocks on the same street. This plan illustrated detached single family and attached single family units (2 units).

4.1478 Neighborhood Transition Design Areas (NTDA)

Master plans shall address the NTDA as provided for in Section 4.1465.

4.1465 Neighborhood Transition Design Area Overlay Sub-District

(A) Purpose

The neighborhood transition design area provides a transition between the ESRA-PV and adjoining land uses. Careful design and site planning can ensure that schools, residences, businesses, and other uses reduce their impact on the natural resources while enjoying the benefits of adjoining these natural areas.

(B) Characteristics

- (1) The Neighborhood Transition Design area is a 100-foot transition area bordering the ESRA-PV. This area contains, as appropriate, a mix of uses including open space, trails, infrastructure (e.g. stormwater treatment), parkways and boulevards, residences, community centers and ESRA-oriented facilities such as a nature center or interpretative kiosk.
- (2) Residential areas are oriented towards and present a “friendly face” to the ESRA-PV. Such areas may be accessed via an alleyway. The rear yard of a dwelling in the NTDA may not face the ESRA. The City may allow exceptions to this standard due to topography, existing development, street layout, or other reasons that make this requirement impractical.
- (3) Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.

(C) Standards

To the extent practicable development within the NTDA shall be consistent with the characteristics described above and the following standards. These standards are intended to promote careful design and site planning so that uses and development within the NTDA reduce their impact on, and benefit from, the adjacent ESRA areas.

Master plans must consider the following in designs for NTDA:

- (1) Location of compatible uses, such as open space, trails, infrastructure (e.g., stormwater treatment), parkways and boulevards, residences,

community centers, and ESRA-oriented facilities such as a nature center or interpretative kiosk.

- (2) Residential areas that are oriented towards and present a friendly face to the ESRA. Such areas may be accessed via an alleyway.
- (3) Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.
- (4) When a lot or parcel borders the ESRA a maximum four-foot-high fence is permitted within 10 feet of the ESRA. This includes vegetative fencing.

Ways to create good transitions between neighborhoods and the ESRA include:

- (A) Community Uses – With appropriate access, the neighborhood edge can be an ideal location for community uses such as day care centers, schools, environmental learning centers, and community centers.
- (B) Street Edge – The street edge model places a public green street in the transition area. Homes along the street face the green street and the ESRA, making the ESRA a visible and valued part of the neighborhood. On the homes side of the street, there is a typical sidewalk. On the ESRA side of the street, pedestrian access can be provided on a soft surface trail.
- (C) Pedways – It will not always be feasible to place a community use, street, or open space along all ESRA. In cases where the backs of lots are in the transition area, pedestrian ways should be provided. The pedestrian ways should be spaced similar to the street network, i.e., one pedway about every 400 to 500 feet.

Findings, Not Satisfied:

Review of compliance with the NTDA standards cannot be fully made because the proposal did not take into consideration the over 5 acres of wetland (ESRA) area on the site.

The Veranda Master Plan site contains other NTDA areas; one area is adjacent to Kelley Creek to the north, another is adjacent to the southeast corner of the Metro Property to the south, and the DSL recognized wetlands 1-5 mostly at the western portion of the site.

The plan shows residential areas that lie within the NTDA area of Kelley Creek to the north that are designed to present a “friendly face” to the ESRA areas.

Local Green Street is anticipated along the edges of these residential areas that border the ESRA area. Instead of paved sidewalks along the edges of the ESRA, natural edges with swales and unpaved pedestrian pathways will be required. With these, the homes will put eyes on the open space and present a welcoming and friendly connection with the open space and the trail system.

No community walls are proposed within the ESRA areas. Subsequent development permits on individual lots will ensure that fencing placed within 10 feet of the ESRA areas are no taller than four feet.

None of the community uses mentioned in the section are proposed within the Veranda community.

However, the back of lots will be located within the transition area along the southeast area of the site. This includes Lots 42-47. As noted by the applicant, due to the unique topography, the property's geometry, and the planned layout of the subdivision, it is not logical or feasible to place a public street along the boundary of this ESRA-PV per GDC Section 4.1465. Section 4.1465 also calls for pedestrian ways along the ESRA where streets cannot be provided. Given the topography of this ESRA-PV and the presence of a trail on Metro property to the north of the subject property, a trail would not create a suitable transition between the ESRA-PV and the neighborhood. Therefore, the updated Preliminary Plans include a fence along this ESRA boundary to protect the ESRA-PV from impacts from adjacent properties.

In as much as staff agrees with this follow up narrative as it concerns the ESRA area associated with Kelley Creek and the area at the southeast corner of the site, it is not true with regards to the ESRA associated with the other locally significant wetland areas on the site. The proposal still shows lots within the ESRA area. The NTDA standards are therefore not met for those lots proposed within the locally significant wetland/ESRA.

4.1479 Circulation Network

See Transportation review comments in this report.

4.1480 Parks, Open Space, and Natural Areas

The master plan shall display proposed locations for parks, open spaces, trails, and natural areas, consistent with those shown on the Plan District Map and the Pleasant Valley Public Facility Plan. The master plan may propose refinements in the location and size of neighborhood and community parks and schools. The master plan may also propose additional open space areas, greenways, and trail networks as part of the overall master plan design.

Findings, Satisfied :

Sheet P-02A is a map that shows parks and open spaces for the Veranda Master Plan/subdivision. Of note is that there are no parks shown on the Pleasant Valley Plan District Plan Map in this master plan area. Meanwhile Tract A will be a public open space area while Tract B will be a private open space/park.

The Kelley Creek Greenway trail is shown along the northern edge of the Kelley Creek ESRA-PV. A pedestrian trail that connects to this regional trail has been proposed as part of the revised plan. This additional trail will provide connectivity to the Kelley Creek Greenway trail and will connect the neighborhood across the ESRA.

4.1481 Stormwater Management, Green Development Practices and Green Streets

See Development Engineering review comments in this report.

4.1482 Water and Sanitary Sewer System

See Development Engineering review comments in this report.

Master Plan Procedures

4.1483 Procedures

Master plans shall be submitted before or concurrent with any development applications under Section 6.0300 Partitions and/or Article VII Site Design Review. Master Plans are reviewed as a Type III procedure.

Findings, Satisfied:

The proposed applicant-initiated Master Plan is being proposed concurrent with a 175-lot subdivision and is being reviewed as a Type III procedure.

4.1484 Approval Criteria

In approving a master plan, the approving authority shall find compliance with applicable sections of the Community Development Code and the following:

- (A) All applicable master plan elements and standards have been addressed and met.

Findings, Not Satisfied:

This staff report including the attached exhibits has been developed to demonstrate compliance with the applicable sections of the Community Development Code pertaining to development of a master plan. The proposal, however, has not met all applicable master plan elements and standards, particularly as it relates to development within a locally significant wetland.

- (B) If a master plan includes areas that are not under the exclusive control of the applicant the master plan shall demonstrate compliance with Section 4.1476 for the part under the exclusive control of the applicant as if it were a stand-alone property. The areas not under exclusive control of the applicant shall

be assumed to be within the average density range of the underlying district and will be required to demonstrate compliance with Section 4.1476 as part of subsequent land division or site design review application.

Findings, Not Applicable.

All areas of the master plan are under the exclusive control of the applicant and the applicant has demonstrated compliance with Section 4.1476.

(C) See also Section 4.1486 City-Initiated Master Plan.

Findings:

The proposed Master Plan is not of a City-initiated endeavor.

4.1485 Duration and Implementation

An approved master plan remains in effect until development allowed by the plan has been completed or the plan is revised. Subsequent to the approval of the master plan, all development permits must be in substantial conformance with the master plan. As used here, substantial conformance means the development permit reasonably implements the conceptual direction of the master plan, recognizing that flexibility is needed to respond to more detailed site information and engineering that is available at the time of the development permit review and approval. Where proposed development permits are not in substantial compliance with the master plan, the applicant shall seek a revision through a separate application or in conjunction with the development application under review. A master plan revision is reviewed under the Type III procedure and must comply with Section 4.4184.

Findings, Satisfied with Conditions:

If a proposed development cannot substantially (as defined above) comply with the Veranda Master Plan, then the developer will be required to seek a revision to the Master Plan per the process under the Type III procedures.

D. Land Division and Other Development

REGULATORY FINDINGS

Article 4 - Land Use Districts.

Section 4.1400 Pleasant Valley Plan District

4.1401

4.1404

4.1405

4.1407

Pleasant Valley Environmentally Sensitive/Restoration Areas

4.1430

The ESRA-PV sub-district implements the Pleasant Valley Natural Resource Goals and Policies and is intended to resolve conflicts between development and conservation of streams corridors, wetlands, floodplains, and forests identified in the Pleasant Valley Plan District. ESRA-PV provides a framework for protection of Metro Title 3 lands and Statewide Planning Goal 5 resources within the Pleasant Valley Plan District.

As discussed previously, Kelley Creek runs along the north edge of the property with nearby riparian vegetation.

4.1432

A. At the time of application, the ESRA-PV sub-district is mapped at both the north edge of the property adjacent to Kelley Creek, and southeast corner. ESRA-PV provisions are applicable to these areas.

B. Per this section, a wetland identified during the course of a development permit review that meets the State of Oregon’s definition of a “Locally Significant Wetland” shall be subject to the standards of the ESRA-PV sub-district. These wetlands shall be officially added to the City’s Pleasant Valley Plan District ESRA Map by the Manager, under a Type I procedure, after the development permit becomes final.

Wetlands have been delineated on the site as shown in the applicant’s provided January 2020 DSL wetland concurrence (Exhibit C), including a 0.12 acre wetland immediately along Kelley Creek to the northeast, a 0.26 and a 0.1-acre wetland to the north, a larger

4.97-acre wetland on the western half of the property, and a smaller 0.07 wetland nearer the southwest corner for a total of 5.4 acres. This delineation was documented and received concurrence from DSL prior to submittal of the subject application.

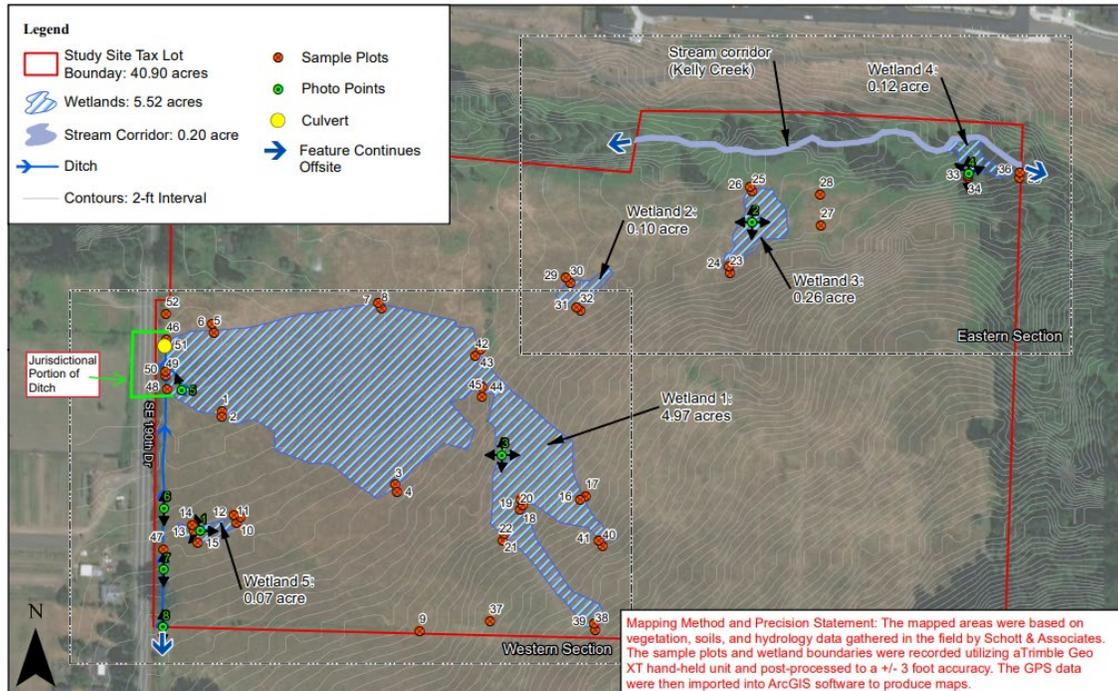


Figure X: Wetlands

The City determines the wetlands delineated in Exhibit B-4 to be locally significant and thereby subject to the provisions of the ESRA-PV as described under this section. The wetlands are observed to have a hydrologic connection to Kelley Creek, a 303(d) listed resource, to provide a cooling impact on the creek and larger watershed system.

Oregon Administrative Rule, OAR 141- 086-0350(2)(b) (*Mandatory LSW Criteria*), mandates that a local government shall find a wetland to be locally significant if:

The wetland or a portion of the wetland occurs within a horizontal distance less than one-fourth mile from a water body listed by the Department of Environmental Quality as a water quality limited water body (303(d) list) and the wetland's water quality function is described as "intact" or "impacted or degraded" using OFWAM¹. The 303(d) list specifies which parameters (e.g. temperature, pH) do not meet state water quality standards for each water body.

Accordingly, if a wetland satisfies the proximity and water quality function criteria, then it is by regulatory definition "locally significant."

¹ Oregon Freshwater Wetland Assessment Methodology

The applicant has not provided documentation that the wetland does not provide benefit or is not hydrologically connected with Kelley Creek.

Please refer to findings contained in the City's Natural Resources staff (Exhibit I) and the PHS Report (Exhibit D) that find the wetlands locally significant.

These locally significant wetlands are therefore subject to the standards of the ESRA-PV district as described by this section.

4.1435 Prohibited Uses

This section prohibits new lots that would have their buildable area for new development within the ESRA-PV sub-district.

The following lots will have their buildable areas within the ESRA-PV subdistrict: Lots 1-6, 11-12, 35-36, 94-97, 100-106, 111-118, 124-130, 149-150, 165-175 (Exhibit B-3), Sheets P-02B and P-06). Creation of lots with a buildable area in the ESRA-PV is prohibited. It is not possible to seek a Variance or Adjustment to restrictions on development that contain the word "prohibited" (GCDC 10.1502.D). To the extent that at least 49 of the 175 proposed lots (28%) are prohibited in their current configuration, it is not feasible to offer a condition of approval that would bridge this difference.

This standard is not met.

4.1436 Uses Allowed Outright (Exempt)

ESRA-PV allows a range of uses and development activities outright (exempted) where activities do not require the issuance of an ESRA-PV permit.

Land division as being proposed here is not among the exempt uses.

The standards of this section do not apply.

4.1437 Uses Allowed Under Prescribed Conditions

Beyond those uses and activities that may be exempt from ESRA-PV permit standards under 4.1436, 4.1437 provides for specific situations where uses can be permitted subject to specific prescribed conditions. 4.1437.C applies to land divisions that would create a new lots for an existing residences within the ESRA-PV; this situation is not applicable to the proposed land division. 4.1437 also applies to new roadways and utility lines and stormwater facilities not found to be exempt under 4.1436.

Roadways and utilities proposed within the ESRA-PV may be reviewed under the applicable Sections 4.1441 for utilities and 4.1442 for rights of way.

4.1441 Standards for Utilities, Utility Lines and Storm Facilities

- A. The applicant has provided a composite utility plan as shown on Exhibit B-3. Refer to DE comments for details.

4.1441.B

The applicant is proposing to use a stormwater facility on a neighboring property rather than construct a new facility. No modifications to the existing facility are reviewed through this application.

These standards are not applicable.

4.1442 Standards for Right of Ways and Public Access Easements.

- A. The proposed rights of way do not cross a stream.
- B. No fill or excavation is permitted below Ordinary High Water without a required permit from USACE and DSL as applicable.
- C. DSL approval is required for any fill or removal within a wetland.
- D. In-water work window
- E. Mitigation is required subject to 4.1445 or 4.1446

Proposed Streets include rights of way that are within or at least partially within a wetland. This activity will be allowed subject to the standards of this section.

This standard will be met with conditions of approval that require adherence to the standards of this section.

4.1443 Standards for Land Divisions

Other than those land divisions exempted by Section 4.1436(G), the only type of lot allowed within the ESRA-PV sub-district is a lot that will be created for a residence which existed before the ESRA-PV was applied to a subject property. This additional allowance under 4.1443 does not apply to the proposed application.

Findings for Section 4.1435 above explain how at least 28% of the proposed lots are considered prohibited due to their configuration in the ESRA-PV sub-district.

This standard is not met.

4.1445 Mitigation Standards

The applicant has provided a narrative and plans proposing mitigation or addressing how the standards of this section will be met, if allowed.

There are no mitigation options available for buildable lot development within a locally significant wetland land. Mitigation for utilities and right-of-way are as stated in 4.1445 or 4.1446.

This standard is not met.

4.1465.C Neighborhood Transition Design Area Overlay Sub-District Standards.

The Neighborhood Transition Design area is a 100-foot transition area bordering the ESRA-PV. This area contains, as appropriate, a mix of uses including open space, trails, infrastructure (e.g. stormwater treatment), parkways and boulevards, residences, community centers and ESRA-oriented facilities such as a nature center or interpretative kiosk.

The standards of the Section have been previously discussed as part of the master plan review. In brief, the preliminary plat and master plan propose lots in the ESRA-PV, and do not propose any discernable transition area (100-foot transition area) where the ESRA-PV is applied to the delineated wetlands.

These standards are not met.

Pleasant Valley Residential Sub-Districts

4.1407 Permitted Uses (Pleasant Valley Residential Sub-districts)

The property is zoned LDR-PV, MDR-PV, and ESRA-PV. The proposed single-family detached and single-family attached residential homes are permitted uses in MDR-PV and LDR-PV.

The standards for permitted uses in LDR-PV and MDR-PV as described by this section are met.

However, many of the proposed lots are more appropriately reviewed under ESRA-PV standards. These lots and their failure to meet ESRA-PV standards are discussed under findings for GCDC 4.1430-1454.

4.1408. Development Standards

4.1408.A

The proposed density of 175 units does not take into consideration that 5.4 acres of the site is within a delineated wetland area subject to ESRA-PV standards as discussed under findings for 4.1432.B. These wetland areas are to be largely excluded from development. A wetland identified during the course of a development permit review that meets the State of Oregon’s definition of a “Locally Significant Wetland” shall be subject to the standards of the ESRA-PV. Such wetlands shall be added to the ESRA map by the Manager, under the Type 1 procedure, after the development permit becomes final. At least 46 lots would have buildable areas within the ESRA-PV.

According to the applicant, based on the 18.5 net acres in the LDR-PV, the minimum allowed density is 98 units while the maximum density is 146 units. For the 2.07 net acres in the MDR-PV district, the density range is 24-41 units. An additional 10 units come from density transfer from the 10.23 acres of ESRA-PV. Based on these the maximum allowed density is 197 units.

However, in order to calculate the correct allowed density for both the LDR-PV and MDR-PV districts, the ESRA-PV areas (the Locally Significant Wetlands) are to be subtracted from the net acreage. For the LDR-PV, a total of 4.97 acres are ESRA-PV (Wetlands 1-4). For MDR-PV a total of 0.07 acres are ESRA-PV (Wetland 5). The revised net acreage in the LDR-PV is 13.53 acres, while the revised net acreage for MDR-PV is 2 acres.

Therefore, LDR-PV minimum/maximum density of 5.3-7.9 units per acre or 71-106 units is required. MDR-PV minimum/maximum density of 12-20 units per acre or 24-40 units is required. This adds up to a maximum of 146 units (106 units + 40 units). When the ESRA-PV density transfer of 15 units is applied from the 10.23 acres of ESRA to the north and 5.4 acres ESRA from the wetland areas, the maximum density increases to 161 units. Even with these adjustments, the proposed 175 units still exceed the allowed maximum density of 161 units.

This standard is not met.

Minimum lot dimensions in the LDR-PV and MDR-PV zones vary by proposed housing type.

The lot size and dimension standards of 4.1408.A are met.

Article 6 - Land Divisions.

6.0001(C).

This standard requires that a tentative subdivision plan approval be followed by a final map approval. A final map application shall be submitted within one year of the effective date of the preliminary plan approval.

As the land division is not being approved at this time, the standards of this section are not applicable.

6.0010.

To the extent that at least 28% of proposed lots are prohibited as configured within the ESRA-PV, along with substantial barriers to successfully meeting ESRA-PV standards for

supporting infrastructure for other lots, it is not possible to find that there would be no foreseeable difficulties in securing building permits to build on all lots as proposed.

This standard is not met.

6.0011.

Subdivision lots and partition parcels created through the subdivision and partition process shall be rectilinear (Rectilinear Lot: A lot where the side lot lines are perpendicular to the street upon which it faces or are radial to the street in the case of a curved street). Irregular shaped (a lot that is other than rectangular in shape). As seen in the applicant's 5-19-23 site plan (Exhibit B-3), proposed lots are reasonably rectilinear.

This standard is met.

6.0210.

- A.** Development of any remainder of property under the same ownership can be accomplished in accordance with this code.
- B.** Adjoining land can be developed or is provided access that will allow its development in accordance with this code.

The property immediately to the east (1S3E20D 01100) is held by Pleasant Valley Holdings, LLC. A portion of Street F is proposed on this property.

These standards are met.

6.0214.

This standard establishes an effective period of one year from the date the tentative subdivision approval becomes final. A final map application shall be submitted prior to the expiration of this effective period.

As the land division is not being approved at this time, the standards of this section are not applicable.

Article 9 - Common Requirements.

9.0500 and A5.000 - Grading and Drainage Plans & Public Facilities.

See other staff comments on compliance with these sections.

9.0800 - Parking Standards.

Parking standards will be met through the building permit review for the individual lots. The applicant has shown how this can be reasonably achieved.

These standards will be met at the time of building permit review.

9.1030 - Tree Regulations for Land Divisions.

Tree removal is not proposed as part of this development.

All existing trees will be protected as stated in the narrative.

9.1033 - Street Tree Planting.

The applicant has not provided a street planting plan. The plan, according to the applicant, will be provided at the time of construction plan submittal. Section 9.1033(C)(1) specifies a standard of one tree per 30 feet of frontage minus clear vision areas and driveways.

Issues like this are usually addressed with a condition of approval.

II. AGENCY COMMENTS

FROM: Jay Higgins

DATE: 7/1/2022

Transportation Comments:

Description: A Master Plan and subdivision of one parcel of 38.90 acres south of Kelley Creek and east of SE 190th Drive. The application was submitted prior to the adoption of the Natural Resource Overlay code and uses Pleasant Valley Environmentally Sensitive/Restoration Areas overlay code. Comments based on revised street plan submitted to Staff 6/23/2022.

Master Plan

The applicant is proposing a Master Plan as described by 4.1470 Purpose and required by 4.1471 Applicability. The areas of the code that are relevant to transportation for a Master Plan are 4.1475 Neighborhood Design Guidelines, 4.1478 Neighborhood Transition Design Areas which references 4.1465 Neighborhood Transition Design Area Overlay Sub-district, and 4.1479 Circulation Network.

For 4.1475(B) street designs shall support street trees, rain gardens, and on-street parking by minimizing the width of driveway curb cuts or other techniques. The applicant is showing street designs that support street trees, rain gardens, and on-street parking by constructing to the current street standards and sharing driveway approaches for all lots with less than 50 feet of frontage.

For 4.1475(C) Neighborhoods shall be designed to increase transportation options. Neighborhoods shall be bike and walking friendly, especially so that children can travel safely. The applicant is improving transportation options by building sidewalks on all streets. The applicant is providing two pedestrian connections for blocks that are over 400 feet, which improves accessibility for transportation options. A pedestrian connection through the NW block bounded by Street H, Street C, and Street G will further improve transportation options and is required for blocks over 400 feet. The Kelley Creek Trail is an off-street option for travel and recreation and the safest type of bicycle and pedestrian facility for children. Safety can further be improved for children by making a direct connection to the Kelley Creek Trail by crossing the creek. Since a connection for water utilities is needed across the creek, a bridge may be able to serve dual purposes. This standard can be met with a connection to the Kelley Creek Trail and a condition to reduce the large block bounded by Streets E, F and G.

For 4.1475(D) Neighborhoods shall be designed to incorporate the existing natural features in a way that enhances the aesthetic environment while minimizing impacts. There is 2020 wetland delineation from the Department of State Lands which shows approximately 5 acres of wetlands over different portions of the site. The applicant has provided a conflicting wetland report, but has not provided DSL concurrence. The applicant's master plan/street plan does not integrate the identified wetlands from 2020, but ignores their existence, putting roads and proposed housing on top of the wetlands. Since these wetlands meet the State's definition of a Locally Significant Wetland they are subject to the standards of the ESRA Overlay per Section 4.1443. As there is no information about the impacts to the wetlands under the ESRA code or acknowledgement that the wetlands exist in the Master Plan process, 4.1475(D) is not met. There is no condition which could be applied to meet the standards of this section because of the proposed wide-ranging impacts to the natural resources on site and the various street layout options the applicant can make to avoid them.

For 4.1475(F) neighborhoods shall have strong connections to the Kelley Creek open space systems. The applicant has stated the Kelley Creek system will be a separate track

dedicated to the City. The applicant is showing connection to Kelley Creek and the open space system for pedestrians and bicyclists with Street H providing public access to the open space and a soft surface trail and bridge over the creek to the Kelley Creek Trail multi-use path. This standard is met with the alignment of Street H and bridge connection to the Kelley Creek Trail.

For 4.1478, master plans must address Neighborhood Transition Design Areas, referenced in 4.1465. The standards in 4.1465(C).1 require consideration of open spaces, trails, parkways, boulevards, and other development types to be within 100 feet of the ESRA boundary. 4.1465(C).3 requires streets to follow the edges of the ESRA where appropriate. The applicant is showing the ESRA area in their plans. Houses are oriented to face the ESRA along Street H and a portion of Street E. These streets also separate the proposed development from the ESRA per the standards of 4.1465(C).

In two other portions of the property development is proposed adjacent to the ESRA. On the southeast corner of the property the applicant is showing 5 lots that are adjacent to the ESRA and on the east edge of the property there are 2 lots that are adjacent to ESRA on the neighboring property. Staff finds that the overall separation meets the standards of 4.1465(C) to the extent practicable and that the small number of lots adjacent to the ESRA cannot be separated without impractical changes to the overall street layout.

For 4.1479 the master plan shall display a conceptual layout of streets, alleys, pedestrian routes, bicycle routes, trails, and transit facilities, and should reflect the Pleasant Valley Transportation System Plan and street classifications, block lengths and trails. The applicant is showing a network of streets, which can be used by vehicles, pedestrians, and bicyclists. The Pleasant Valley Transportation System Plan, which shows streets classified collector and arterial, has only SE 190th Drive adjacent to this property. The proposed street classifications are consistent with the Transportation System Plan, with local streets providing access to SE 190th Drive. Connecting streets on properties within 600 feet of the site are proposed and appear to meet general requirements for block length and connectivity. The conformance with block length within the proposed subdivision does not meet standards for the NW block bounded by Street H, Street C, and Street G and is discussed further in Street Plan below.

Street Plan

The base street for a subdivision in Pleasant Valley is the Local Green Queuing Street, which has a 50-foot cross section. Where block lengths are permitted to exceed 400 feet the applicant shall use a Green Transitional Street with a 56-foot cross section. The applicant is showing Streets B, C, D and E as Green Queuing Streets. As the length of Street E is over 400 feet it is classified as a Green Transitional Street and needs to dedicate 56-feet of right of way.

The applicant is showing Streets A, E, F, G and H as Green Transitional Streets. Street F has a block length over 400 feet along the southern boundary of the project. The property to the south is owned by Metro as a natural resource area with no expected public access. As no access is needed to the south for future development, the street is permitted to exceed the 400-foot block length and is a Green Transitional Street. Street A is a continuation of Street F and can be continued as a Green Transitional Street to the intersection with Street G, as proposed.

Street H has a block length over 400 feet on the north side of the street due to the creek and is a Green Transitional Street. Street E is over 400 feet, which is due to topographical constraints in the street layout of other blocks. Street G has blocks over 400 feet on the north side, which can be exempted from the block length limit due to physical limitation of the creek that creates blocks oriented east to west. The applicant is showing a pedestrian path for the NE block and will need to add a pedestrian path to the NW block.

The large block bounded by Streets F, E and G is proposed by the applicant as an exception to block length due to topography where the steepness of the slope makes an additional street connection infeasible. As the block currently creates two block lengths over 530 feet and has a perimeter of over 2000 linear feet, which is above the allowable block length and perimeter length in A5.402(D), the block will need to be made smaller if possible. There appears to be an area west of lots 70 and 52 where a connection would be approximately 10% slope. This location would meet City requirements for local street slopes and reduce the block length. This standard can be met with a condition.

Right-of-Way Dedication

SE 190th Drive is classified as a Standard Arterial in the City's Transportation System Plan. There is currently 30 feet of right-of-way to centerline along the lot's SE 190th Drive frontage. To meet City standard for a Standard Arterial, an additional 18 feet of right of way is needed along the entire frontage. The applicant is showing this dedication on Sheet 104 in the street cross-section. This standard is met.

All Green Transitional Streets shall be dedicated with a 56-foot cross section, which the applicant is showing on Sheet 104. All Green Queuing Streets shall be dedicated with a 50-foot cross section, which the applicant is showing on Sheet 104.

Frontage Improvements

The northernmost segment of the lot's frontage to SE 190th Drive will include a bridge over Kelley Creek. A City of Gresham capital improvement project to construct the bridge and its approaches is currently unfunded. The applicant will need to provide an asphalt transition between the frontage improvements as proposed in Sheet 104 and the existing bridge. The exact length of this transition can be determined during Public Facilities Permit Review.

The remaining lot frontage on SE 190th Drive requires improvements for a standard arterial; 33 feet of paved roadway, a 6-inch curb, an 8-foot planter strip, and a 6-foot sidewalk. The applicant is showing these improvements in Sheet 104, this standard is met.

All Green Transitional Streets shall be constructed with a 5-foot sidewalk, 6-foot planter strip, 6-inch curb, and 16 feet of asphalt to centerline. All Green Queuing Streets shall be constructed with a 5-foot sidewalk, 6-foot planter strip, 6-inch curb, and 14 feet of asphalt to centerline. The applicant is showing these street cross-sections on Sheet 104.

Streetlighting with LED fixtures must be provided on all public street frontages at an appropriate spacing based on each street's classification, per Section 6.02.14 of the PWS. A streetlight plan, including a preliminary plan showing the connection to Portland General Electric's (PGE's) current system must be submitted with the construction plans at the time of building permit review. Street trees need to be installed along all frontages in accordance with PWS 6.02.15 and GCD 9.0123.

Traffic Impact Analysis

The TIS studied four study intersections: Powell & Highland, 190th & Butler/Giese, 190th & Richey, and Foster & Richey. The two new subdivision intersections to 190th were also studied for capacity and sight distance safety.

The study found intersection capacity issues at the intersections of SE 190th Drive & SE Richey Road and SE Foster Road & SE Richey Road, and standards can be met with a condition for improvements.

The study found a safety concern at the intersection of SE 190th Drive & SE Butler Road, with a crash rate of 1.34 crashes per million entering vehicles, well above the number that would raise concerns. However, that intersection has since been signalized, so the crash rate should be lower or at least the severity of the crashes should be reduced.

The two proposed subdivision intersections have adequate sight distance and should not be moved further south because of impacts to intersection sight distance.

Recommendation:

This application is recommended for denial, as it does not meet the requirements for:

- 4.1475(D) to incorporate natural features into neighborhoods during master planning.

Conditions cannot be applied to meet the standards of this section due to the variety of choices the applicant can make on the specific street alignment, block lengths, and possible use of alleys and paths to integrate the onsite wetlands and development.

LAND USE FILE #: 20-26000343

PROJECT NAME: Veranda at Pleasant Valley

FROM: Jessica Snodgrass, Development Engineering Specialist

DATE: August 31, 2023

DEVELOPMENT ENGINEERING COMMENTS:

The proposed project site is on a lot located on the east side of SE 190TH DR south of Kelley Creek (Tax Lot 1S3E20D-01200, currently addressed as 7928 SE 190TH DR). Most of the site is zoned as Low Density Residential-Pleasant Valley (LDR-PV) with a small square of the southwest corner zoned as Medium Density Residential-Pleasant Valley (MDR-PV). The northern third of the site and a small section of the southeast corner of the site are designated as Environmentally Sensitive Resource Area-Pleasant Valley (ESRA-PV). The applicant proposes the construction of a 175-lot subdivision, consisting of 38 single-family attached units and 137 single-family detached units. This development permit also includes a master plan of the development site.

The following comments are from Development Engineering based on the plans submitted by AKS on May 24, 2023.

A5.000: GENERAL

Design and construction of all public facility improvements shall be in conformance with all applicable regulatory documents, including but not limited to, the [Gresham Community Development Code \(GCDC\)](#), [Gresham Public Works Standards \(PWS\)](#), [Gresham Revised Code \(GRC\)](#) and [Stormwater Management Manual \(SWMM\)](#).

Prior to construction plan submittal, the applicant shall schedule a pre-design meeting with Development Engineering (Jessica Snodgrass, Development Engineering Specialist, 503-618-2277 or jessica.snodgrass@greshamoregon.gov) to discuss technical requirements, design and construction schedules, and to review processes. With construction plan submittal, the applicant will provide an engineer's estimate of the cost of public improvements (including private onsite stormwater detention and water quality systems), enter into an agreement with changes to the City of Gresham for plan review and inspection services, and pay deposits based on the estimate. The applicant will provide a performance bond based on 110% of the engineer's estimate.

Approved public facilities, construction plans, and performance bond are required prior to plat approval. Approved plans are valid for one year, and all public improvements must be completed within two years of the Notice to Proceed unless otherwise approved by the Manager.

A right-of-way permit will be required before beginning work in the public right-of-way.

Any project that includes construction of public facilities must comply with City of Gresham survey standards. Plans must reference City of Gresham datum, NGVD 1929,

1947 adjustment. Coordinates must be based on Lambert State Plane Coordinate System, Oregon North Zone. Basis of bearing for all measurements should be from City Control Network. Control Points can be found at <http://greshamoregon.gov/maps/>.

Public facilities construction plans will require the submittal of as-builts prior to close out. As-builts are submitted electronically and must comply with the City of Gresham CAD manual. The manual and CAD template can be found on the Public Facilities tab at: www.GreshamOregon.gov/Building-and-Permits.

To mitigate the cost for master planning and construction of public improvements which benefit other properties, it is possible to form a reimbursement district which would require benefiting properties to pay their share of the cost of the planning or improvement when they take benefit. Application to form a reimbursement district must be made prior to commencement of master planning or the issuance of a Notice to Proceed with the construction of a given offsite public improvement. Please note that a separate reimbursement district application is necessary for each offsite utility as applicable.

A5.100: SANITARY SEWER FACILITIES

Existing Sanitary Sewer Facilities & Main Extension Requirements:

Development recently constructed the master planned Kelley Creek Sewer trunk line from the intersection of SE FOSTER RD and SE JENNE RD to the intersection of SE 190TH DR and SE RICHEY RD. There is an existing manhole in SE 190TH DR approximately 97 feet north of the culvert crossing Kelley Creek. This manhole is the anticipated approved point of connection for City sewer.

This project shall extend a minimum 10-inch diameter sanitary sewer main approximately 425 feet south from the aforementioned manhole to and through the Panza property's (tax lot 1S3E20C 00400) SE 190TH DR frontage. A minimum 8-inch diameter sanitary sewer main shall be extended the rest of the way to and through the Veranda development project's SE 190TH DR frontage from where the 10-inch main ends. The portion of this sanitary sewer main line extension that is 10-inch diameter is system development charge (SDC) creditable, up to the 425-foot length. The elevation of the sanitary sewer main crossing Kelley Creek at SE 190TH DR will need to be reviewed by the City to make sure that it is deep enough to serve the necessary properties on the south side of Kelley Creek in the vicinity.

Existing Onsite Sanitary Disposal Systems:

Records show that the existing house on the development property was not connected to City sewer and is proposed to be demoed with the development. As a result, any onsite sanitary disposal systems shall be abandoned prior to release of lots for single-

family building permits. City of Portland handles all onsite sanitary disposal system decommissioning permits for properties located in Multnomah County. For more information on decommissioning the onsite sanitary disposal system, visit: <https://www.portlandoregon.gov/bds/38123>.

9.0520, 9.0521, and A5.200: SURFACE WATER MANAGEMENT SYSTEMS

Approved Point of Discharge and Upstream/Downstream Analysis Requirements:

The proposed project site lies south of Kelley Creek in the Johnson Creek watershed and in the Pleasant Valley Plan District. Stormwater management for the proposed development will be required to follow the City's Stormwater Management Manual (SWMM). The approved point of discharge for runoff from this site following the requisite water quality treatment and detention is Kelley Creek to the north.

The Brookside development, north of Kelley Creek, constructed an offsite downstream regional detention facility on the west side of 190th Drive north of Kelley Creek on tax lot 400 situated in tax map 1S3E20C (Panza property) to treat and detain the development's runoff downstream of the subdivision. The applicant, who owns the Panza property, proposes to expand the property's regional stormwater facility north of Kelley Creek to provide the required treatment and detention for the proposed Veranda development south of Kelley Creek, which would include lot level treatment. The existing Panza stormwater facility was designed and constructed as an unconventional proprietary facility and cannot be expanded as a proprietary facility to meet this project's treatment and detention requirements unless otherwise approved by the City. The existing Panza stormwater facility may be converted and/or expanded as a conventional centralized stormwater treatment and detention facility per the City's Stormwater Management Manual (SWMM) provided that:

- There is adequate capacity for the final design of the facility;
- Additional runoff flowing through the facility bypasses the proprietary facility and/or does not harm the proprietary facility's function;
- The applicant demonstrates that runoff from the development property on the south side of Kelley Creek can drain to the north side of the creek by gravity, including an evaluation of other competing utility locations across the creek and the adequacy of the future roadway section to accommodate the stormwater system when the future bridge or culvert over Kelley Creek replaces the existing roadway section; and
- The applicant provides a downstream analysis in accordance with the City's SWMM requirements that shows there is sufficient capacity to accept managed runoff using City standards, and there will be no adverse impacts to downstream habitat or conveyance capacity. If there are adverse impacts, appropriate mitigation measures, as approved by the City, must be provided in accordance with the City's SWMM.

Otherwise, the proposed development shall design and construct a regional or centralized stormwater facility onsite on the south side of the creek to manage runoff per the SWMM. **Please note that the allowance for the centralized or regional stormwater facility to be located on the north side of Kelley Creek on the Panza property under this land use application is in consideration of the 2019 pre-application comments. If this land use application does not move forward, the city reserves its right to reevaluate this proposed approach for future land use applications outside the master-planned stormwater sub-basin for the Panza facility based on the standards in place at the time of the new application. In addition, a secondary outfall to Kelley Creek on the Panza property may not be approvable by the City.**

If a regional or centralized stormwater management facility is utilized to treat and detain the proposed development's runoff, the stormwater management facility will need to be designed to meet SWMM requirements for centralized facilities and located on a lot that is deeded to the City or within a public easement granted to the City. The outfall to Kelley Creek following the required treatment and detention will likely need to be engineered like the outfalls for the Brookside and Panza regional facilities. A downstream analysis will also be required per the SWMM.

Stormwater runoff from impervious roadway surfaces within the proposed development and along the proposed development's SE 190TH DR frontage shall be treated with roadside green/low impact development facilities to the maximum extent feasible.

Sizing calculations for water quality treatment and detention in a regional or centralized facility as well as for sizing of the green street rain gardens in the proposed development will need to be provided in the final stormwater report submitted with the public facilities construction plans for review. Note that centralized facilities must not only be sized to detain and release flow at the specified rates but also must have a bottom area sized as a rain garden/swale to meet the water quality criteria per the SWMM. Side slopes of a centralized facility should not exceed 3H:1V to ensure vegetation can be maintained. Furthermore, the sizing calculations for the conveyance from the proposed development to a centralized facility will need to include an analysis of conveyance capacity that accounts for the entire drainage area that could drain to a centralized facility, including but not limited to existing ditch runoff along both sides of 190th Drive and any properties that would drain toward the proposed facility currently or with future development. As a part of the master plan for this area proposed concurrent with the development, the plan for the centralized or regional stormwater management facility must demonstrate that there is adequate space allocated for expansion of the facility with development in the same drainage basin.

Maintenance Requirements for Stormwater Facilities:

Any proposed regional or centralized subdivision stormwater management facilities must be public and maintained by the City. The tract on which the public stormwater management facilities are placed shall either be deeded to the City or overlaid with a public easement over the entirety of the facility (including any access roads). The heavy vehicle access road for a proposed centralized or regional facility must provide drive up access to any manhole, vault, or structures with sumped areas, or as close as possible when infeasible (must be within 14 feet of all structures).

Conveyance:

Sizing of offsite conveyance between the proposed development and a regional or subdivision-level facility and an outfall must accommodate for flow from the contributing upstream drainage basin(s). The City anticipates needing larger diameter stormwater mains in SE 190TH DR to account for upstream contributing flow for this drainage basin. As a result, the proposed development shall install larger diameter stormwater main lines along its SE 190TH DR frontage to account for upstream contributing flow. The length of 36-inch diameter main line anticipated to be necessary extends approximately 435 feet south from the Kelley Creek culvert crossing; the rest of the stormwater main along the project's SE 190TH DR frontage is anticipated to be 30-inch diameter.

Final Stormwater Report:

A final stormwater report as well as construction plans for water quality treatment and detention facilities will need to be submitted for review at the time of public facilities plan submittal.

Erosion and Sedimentation Control Requirements:

As it appears that the area of disturbance will exceed one acre, the applicant shall obtain a NPDES 1200-C permit from the Oregon Department of Environmental Quality (DEQ) for all phases of the proposed development. Information can be obtained from DEQ's website at:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/default.aspx>.

Applications are processed directly through DEQ; the LUCS (Land Use Compatibility Statement) form is processed through the City of Gresham.

Stormwater SDC Creditable Improvements:

Stormwater SDC credits are available for oversize (> 12" diameter) pipe needed for the development. It is anticipated that oversize pipe will be needed in SE 190TH DR along the

development frontage. Stormwater SDC credits are also available for easements granted over ESRA within the proposed development and the rain gardens along 190th.

A5.300: WATER FACILITIES

Main Extension & Looping Requirements:

The site lies in both the Intermediate Service Level (ISL) to the north and the Hunters Highland Service Level (HHSL) to the southeast. The ISL has an overflow elevation of 575 feet, while the HHSL has an overflow elevation of 720 feet. The GCDC requires that a minimum of 35 pounds per square inch (psi) be provided at the meter of single-family detached houses and that private pressure reducing valves (PRVs) be provided when the available pressure at the meter is over 80 psi. Due to the differing elevations of the site, both pressure zones will be required to provide adequate water service pressure to all lots.

There is a 12-inch diameter ISL water main that currently terminates at the intersection of SE RICHEY RD and SE 190TH DR. This development shall connect to this 12-inch main and extend a 16-inch water line in SE 190TH DR from the RICHEY/190TH intersection south to and through the development project's frontage. SDC credits would be available for the master planned extension of the 16" main. A secondary point of connection will be required to feed the ISL water mains in this development for redundancy/looping. There is currently an 8-inch diameter ISL stub out from the SE 43RD ST water main near the northeast corner of Tract B in Brookside Phase 2; a minimum 8-inch diameter ISL water main shall be extended across Kelley Creek from this stub out so that the proposed development has a secondary, redundant feed for the ISL water mains within the proposed development. 8-inch diameter water mains shall be looped through the internal streets as required to loop the proposed ISL mains within the development per PWS.

The HHSL currently terminates at a 90-degree bend at the intersection of SW 41ST ST and SE 190TH DR where the 12-inch diameter HHSL transmission main extends to the north in 190TH. A minimum 8-inch diameter HHSL water main could be extended south in SE 190TH DR to Veranda's frontage so that it could be extended into the proposed development to serve the higher elevation lots in the southwest corner of the development. There is also a HHSL water main in SW 43RD ST in Hayden's Meadow, however the 8-inch diameter HHSL water main in SW 43RD ST terminates at the hydrant on the frontage of 2552 SW 43RD ST. If there are lots along the south side of SW 43RD ST in Hayden's Meadow that have not yet been built out, a minimum 8-inch diameter HHSL water main could be extended from the existing 8-inch diameter HHSL water main in SW 43RD ST, across one of these Hayden's Meadow lots and across tax lot 1S3E20D 01100 (the Jones property) in a public easement, where the water main could cross Kelley Creek to feed the higher elevation lots in the southwest corner of the proposed development property. Whether via a main extension in 190TH or via a main extension

across Kelley Creek in a public easement, a HHSL water main shall be extended to the proposed development to provide service to the development's HHSL lots with adequate pressure. The minimum size for the HHSL water main extension shall be 8-inch diameter unless otherwise approved by the City. Serving the HHSL lots off the ISL mains with private booster pumps will not be acceptable. 8-inch diameter water lines shall be looped through the internal streets as required to loop the proposed HHSL mains within the development per PWS.

All offsite water main extensions shall be reviewed by City Water Engineering staff. The pressure zone boundary location shall be reviewed and approved by Water Engineering and may be revised per anticipated elevations. The proposed development shall install the internal water system infrastructure necessary for both master planned pressure zones/service levels on the development property (the Intermediate service level and the Hunter's Highland service level). The pressure zone boundary, the lots served by each service level's system, and inter-ties between pressure zones shall be reviewed by the City Water Engineering with the public facilities construction plans submitted for each applicable phase of the subdivision based on anticipated lot elevations.

Unless approved by the City via a design modification, proposed unsupported dead end water mains exceeding 600 feet in length are not permitted.

New 1-inch diameter services and ¾-inch meters will be installed for each lot per PWS. Meter size and location for the new houses will be reviewed and approved by Water Engineering.

Fire Flow Requirements:

Per A5.301B of the GDCDC, a minimum of 1,000 gallons per minute (gpm) is required to meet fire flow conditions for developments under 3,600 square feet. A fire hydrant must be along all public streets at a spacing of approximately 400 feet per PWS.

Fire flow requirements are determined by the Fire Department, and not by Development Engineering. Only the Fire Marshal or the Building Official can reduce or increase these requirements.

Existing Well Requirements:

Any existing water wells located onsite shall be abandoned per State of Oregon specifications. If the applicant chooses to keep an existing well active on a lot associated with the proposed development, the water service for any lot with legal access to the well shall be isolated via a reduced pressure backflow assembly (RPBA) on the private side of the service line directly behind the meter before any connection to the public water system is made.

Private Pressure Reducing Valves:

Private pressure reducing valves (PRVs) shall be installed on all water services in the proposed development with static pressures greater than 80 psi per Uniform Plumbing Code.

EASEMENTS AND OTHER:

Easements:

8-foot wide General Utility Easements shall be provided along all public street frontages prior to final subdivision plat approval.

All existing and proposed public and private easements must be shown on the construction plans submitted for building permit review. In general, all proposed easements must be in place prior to construction plan approval.

Overhead Utility Lines:

Overhead utility lines shall be undergrounded along this project's SE 190TH DR frontage where warranted per Section A5.510 of the GCDC.

CHARGES AND FEES:

System Development Charges & Credits:

System development charges (SDC) can be estimated using our online calculator found at www.greshamoregon.gov/sdc. A person challenging the calculation of system development charges and allocated capacity may do so pursuant to GRC 11.05.100.

Allocated system capacity ("SDC credit") for the existing home's transportation, parks and stormwater impact will be applied to the new subdivision.

A portion of the required stormwater, wastewater, water, and transportation improvements are SDC creditable. An updated estimate is available upon request.

CONCLUSION:

Findings submitted under each proceeding code section are generally consistent with the Community Development Code and the Public Works Standards.

If this land use application is approved, the following recommended conditions of approval will ensure that the Community Development Code and the Public Works Standards are met and adequate public facilities to serve this development are constructed.

RECOMMENDED CONDITIONS OF APPROVAL:

General Conditions:

- The applicant shall provide adequate public facilities and services including access, drainage, water, and sanitary sewer, as applicable, per all applicable sections of Appendix 5 of the Gresham Community Development Code (GCDC), the Gresham Public Works Standards (PWS), the Gresham Stormwater Management Manual (SWMM), and the Gresham Revised Code (GRC).
- The applicant shall schedule a pre-design meeting with Development Engineering (Jessica Snodgrass, Development Engineering Specialist, 503-618-2277 or Jessica.Snodgrass@greshamoregon.gov) prior to construction plan submittal to discuss permit processes, technical requirements, design and construction schedules, and plan review processes.
- 3. As the proposed land disturbance ultimately exceeds 1 acre, the applicant shall obtain a NPDES 1200-C permit from the Oregon Department of Environmental Quality (DEQ) for all phases of the proposed development.
- **Conditions to be met prior to Public Facilities Plan Approval:**
 - A minimum 10-inch diameter sanitary sewer main shall be extended in SE 190TH DR from the existing manhole located approximately 97 feet north of the culvert crossing Kelley Creek to and through the Panza property's (tax lot 1S3E20C 00400) frontage. A minimum 8-inch diameter sanitary sewer main shall be extended the rest of the way to and through the Veranda development project's SE 190TH DR frontage from where the 10-inch main will end.
 - The existing Panza stormwater facility may be converted and/or expanded as a conventional centralized stormwater treatment and detention facility per the City's Stormwater Management Manual (SWMM) provided that:
 - There is adequate capacity for the final design of the facility;
 - Additional runoff flowing through the facility bypasses the proprietary facility and/or does not harm the proprietary facility's function;
 - The applicant demonstrates that runoff from the development property on the south side of Kelley Creek can drain to the north side of the creek by gravity, including an evaluation of other competing utility locations across the creek and the adequacy of the future roadway section to accommodate the stormwater system when the future bridge or culvert over Kelley Creek replaces the existing roadway section; and

- The applicant provides a downstream analysis in accordance with the City's SWMM requirements that shows there is sufficient capacity to accept managed runoff using City standards, and there will be no adverse impacts to downstream habitat or conveyance capacity. If there are adverse impacts, appropriate mitigation measures, as approved by the City, must be provided in accordance with the City's SWMM.
- Otherwise, the proposed development shall design and construct a regional or centralized stormwater facility onsite on the south side of the creek to manage runoff per the SWMM. The allowance for the centralized or regional stormwater facility to be located on the north side of Kelley Creek on the Panza property under this land use application is in consideration of the 2019 pre-application comments. If this land use application does not move forward, the city reserves its right to reevaluate this proposed approach for future land use applications outside the master-planned stormwater sub-basin for the Panza facility based on the standards in place at the time of the new application. In addition, a secondary outfall to Kelley Creek on the Panza property may not be approvable by the City.
- Stormwater runoff from impervious roadway surfaces shall be managed with street side green/low impact development facilities to the maximum extent practicable.
- The proposed development shall install larger diameter stormwater main lines along its SE 190TH DR frontage to account for upstream contributing flow. The length of 36-inch diameter main line anticipated to be necessary extends approximately 435 feet south from the Kelley Creek culvert crossing; the rest of the stormwater main along the project's SE 190TH DR frontage is anticipated to be 30-inch diameter.
- The following offsite Intermediate Service Level (ISL) water mains shall be required with the development:
 - A 16-inch diameter water main extension in SE 190TH DR south from the intersection of SE 190TH DR and SE RICHEY RD to and through the proposed development's frontage.
 - A minimum 8-inch diameter water main extension from the existing stub out from the SW 43RD ST water main in Brookside Phase 2, to be extended across Kelley Creek to provide a secondary feed to the proposed development's ISL lots.
- A Hunter's Highland Service Level (HHSL) water main shall be extended to the proposed development to provide water service to the development's HHSL lots with adequate pressure. The minimum size for the HHSL water main extension shall be 8-inch diameter unless otherwise approved by the City. The point of connection and extension to feed the HHSL lots must be acceptable to City of

Gresham Water Engineering staff. Potential options for the point of connection are described in Subsection A5.300 of the Development Engineering comments.

- The proposed development shall install the internal water system infrastructure necessary for both master planned pressure zones/service levels on the development property (the Intermediate service level and the Hunter's Highland service level). The pressure zone boundary, the lots served by each service level's system, and inter-ties between pressure zones shall be reviewed by the City with the public facilities construction plans submitted for each applicable phase of the subdivision based on anticipated lot elevations.
- Overhead utility lines shall be undergrounded along this project's SE 190TH DR frontage where warranted per Section A5.510 of the GCDC.
- **Conditions to be met Prior to Final Plat Approval:**
- 8-foot wide General Utility Easements shall be provided along all public street frontages prior to final subdivision plat approval.
- Any tract on which a proposed regional or subdivision stormwater management facility is placed shall either be deeded to the City or overlaid with a public easement over the entirety of the facility prior to final subdivision plat approval.
- **Conditions to be met Prior to Lot Release for Single-family Residence Building Permits:**
- Any onsite sanitary disposal systems located onsite shall be abandoned prior to release of lots for single-family building permits.
- Any existing water wells located onsite shall be abandoned per State of Oregon specifications prior to release of lots for single-family building permits. If the applicant chooses to keep an existing well active on a lot associated with the proposed development, the water service for any lot with legal access to the well shall be isolated via a reduced pressure backflow assembly (RPBA) on the private side of the service line directly behind the meter before any connection to the public water system is made.
- **Conditions to be met Prior to Occupancy of Single-Family Residences:**
- Private pressure reducing valves (PRVs) shall be installed on all water services in the proposed development with static pressures greater than 80 psi per Uniform Plumbing Code.

ADDRESSING COMMENTS

FROM: Amanda Lunsford, Administrative Analyst

PROJECT #: SD/MIS 20-26000343

FROM: Amanda Lunsford, Administrative Analyst

DATE: November 3, 2021

ADDRESSING COMMENTS:

The proposal is for a 175-lot subdivision on 38.90 acres located at 7928 SE 190th Dr., Gresham, OR 97080. However, this address will not be used for the housing community. Instead, new addresses will be assigned to each lot and released once the final plat is recorded with Multnomah County. The applicant and/or representative may contact the Addressing Coordinator at 503-618-2235 or Addressing@GreshamOregon.gov to obtain addresses before submitting for building permits. An official Notice of Address Assignment will be distributed to the applicable agencies after the decision has been made final. Addresses will be assigned in accordance with the City of Gresham Street Naming and Property Numbering Guidelines of Gresham Development Code Appendix 13.

Additionally, the US Postal Service requires that mail delivery to all new developments be centralized by using centralized box units. It is the responsibility of the developer/builder to purchase, install, and maintain the mail receptacles. I can provide a handout from the Post Office with more information if needed.

For the plat, please make the following adjustments:

- Label STREET A as SW SANDLEWOOD AVENUE
- Label STREET B as SW REDFERN AVENUE
- Label STREET C as SW TEGART AVENUE
- Label STREET D as SW BRIXTON AVENUE
- Label STREET E as SW EASTWOOD AVENUE
- Label STREET F as SW 47TH STREET
- Label STREET G as SW 45TH STREET

PROJECT #: 20-26000343

FROM: Kyle Stuart, Gresham Fire (kyle.stuart@GreshamOregon.gov)

DATE: 10/23/2021

FIRE COMMENTS: Veranda Sub Division. 175 Lots

NOTE: Building permit plans shall include a separate “FIRE ACCESS AND WATER SUPPLY PLAN” indicating all of the following!

- Residential homes from under 3600 square feet require a minimum fire flow of 1000 gpm residential homes 3,601 – 4,800 square feet require 1,150 gpm fire flow. The fire flow increases from there. Fire Flow forms will be required to be filled out during the building permit process. **OFC App B**
- Each building may be required to be sprinklered if the code's minimum water flow is not available. **OFC App B**
- The turning radius for all emergency apparatus roads shall be: 28' inside and 48' outside radius. This must be indicated **OFC 503.2.4**
- All Fire Dept. Access Roads shall be constructed and maintained prior to and during construction. **OFC 1410**
- The location of the fire hydrants are not indicated on the plans. A fire hydrant must be within 600 feet of the furthest point around the furthest home. This is measured as the fire hose lies on the ground. Each public or private fire hydrant used for fire flow for this property shall have a 5-inch **Storz** adapter with National Standard Threads installed on the 4 ½ -inch fire hydrant outlet. The adapter shall be constructed of high-strength aluminum alloy, have a Teflon coating on the seat and threads, and use a rubber gasket and two (2) set screws to secure it in place. The adapter shall be provided with an aluminum alloy pressure cap. The cap shall be attached to the hydrant barrel or Storz adapter with a cable to prevent theft of the cap. Adapter shall be Harrington HPHA50-45NHWCAP or equal approved by Gresham Fire.
- Where a fire hydrant is installed the access road must be a minimum of 26'. **OFC APP D-103.1**
- Required fire hydrants and access road shall be installed and approved PRIOR to any combustible construction material arriving on site. **OFC 3312.1**
- Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be BLUE. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the marker accordingly. **OFC 508.5.4**

- All Fire Dept. Access Roads shall be drawn to scale and shown clearly on plans. The access roads shall be constructed and maintained prior to and during construction. The minimum width is required to be 20'. **OFC 503.2.1 & D103.1**
- Required Fire Dept. Access Roads on site shall be designed to support an apparatus weighing 75,000 lb. gross vehicle weight. Provide an engineer's letter stating the access road meets those requirements at time of building permit submittal. **OFC, Appendix D, Section D102.1**
- No Parking Fire Lane signage or curb marking will be required. Fire access roads 20' – 26' wide require the marking on both sides roads over 32' wide do not require no parking signage. I can email you our policy. **OFC D 103.6**
- Due to the fact that there are more than 30 dwelling units, this subdivision will be required to have two separate approved fire access roads and shall meet the requirements of D104.3. **OFC D107.1**
- Temporary dead ends that exceed 150ft due to this being a phased plan will need to be equipped with approved temporary turnarounds until the roads re completed and finished with phase 3. **OFC App D**

RECYCLING AND SOLID WASTE COMMENTS FOR PLAN 20-26000343

From Nick Isbister, Solid Waste and Recycling

Applicant must allow for enough turn around space for a refuse truck to turn around safely in the proposed 'eye brows'. No parking signs must be placed in the eyebrows to prevent blockage. If this cannot be accommodated, Street F must make a connection with Street G on the east side of the development.

Trucks need direct safe turn around or exit with 52 foot turning radius.

Developer- Please review design [Matrix](#) for assistance and feel free to connect with us: Nick.isbister@greshamoregon.gov

I. PUBLIC COMMENTS

Comments may be received up to or at the hearing on September 11, 2023.

The comment received from the Johnson Creek Watershed is summarized as follows:

"The entire stream network in the Johnson Creek Watershed has ORDEQ-established Total Maximum Daily Loads (TMDLs), of which high temperature is the most relevant to this proposed development. One of the ecological functions of wetlands is to cool the creek through surface-groundwater exchange. Wetlands also provide important habitat for a variety of fauna and

flora. Our Council has planted hundreds of thousands of trees in the riparian areas in Johnson Creek Watershed, with the goal of reducing stream temperature, which on some days in the summer, can be lethally high for ESA-listed salmonids. Monitoring data of macroinvertebrates in the headwaters of Kelley Creek, very near this site, revealed some of the best benthic habitat in the entire Johnson Creek Watershed. It is possible that by reducing some of the wetlands in this area, that this habitat will no longer be as high-quality. This is especially important because SE 190th Ave will be reconstructed according to the regional transportation plan, so that salmonid passage will be restored here.”

Staff Response: This proposal is recommended for denial based mostly on the issue of wetlands being locally significant and therefore may not be developed and mitigated as being proposed.

IV. RECOMMENDATION

Staff recommends denial of the Master Plan and the Subdivision proposal.

End of Staff Report