



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: Findings and Conditions (Final Order) for the Comstock Subdivision
Appeal AP.1.22 (SUB.2.22)
DATE: October 12, 2022

Attached (last attachment) to this memo is the draft final order for this matter based on the decision of the Council at your September 21, 2022 deliberations.

The conditions are per the Council's approved motion, except for #16. Since then, the applicant and their legal counsel met with city staff and the city's legal counsel specifically about the indemnification of sanitary surcharge condition. This is the last condition—#16—of the final order prepared for signature.

The original condition from the September 21, 2022 decision reads:

The owner, developer, and the subsequent buyers will indemnify the City from any costs, fines, or penalties arising from, or associated with overflow or discharge from the sanitary sewer system until the system is upgraded as contemplated in the Plan.

The applicant's legal counsel expressed concern about this, and the city and applicant agreed to meet to discuss this condition.

The applicant provided a proposed revision to this condition—see Oct. 7, 2022 email + attachment. Parties discussed the matter the same day. Generally, all parties seemed to agree except some remaining question about the duration of indemnity (i.e., 3 years or more). The outcome of the Oct. 7, 2022 meeting is summarized in an email I sent the same day + attachment, which includes the proposed revised language.

On October 11, 2022 the applicant's legal counsel noted via email that the applicant is not willing to agree to any condition imposing an indemnification obligation and intends to appeal any decision including such.

This will be a matter of discussion and this memo is prepared for your consideration.

The draft final order includes the condition as modified based on the Oct. 7, 2022 discussion with the applicant.

If the Council would like to omit this condition or make other changes, that can still be done.

Attachments: 1. October 7, 2022 email from D.J. Petersen
 2. Attachment of October 7, 2022 email from D.J. Petersen
 3. October 7, 2022 email from City Planner
 4. Attachment of October 7, 2022 email from City Planner
 5. October 11, 2022 email from D.J. Petersen
 6. **Draft Findings and Conclusion**

From: [David Petersen](#)
To: [Jacob Graichen](#); "[Edward H. Trompke](#)"
Cc: [Clark Vorm \(clark@noyesdevelopment.com\)](#); [KSandblast@westlakeconsultants.com](#); [Mick Harris](#)
Subject: [External] proposed revisions to sewer indemnity condition.DOCX [IWOV-PDX.FID1340364]
Date: Friday, October 7, 2022 10:27:17 AM
Attachments: [proposed revisions to sewer indemnity condition.DOCX](#)

For discussion at our virtual meeting at 1:30, attached please find the applicant's proposal to revise the indemnity condition.

David J. Petersen | Tonkon Torp LLP (he/him)
Partner / Chair, Real Estate & Land Use Practice Group
888 SW Fifth Ave., Suite 1600
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Tonkon Torp's COVID19 Resources. We are closely monitoring the ever-changing situation. Please [check our website](#) for COVID updates, changes in the law, and tips for our clients and community.

City original:

The owner, developer, and the subsequent buyers will indemnify the City from any costs, fines, or penalties arising from, or associated with overflow or discharge from the sanitary sewer system until the system is upgraded as contemplated in the Plan.

Applicant proposal:

Prior to the first transfer of any lot within the subdivision, the developer shall record a covenant against the property in the subdivision for the benefit of the City, by which the developer and the owners' association for the subdivision shall indemnify the City from any costs, fines or penalties arising from or associated with surcharges from the existing City sanitary sewer in Sykes Road between Matzen Street and Westshire Lane occurring after final occupancy of the first home in the subdivision, except to the extent such surcharges are caused by acts or omissions of the City or its agents or employees. This condition and the recorded covenant shall automatically expire upon the earlier of (1) completion of construction of a 15-inch pipeline in Sykes Road between Matzen Street and Westshire Lane with a 12-inch connection to the Westshire Lane pipeline; or (2) three years after the date that this order becomes final.

Jacob Graichen

From: Jacob Graichen
Sent: Friday, October 7, 2022 3:26 PM
To: David Petersen; 'Edward H. Trompke'
Cc: Clark Vorm (clark@noyesdevelopment.com); KSandblast@westlakeconsultants.com; Mick Harris
Subject: RE: [External] proposed revisions to sewer indemnity condition.DOCX [IWOV-PDX.FID1340364]
Attachments: proposed revisions to sewer indemnity condition - city tracked changes 10072022.docx

David,

Please see attached.

Using the track changes tool in WORD this reflects the amendments that were tentatively ok with all parties based on the discussion earlier today.

After speaking to Engineering, they are ok just focusing on the Sykes line, so no changes there. I forget to talk about the improvements being recommendations in the plan and potentially subject to change based on final construction plans, so you will see added language that captures that. I suspect no controversy there.

And the four year term (instead of three) that Clark was maybe tentatively ok with.

Please let me know if you have any questions.

Jacob A. Graichen, AICP, City Planner

City of St. Helens

jgraichen@sthelensoregon.gov

(503) 397-6272

From: David Petersen <david.petersen@tonkon.com>
Sent: Friday, October 7, 2022 10:21 AM
To: Jacob Graichen <jgraichen@sthelensoregon.gov>; 'Edward H. Trompke' <Ed.Trompke@jordanramis.com>
Cc: Clark Vorm (clark@noyesdevelopment.com) <clark@noyesdevelopment.com>; KSandblast@westlakeconsultants.com; Mick Harris <mick.harris@tonkon.com>
Subject: [External] proposed revisions to sewer indemnity condition.DOCX [IWOV-PDX.FID1340364]

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City original:

The owner, developer, and the subsequent buyers will indemnify the City from any costs, fines, or penalties arising from, or associated with overflow or discharge from the sanitary sewer system until the system is upgraded as contemplated in the Plan.

Applicant proposal:

Prior to ~~the first transfer of any lot within the subdivision~~ or in conjunction with the recordation of the final plat, the developer shall record a covenant, subject to City review and approval, against the property in the subdivision for the benefit of the City, by which the developer and the homeowners' association for the subdivision shall indemnify the City from any costs, fines or penalties arising from or associated with surcharges from the existing City sanitary sewer in Sykes Road between Matzen Street and Westshire Lane occurring after final occupancy of the first home in the subdivision, except to the extent such surcharges are caused by acts or omissions of the City or its agents or employees. This condition and the recorded covenant shall automatically expire upon the earlier of (1) completion of construction of a 15-inch pipeline in Sykes Road between Matzen Street and Westshire Lane with a 12-inch connection to the Westshire Lane pipeline as recommended by the 2021 Wastewater Master Plan, the exact specifications subject to final design; or (2) ~~three~~ four years after the date that this order becomes final.

Jacob Graichen

From: David Petersen <david.petersen@tonkon.com>
Sent: Tuesday, October 11, 2022 11:35 AM
To: Jacob Graichen; 'Edward H. Trompke'
Cc: Mick Harris; Clark Vorm (clark@noyesdevelopment.com); KSandblast@westlakeconsultants.com
Subject: RE: [External] proposed revisions to sewer indemnity condition.DOCX [IWOV-PDX.FID1340364]

Jacob and Ed,

After further consideration, the applicant is not willing to agree to any condition imposing an indemnity obligation. It would agree to release the city from liability for surcharges in the Comstock subdivision until the upgrades to the Sykes trunkline are complete, but I understand from Ed that is a non-starter for the city.

Since the record was already closed at the time the condition was proposed, the applicant did not have an opportunity to formally object. Accordingly, please notify the city council that the applicant does object to an indemnification condition, whether as written or modified, and that it intends to appeal to LUBA any decision that includes an indemnification condition.

I will be in touch with Ed to discuss further, but I wanted to get you this information now in time for Jacob's staff report due tomorrow.

Thank you,

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Subject: RE: [External] proposed revisions to sewer indemnity condition.DOCX [IWOV-PDX.FID1340364]

David,

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Appeal, **AP.1.22**, of
Subdivision Preliminary Plat, **SUB.2.22**

APPLICANT: Ken Sandblast, Westlake Consultants, Inc.

OWNER: Chieko Comstock

ZONING: Moderate Residential, R7

LOCATION: 4N1W-6D-604 and 4N1W-6AD-2600

PROPOSAL: 46 lot Planned Development Subdivision Preliminary Plat

SITE INFORMATION / BACKGROUND

The subject property is approximately 12 acres in size and is undeveloped. The property is roughly rhomboidal in shape and generally descends in elevation from where it abuts Pittsburg Road to its southern boundary that abuts a row of lots that abut Sykes Road. The property itself does not abut Sykes Road. There are two wetland areas that divide the property into three segments. Some roads stub to the property along the long sides of the rhombus such as Westboro Way on the west side and Edna Barr Lane on the east side. Also, Meadowview Drive on the NW side and Barr Avenue on the SE side abut the property along the sides of those streets.

This property was annexed recently (file Annexation A.5.21) via Ordinance No. 3281 adopted by the City of St. Helens in March of this year.

Associated file: Planned Development (overlay zone), PD.1.22.

PUBLIC HEARING & NOTICE

Public hearing before the City Council: August 17, 2022. Deliberations were continued to September 21, 2022.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on May 20, 2022 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on August 3, 2022 in The Chronicle newspaper.

Wetland Land Use Notification was provided to Oregon DSL on May 17, 2022 pursuant to ORS 227.350 as part of the Subdivision Preliminary Plat, **SUB.2.22**, prior to this appeal.

APPLICATION COMPLETENESS

This application (**SUB.2.22**) was originally received on April 11, 2022. Staff identified missing information or other aspects that rendered the application incomplete and notified the applicant of the issue pursuant to SHMC 17.24.050 on April 29, 2022. The applicant provided revised or new information on May 9, 2022. Following this, the applicant submitted a phasing plan not originally proposed on May 20, 2022 (acknowledged via email on the same day), which substantially altered the application; this is when the original application as reviewed by the Commission was determined to be complete. Based on this, the 120-day rule (ORS 227.178) for final action for this land use decision was originally September 17, 2022.

Based on a discussion at the August 17, 2022 public hearing before the City Council for this appeal, the applicant provided a written extension to October 5, 2022. Based on a discussion on September 22, 2022, following deliberations continued from August 17, 2022, the applicant provided a written extension to October 19, 2022.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The first step to a Planned Development proposal is to adopt a Planned Development overlay zone. This overlay zone is necessary to use the flexibility of Chapter 17.148 SHMC. **Such an overlay zone is proposed via file PD.2.22.** Though a separate matter, this Subdivision Preliminary Plat approval shall be contingent on successful adoption of a Planned Development overlay since it would not be possible without it.

The Planned Development overlay zone allows flexibility to the provisions of the base zoning district. The site is zoned R7 and this zone will be the focus in considering zoning flexibility per **SHMC 17.148.080 as follows:**

- (1) The provisions of the base zone are applicable as follows:
 - (a) Lot Dimensional Standards. The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 17.56 SHMC;
 - (b) Site Coverage. The site coverage provisions of the base zone shall apply;
 - (c) Building Height. The building height provisions shall not apply except within 100 feet of an “established area”; and
 - (d) Structure Setback Provisions.
 - (i) Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 17.96 SHMC;
 - (ii) The side yard setback provisions shall not apply except that all detached structures shall meet the applicable building code (as administered by the building official) requirements for fire walls; and
 - (iii) Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
 - (A) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street;
 - (B) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.
- (2) All other provisions of the base zone shall apply except as modified by this chapter.

Finding(s): The applicant proposed some desired standards as allowed per the provisions above, though some of those were changed by Ordinance No. 3286, which adopted the Planned Development overlay zone for the subject property. This is summarized below.

Note that per (1)(b) above, the site coverage rules cannot be changed.

Also note that building height can be flexible, but not within 100' of an "established area" per Chapter 17.112. Per SHMC 17.112.020:

- (1) Established Area.
 - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

Generally, surrounding lands can be considered buildable. There is no severe constraints, there are some Goal 5 lands but not enough to prevent development, predominant slopes are less than 25%, there is no 100-year floodplain and public facilities can be or are anticipated to be available within a 20 year planning period. But, since the applicant proposes the standard building height, this issue is moot.

Moreover, "interior yards" (i.e., distance between buildings) as established via Ordinance No. 3264 in 2021 are not included in the provisions that may be flexed and thus apply per (2). Applicant proposed a change, by accident, which was verified by staff.

Applicant proposes a 15-foot building and 12-foot porch front yard. SHMC 17.64.050(4) allows a porch to extend into a front yard as much as four feet. Thus, applicants' three-foot proposal is more restrictive. Staff assumed this was based on the applicant being unaware of this provision, and this was verified by staff.

Ordinance No. 3286 also requires that the minimum lot size and minimum side yard (setback) of the zoning district shall apply.

A summary of the standards proposed for this development per the applicant's proposal and based on staff's observations and assumptions as noted above, is attached as **Exhibit A**.

ORS 94.550 to 94.783 (2019) address Planned Communities, which are defined as:

ORS 94.550(20)(a) “Planned community” means any subdivision under ORS 92.010 to 92.192 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.

ORS record of declaration requirements:

ORS 94.565(2) A person may not convey any lot or unit in a planned community until the planned community is created by the recording of the declaration for the planned community with the county recording officer of each county in which the planned community is located.

The declaration is the instrument per ORS 94.580 that establishes a planned community. This includes formation of a homeowners association, bylaws and such.

ORS 94.625(1) and (2) requires that a homeowners association be formed as a nonprofit corporation, and adopt and record bylaws either (1) not later than when the first lot is conveyed or (2) if the plat contains a conveyance of any property to the association, before the plat is recorded. This is important since tracts of the subdivision will be conveyed to the homeowners association.

ORS 94.665(1) says that a homeowners association may sell, transfer, convey or subject to security interest any portion of the common property given certain affirmative votes, except as otherwise provided in the declaration. The exception is important given common ownership of wetlands. The declaration will need to include a provision that any sale, transfer, etc. also requires city approval.

* * * * *

Subdivision Standards

SHMC 17.136.040(1)

(1) The preliminary plat approval by the planning commission or final approving authority shall lapse if:

(a) A final plat (first phase in an approved phased development) has not been submitted within a one-year period; or

(b) The final plat does not conform to the preliminary plat as approved or approved with conditions.

Discussion: This is not a standalone subdivision request. Four phases are proposed.

Note that Planned Developments may have an initial validity period of 1.5 years, which may be applied.

Finding: This Subdivision preliminary plat approval shall be effective for a period of eighteen (18) months from the date of approval per this section. Time extensions are possible per SHMC 17.136.040.

* * *

SHMC 17.136.050 (1) and (2) Phased development.

(1) The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years (unless an extension is granted) without reapplying for a preliminary plat, nor the cumulative time exceed six years (regardless of extensions) without applying for a new preliminary plat.

(2) The criteria for approving a phased site development review proposal are:

(a) The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

(b) The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(i) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable city or district standard;

(c) The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat; and

(d) Public facilities approved as conditions of approval must be bonded.

Discussion: Four phases are proposed as follows:

Phase 1: Lots accessed via Barr Avenue

Phase 2: Lots accessed via Westboro Way

Phase 3: Lots accessed via Edna Barr Lane all south of the Willie Lane

Phase 4: Remaining lots on the north side of the site

Note that Planned Developments may have a total time period of all phases up to seven years, which may be applied.

Finding: The Council approved the phasing scheme by approving this subdivision.

At the original hearing with the Planning Commission, the applicant confirmed that the southerly wetland tract should be a part of Phase 1 as access to it is provided via that phase, and the wetland tract adjacent to Westboro Way should be a part of Phase 2, as the extension of Westboro will provide access to that and ties in with the proposed trail.

Also, at the Commission's hearing staff observed and the applicant acknowledged that Lot 40 (now Lot 30 per the revised plat submitted in August) and/or the Willie Lane extension need to be reconfigured as the current phase layout isolates Lot 30 in Phase 3 from Willie Lane of Phase 4.

The conditions of said sections (1) and (2) shall apply.

* * *

SHMC 17.136.060(1) – Approval standards – Preliminary plat.

(1) The planning commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

(a) The proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations;

(b) The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];

(c) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern; and

(d) An explanation has been provided for all common improvements.

(a) This criterion asks if the proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations. The City's development code (SHMC Title 17) implements the Comprehensive Plan. The Development Code standards are addressed herein.

There are no known conflicts with the Comprehensive Plan. This includes addendums to the Comprehensive Plan: Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

There is an identified routes in the city's Parks and Trails Master Plan that traverses through the subject property: trail #9. This is discussed further below.

Applicable provisions of the Development Code are addressed per Chapter as follows:

- **17.32 – Zones and Uses** → The subject property is zoned Moderate Residential, R7.

As a Planned Development, different standards as allowed by the city's Planned Development provisions are possible—see **Exhibit A**, as attached.

The revised preliminary plat submitted in August 2022 appears to comply with the proposed standards, but this will be additionally reviewed with plans submitted following this preliminary plat approval.

There are no existing dwellings or other buildings to determine compliance with proposed property lines

Flag lots are not allowed in the R7 zoning district. Other zoning districts where flag lots are allowed, identify flag lots as possible. For example, see SHMC 17.32.070(5)(d), 17.32.080(5)(d) and 17.140.055(2). Planned Development overlay zone does not exempt this allowance. No flags lots are proposed. Though Lot 46 looks like a flag lot, its lot width at the street—30 feet—meets the minimum proposed PD standard.

- **17.40 – Wetlands & Riparian Areas** → There are two significant wetlands within the boundaries of the subject properties:

Wetland MC-1, a type I wetland with a required 75' upland protection zone.

Wetland MC-2, a type II wetland with a required 50' upland protection zone.

Both of these wetlands are inventoried as riparian corridor too, but R-MC-18 is not significant per this Chapter and does not result in any additional requirements.

An environmental assessment has been conducted (DSL WD # 2021-0642) identifying the specific location of these significant wetlands. This is required for land divisions such as this.

All proposed lots, roads and stormwater facilities are located outside of wetlands MC-1 and MC-2 and their upland protection zones.

A trail is proposed along the south side of the 75' upland protection zone on the south side of the wetland/stream of MC-1. This is acceptable provided impacts are minimal. Trail specifications will be necessary to evaluate this. Sensitive Lands Permit may be required based on anticipated impacts of the trail.

Moreover, the easterly extension of Westboro Way improvements are proposed to abut the MC-1 75' upland protection zone in the same area. This immediate adjacency begets necessary identification to prevent impact during construction. Sheet P202 shows protection fencing behind the outer edge of the protection zone, which by itself, would be insufficient.

Subdivision infrastructure will be within proximity of these sensitive lands as will development of any lot adjacent to them. Methods of how sensitive lands/upland protection zones will be identified and protected during development of the subdivision and development of its lots will be necessary. Any impacts, including temporary may require a Sensitive Lands Permit

Density transfer is allowed as part of a Planned Development with a Development Agreement. A Development Agreement application has not been submitted. However, the applicant proposes density transfer, but as allowed by Chapter 17.56 SHMC, not this chapter.

The wetlands and their protection zones are required to be preservation tracts to be managed by a homeowner association or other entity responsible for preservation.

- **17.44 – Sensitive Lands** → This chapter addresses various types of sensitive lands, including steep slopes 25% or greater.

The applicant proposes creating steep slopes along the lots that abut Pittsburg Road. There is a 20 minimum yard that cannot be reduced by the Planned Development aspect of this proposal along Pittsburg that will contain much of the proposed steep slope area, but not necessarily all of the steep slope.

There is potential for someone to want to build within the steep slope. If such is proposed, a Sensitive Lands Permit per this chapter will be required.

- **17.56 – Density Computations** → The applicant provided a summary of the density calculations as revised and received on July 1, 2022 justifying the originally proposed 46 lots. A revised plat was submitted in August 2022 which reduced the number of lots to 34.
- **17.72 – Landscaping and Screening** → Street trees are required per this Chapter because the site fronts a street for more than 100 feet.

All abutting and stubbed streets to be extended within the subject property are classified as local per the City's Transportation Systems Plan, except Pittsburg Road, which is classified as a minor arterial.

For the local streets, street trees will be planted behind the sidewalk in the right-of-way or landscape/public utility easement, per this Chapter. These trees will be planted as each lot is developed, as a condition of building permits. Exceptions to this are within the BPA easement, where no trees are required (BPA doesn't want trees) and along a wetland protection zone or along storm water tracts. These "natural areas" will provide "green-scape" there.

For Pittsburg Road, which requires a landscape strip with street trees as part of the public street frontage improvements (curb, gutter, landscape strip, and sidewalk), street trees will need to be installed as part of the frontage improvements required for the subdivision (as opposed to development of the subdivision's lots). As Pittsburg Road has overhead utilities, tree species shall be "small" per this Chapter.

- **17.84 – Access, Egress & Circulation** → Pittsburg Road is a minor arterial street per the city's Transportation Systems Plan. All other adjacent streets are classified as local.

The development code does not favor access from minor arterial streets. No direct access using Pittsburg Road is proposed. Direct access shall not be allowed.

Access from Barr Avenue was approved prior to this Subdivision application (see dedication deed recorded as instrument no. 2022-3799 and public utility easement recorded as instrument no. 2022-3800). All other streets are stubbed to the site and will be extended within, except for the proposed Comstock Way off of Meadow View Drive, which will provide access to Pittsburg Road. A minimum 150' separation

(measured from centerline) is required; the distance between Pittsburg Road and Comstock Way (off Meadow View Drive) exceeds 150 feet.

Some private streets (shared accesses) are proposed, and this Chapter provides some guidance for those.

Lots 1, 2, and 34 (three total based on the revised preliminary plat submitted in August 2022) are proposed to share an access. A 30' wide easement is proposed, which is suitable for 3-6 lots. Minimum pavement width required is 20 feet.

Note that because Pittsburg Road is a minor arterial street. Lots 1 and 3 cannot have direct access onto it.

20' roadway is the minimum width needed for traffic circulation. No parking signage is necessary.

No private drive exceeds 150 feet, which would require a turnaround suitable for emergency vehicles (fire department standard).

Easements for access to lots are possible per this Chapter 17.152. Easements need to be shown properly on all plans. These will require a maintenance agreement between all lots that utilize such access, to be recorded with the final plat. These are not to be public streets subject to city maintenance and such. Physical improvements shall be included on construction plans. Will need to include utility easements to serve the lots served by access. They will be too narrow for on-street parking.

- **17.132 – Tree Removal** → A tree plan is required for a property with more than 10 trees or any tree over 2 feet diameter at breast height (DBH). This chapter focuses on trees over 12 inches DBH.

There are about 51 trees pertaining to this chapter. 20 of those are proposed to be removed. As this is less than 50% of these trees, replacement is required as a 1:1 ratio.

Street trees will be required and there are anticipated to be more than 20 street trees within the site upon full buildout, which will satisfy the replacement requirement.

Tree plan includes protection of existing trees as required. This, as revised, will need to be a part of subsequent development permits.

- **17.152 – Street & Utility Improvement Standards** → Development is required to have frontage along a public street improved to city standards. Streets are proposed to be dedicated and improved both adjacent to and within the subject property.

Pittsburg Road will require approximately 10' of right-of-way dedication (30' from centerline) to meet the 60' ROW width for Minor Arterial classified streets.

Other streets that abut the subject property along their sides (i.e., Meadow View Drive and Barr Avenue) are already at the 50' minimum width for local classified streets.

An access easements (private shared drive/street) is proposed for some lots, which the code allows if it's the only reasonable method to create lots large enough to be developed. These must be approved by the Council; they are described in greater detail under Chapter 17.84 SHMC above. The Council approved these when the preliminary plat was approved.

The applicant is acknowledging all streets stubbed to the property and extending them within. This includes continuation of the right-of-way recently dedicated for access to Barr Avenue (see dedication deed recorded as instrument no. 2022-3799 and public utility easement recorded as instrument no. 2022-3800), Westboro Way, Edna Barr Lane and Willie Lane.

Willie Lane differs from the others since it does not stub to the subject property, rather, the stub is about 260' to the east, with an easement in between—instrument no. 01-10543 as depicted on P.P. No. 2003-100. The purpose of this easement is to preserve right-of-way for Willie Street to eventually be extended westward. The Willie Lane portion of the development will be the only street stub that does not abut a fully improved stub on the other side of the property line.

The Westboro Way extension will have the additional review and agreements required by the Bonneville Power Administration. Road, utility and other construction within the BPA easement will require review and approval from the BPA.

Any county road will require coordination with Columbia County. See Columbia County Public Works comments herein.

Generally, the street layout proposed is logical utilizing existing surrounding streets and avoiding wetland/upland protection zone impacts. Intersection angles are at right angles more-or-less as required.

Cul-de-sac. Cul-de-sacs are allowed only when there are justifiable constraints. Cul-de-sacs shall be no more than 400' long and not provide access to more than 20 dwelling units per normal standards.

Two cul-de-sacs are proposed, each is logical due to surrounding development and wetlands.

The first is the extension of Westboro Way. Currently, the leg of this street from the centerline of Mountain View Drive to the east stub to the subject property is 175' long and provides access to 5 lots (east of the Mountain View Drive C/L). The

proposal extends the leg 200' ending in a conventional circular cul-de-sac; it will still be less than 400' total. An additional 5 lots will be added (per the revised plat submitted in August 2022), remaining under the 20 total.

Being longer than 150' the cul-de-sac needs to terminate with a turnaround area meeting fire code standards (which exceeds the city's normal cul-de-sac end standards). Plans show a 96-diameter cul-de-sac end, exclusive of sidewalks, which meets the minimum per the fire code.

The second proposed cul-de-sac is the southerly access off Barr Avenue. This is proposed to be approximately 300' long, providing access to 6 lots (per the revised plat submitted in August 2022) and terminating in a modified hammerhead, which appears to exceed fire code, except a 28' corner radius is required; 26 radii are proposed at the hammerhead. Note that the longer of the hammerhead sides is at 150 feet. Any longer would require another turn-around!

This southerly cul-de-sac is proposed to be a skinny street. Local "skinny" streets are possible with only a 40' wide right-of-way provided they will provide access to land whose combined average daily trip rate (ADT) is 200 ADT or less (in this case 20 lots). Only 6 lots (per the revised plat submitted in August 2022) are proposed for access. Roadway must be 28' wide, which will permit parking on one side of the street. Roadway section on the plans show this. No parking signage, etc. will be necessary.

Street names. All new street names are subject to approval by Columbia 9-1-1 Communications District. There are a couple new street names that will need to be reviewed. These should be approved prior to construction plans to ensure street name consistency throughout the post preliminary plat approval review processes.

Street grade and curves. Street grades for new streets appear less than 12%, which is the basic maximum standard for local streets. The greatest road grades are around 6.5%. The centerline radii of proposed curves is not less than 100' (except at intersections), which is the normal minimum requirement.

Access to Arterials/Collectors. Pittsburg abutting the north side of the subject property is a Minor Arterial Street. Separate access is required (no direct access for lots) and will be provided via Meadowview Drive and the rest of the proposed street network. SHMC 17.152.030(16) calls for buffering or screening for the lots with frontage along Pittsburg Road. A plan to address this for these lots shall be approved prior to the final plat, to be implemented no later than prior to occupancy of any permitted principle building on each lot.

Mailboxes. Joint mailbox facility shall be included on engineering/construction plans per city standards and the USPS. Subject to city and Postmaster approval.

Street signage. Signs for street names, traffic control and such are the financial responsibility of the developer.

Street lights. Are required at least at each intersection and as otherwise required by City Engineering.

Blocks. This proposal will nearly create the one possible block with Edna Barr Lane on the south side and Willie Lane on the north side. It will approximate the normal 1,800-foot maximum perimeter.

Easements. Minimum 8' wide public utility easements will be required along the street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat. Approved engineering/construction plans will be required before submission of the final plat.

Easements specific to city utilities (e.g., sanitary sewer) are proposed. These are typically 15' wide on the center of the utility line, unless the utility is really deep or there is another unusual circumstance.

Sidewalks/street frontage improvements. All abutting streets and those within, except Pittsburg Road, are local classified streets and will require curb-tight sidewalks. Because, Pittsburg Road is a minor arterial, a planter strip between the curb and sidewalk will be required.

City Utilities. Water, sanitary sewer, and storm water system plans will be required in accordance with city requirements.

Water is available in multiple locations and is available along all abutting rights-of-way. City Engineering comments on water in their June 22, 2022 Engineering Staff report.

Sanitary sewer. The city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies multiple undersized trunk lines already operating at or above capacity that this development would depend on. This includes multiple manholes with the potential to overflow. Generally, the problem is undersized trunk lines.

Sewer pipes are considered "at capacity" when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where "d" is the depth of flow and "D" is the pipe diameter. The WWMP includes an exhibit that shows that the major portion of the sewer trunklines which would potentially serve the subject property are currently operating at or above 100%. This is much greater than the industry standard 85% "at capacity" flows.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

https://www.oregon.gov/deq/Pages/enforcement-actions.aspx?wp2643=p:2#g_c4e47a01_bc88_4a9f_aa38_c1bcac799ce5

For example, in February 2022 the City of Seaside was fined close to \$13,000 for untreated sewerage discharge. For egregious situations, the fine amount can be considerable such as the nearly \$1.3 million fine to the Port of Morrow in Boardman from January 2022. Even the US Army Corps of Engineers is subject to Oregon DEQ's wrath having been fined nearly \$31,000 in December of 2021.

Given this issue, the Council considered SHMC 17.152.090(4):

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is a current deficiency (undersized pipes for existing demand) of a widespread scale including infrastructure this development would need to utilize that could result in surcharging, fines (e.g., for violation of Oregon DEQ standards) and public health risks.

The council finds this is development can still be approved under these circumstances given this criterion for the following reasons or conditions of approval:

- The conveyance infrastructure this development depends on for sanitary sewer is a priority 3 in the WWMP. There is no priority 2 conveyance improvements. The difference between priority 1 and 3, is priority 1 includes areas that have been reported to have overflows or significant surcharging during wet weather events, whereas priority 3 areas are where there have been infrequent or no observations of historical overflows or surcharging.
- City Public Works and Engineering staff have already begun to address the necessary sanitary sewer infrastructure upgrades having already submitted an application to the State Revolving Fund Program (for below market rate loans) to Oregon DEQ to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal. City Public Works and Engineering indicate an anticipated 3-to-4-year timeframe for completion of these upgrades.

- Because of the lower probability of surcharges (subject property not reliant on priority 1 infrastructure), a relatively quick planned infrastructure upgrade (3-4 years) and that the actual sanitary sewer impacts will not occur until homes are built and occupied*, the overall risk of surcharges is minimized. Also, applicant proposed phases, so homes are not anticipated to be built all at once.

*Before homes are in place and occupied: subdivision infrastructure needs to be constructed following review of plans; the subdivision needs to be platted (final plat recorded following final plat permit/review); after the final plat is recorded building permits need to be submitted, review and approved; and the homes need to be built to attain a certificate of occupancy from the Building Official. This all takes time all will add months and probably >1 year before the first home is occupied.

- A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to determine fair proportionality—**see attached Exhibit B**. This estimated amount is determined to be a fair share quantity for this proposal.
- A condition of approval to indemnify the city as the result of an overflow, until the system is upgraded as contemplated in the plan is included because this project will increase the probability of surcharge given the existing conveyance capacity issues described above. Surcharge can result in penalties from Oregon DEQ and litigation from others, for example, from damages of sewerage backup into a person's dwelling, business, etc., as well as harm from sewerage exposure either within or outside of a building.

Release of liability alone has limited effect because the applicant, owner or developer cannot release liability from third parties and the surcharge potential is widespread.

- The total amount of lots proposed was reduced from 46 to 34. This 26% reduction of density will reduce the potential of sanitary surcharge resulting from full buildout this proposal.
- Though denial of this proposal itself does not warrant a moratorium or public facilities strategy as there is no prior stoppage or restriction of permits, authorizations, or approvals*, the Council recognizes that the sanitary sewer conveyance problems identified in the WWMP are widespread and denial could set a precedence of action that if continued for projects under similar circumstances, could be construed as a pattern or practice that at some point could warrant a moratorium or public facilities strategy.

*Per ORS 197.524 a local government is required to adopt a public facilities strategy under ORS 197.768 or a moratorium on construction or land development under ORS 197.505 to 197.540 when it engages in a pattern or practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for land divisions or construction due to the shortage of public facilities (like sanitary sewer).

Storm water infrastructure is proposed within the public streets for the conveyance (pipes) system. Easements will be needed anywhere the conveyance, or any other part of the public storm system is proposed outside of a public right-of-way.

For storm purposes, the site is divided into three “regions” each with a stormwater facility within a proposed tract. For two of these, storm water encounters the stormwater facilities before being discharged to the two on-site wetlands. The third storm facility (the most southerly one) is not adjacent to a wetland.

Per the Engineering Staff Report dated June 22, 2022, on-site detention is necessary, thus the proposed storm water facilities. There are other pertinent details in the Engineering Staff Report as well. A final drainage report will be required. Note also the preference that the stormwater facilities be privately owned with the maintenance plan.

As the city will not accept these facilities, they must be private. Engineering has determined that they are to be private facilities per SHMC 17.152.100(6) and will not be accepted by the city for use by the general public and that management of them by a private entity is something that can be approved via SHMC 13.20.050(4).

Storm water facilities not part of a public storm water system are to be managed by the persons responsible for property per SHMC 13.20.060. As these will not be accepted as public or not part of the public storm water system per SHMC 13.20.060(a), they will be subject to private management. As a planned development this is logical as the very definition of “planned community” per ORS 94.550(20)(a) emphasizes a subdivision in which owners are collectively responsible for common property.

All utilities shall be underground pursuant to SHMC 17.152.120.

Bikeways and trails. There are no bicycle improvements identified in the city’s Transportation Systems Plan that affect the subject property as it pertains to this subdivision. There is an identified route in the city’s Parks and Trails Master Plan that traverses through the subject property: trail #9.

Trail #9 is classified as a local access trail connecting Pittsburg Road and Sykes Road. There is a standard for local access trails along roadways (asphalt, concrete or

other smooth and hard surface 5' to 12' wide), but no standard for a local access trail not along roadways.

Staff believes that the proposed W-E trail along proposed just north of the Westboro Way cul-de-sac that will connect Westboro Way and the open space tract of the Meadowbrook Subdivision will ultimately help facilitate north/south connectedness and thus meets the intent of the trail, provided it is accessible by the public.

Development completion, financial guarantees, building permit timing, etc.

There are two options for completing the subdivision for the purpose of completing the final plat and creating lots eligible for building permits: 1) the *HB 2306 method* (Oregon Laws Chapter 397) and 2) the *full completion method*. “Completion” in this case pertain to public improvements that a developer, declarant or owner must construct. For this specific subdivision, this pertains to on-site improvements and not the city’s sanitary sewer system off-site that is inadequate, and the remedy is too large in scope and cost to require as a condition of approval for the developer to complete. In other words, there are issues outside the scope of HB 2306 (Oregon Laws Chapter 397), that also impact building permits for this subdivision. The text below (but before Chapter 17.165 SHMC analysis) pertains specifically to HB 2306 (Oregon Laws 397). The broader issue is reflected in the recommended conditions.

Developments require financial guarantees (e.g., bonds) of workmanship and guarantees of performance for public improvements, as determined by City Engineering. All public improvements shall be guaranteed (e.g., warranty bond) as to workmanship in a form and value as required by City Engineering. The degree of various financial guarantees required of the developer will depend on whether or not they use the ***HB 2306 method or the full completion method***.

The HB 2306 Method (Oregon Laws Chapter 397).

HB 2306 (effective January 1, 2020), as it pertains to subdivisions, disallows a city from denying a building permit for residential dwellings for a residential subdivision based on the conditions of a preliminary plat not being met, if “substantial completion” occurs and the remaining public improvements are secured with some type of financial guarantee such as a bond.

A city may still delay (deny) any certificate of occupancy for residential dwellings if the conditions of the development are not fully completed or the conditions for the release of the financial guarantee are not fulfilled.

“Substantial completion” means the city, county or other appropriate public body has inspected, tested and found acceptable under applicable code requirements, unless the parties agree to a lower standard: (A) The water supply system; (B) The fire hydrant system; (C) The sewage disposal system; (D) The storm water drainage system, excepting any landscaping requirements that are part of the system; (E) The curbs; (F)

The demarcating of street signs acceptable for emergency responders; and (G) The roads necessary for access by emergency vehicles.

Building permits must be applied for based on lots that actually exist. The City of St. Helens views these requirements as when a final plat can be considered for review as it is the final part of the process before the land is divided into lots. This will be incorporated into the conditions for final plat review for this subdivision.

The Full Completion Method.

As an alternative to the HB 2306 (Oregon Laws Chapter 397) method as described, in order to minimize financial guarantees, all public improvements shall be completed, in place and acceptable to the city prior to the final plat. The only exception to this is that portions of sidewalk that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior as approved by City Engineering.

Required in all cases.

Before construction, **performance guarantees** will be required for storm drainage systems, grading and erosion control. This is necessary for public health, safety and welfare, because if this work is only partially done and the developer/owner abandons the project, these could have negative impacts on other property owners. Other improvements left unfinished (e.g., streets, water and sewer infrastructure) do not necessarily have the same impact to a neighboring property owner. This initial guarantee should not be encumbered by other “non-impact” issues as it complicates executing the security; thus, dealing with storm drainage systems, grading and erosion control specifically.

- **17.156 – Traffic Impact Analysis (TIA)** → A TIA is warranted per SHMC 17.156.030.

A study was conducted based on a study scope that city staff and the traffic consultant agreed to (based on city code standards). The study found that the development will not result in functional issues as it pertains to vehicle use and no mitigation, including left-turn lanes, are warranted.

Note that the study was based on 50 lots (more than proposed) for conservative analysis.

Other applicable ordinances and regulations.

As per the Bonneville Power Administration (BPA) (see comments above), improvements within their easement requires an application with them.

BPA also has a required notice, per the comments above. For the Forest Trail Subdivision (on the opposite end of Westboro Way) the BPA required this specific language on the final plat. More will be known with the application to the BPA for this proposal and any requirements thereof, but as a communication tool, it is logical that the BPA language be added to any Homeowners Association documentation.

(b) This criterion requires that the proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92.

The name “Comstock Subdivision” will need to be approved by the County Surveyor per ORS 92.090.

There is no evidence that the applicant has made an attempt to determine the eligibility of this name with the County Surveyor. This is recommended for consistency of plans following this preliminary plat decision.

(c) This criterion requires that the streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

All streets stubbing into the property are being utilized. All abutting streets (except Pittsburg Road) are also utilized. The proposal acknowledges surrounding street patterns and connections well considering the wetland constraints.

(d) This criterion requires that an explanation has been provided for all common improvements.

Common improvements are proposed. These include: three storm water tracts. In addition, the wetland areas will be tracts as well (as required by Chapter 17.40 SHMC).

The city will require the Homeowners Association to own and maintain responsibility of these improvements.

* * *

SHMC 17.136.060(2) – Lot Dimensions

(a) Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

- (i) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;
- (ii) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and
- (iii) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Findings: (a) Based on the revised preliminary plat submitted in August 2022, the Council finds this criterion is met.

(i) No proposed lot interferes with existing or proposed right-of-way given compliance with the conditions herein.

(ii) The normal minimum lot size of the R7 zone is 7,000 square feet. 150% of that is 10,500 square feet. The only lots that is 10,500 or greater is lot 25 (per the revised preliminary plat submitted in August 2022), which complies with depth to width ratio.

(iii) The site is zoned residential; thus, this criterion is not applicable.

* * *

SHMC 17.136.060(3) – Through Lots

(a) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

- (i) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and
- (ii) All through lots shall provide the required front yard setback on each street.

Discussion: The Development Code defines a through lot is a lot having frontage on two parallel or approximately parallel streets. Note that access easements are considered “streets” for the purpose of the Development Code.

Finding: Some through lots are proposed. This includes all lots along Pittsburg Road, a minor arterial street. A planting buffer at least 10 feet wide is required along Pittsburg Road and shall be incorporated into the conditions of this decision.

* * *

SHMC 17.136.060(4) – Large Lots

(a) In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

(i) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Finding: All proposed lots are less than the required minimum lot size (7,000 s.f.) x 2 (i.e., <14,000 s.f.). Future division provisions not warranted.

* * *

SHMC 17.136.060(5) – Access Control

(5) Control of access to adjoining properties, including but not limited to continuation of streets, shall be granted to the city via reserve strips or language in lieu of reserve strips as a note on the plat. Generally, language in lieu of reserve strips is preferred.

Discussion: One street stub is proposed—Willie Lane—that will not connect to another street.

Finding: The current west facing Willie Lane stub terminates about 260 feet from the subject properties east line. Right-of-way dedication is anticipated eventually between the existing street stub and the proposed one of this subdivision as the intervening parcels are divided or more intensely developed. This is contemplated in an easement recorded as instrument number 01-10543.

This criterion will apply to the Willie Lane stub of this subdivision.

* * *

SHMC 17.136.060(6) – Additional Conditions

(6) The planning commission may require additional conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations.

Finding: The city worked with the applicant and the Meadowbrook Homeowners Association to dedicate right of way to allow access from Barr Avenue from the SE corner of the site. This is described earlier in this report. There are improvements within this area that will need to be relocated to allow for street construction. Applicant will be responsible for this.

It is important that wetland, open space, storm water tracts and such are not landlocked for access and maintenance purposes. Storm Tract A has direct access from the proposed extension of Edna Barr Lane. The northerly tract for the wetland and related protection zone has direct access from the proposed extension of Westboro Way. Storm Tract B has access via an easement off Westboro Way. This is identified as a city shared driveway easement on sheet P301; this will need to be public if the infrastructure is public, otherwise it does not. Both the southerly tract for the wetland and related protection zone and Storm Tract C have direct access from the road proposed off Barr Avenue.

* * *

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approved this Subdivision Preliminary Plat, with the following conditions

- 1. This Subdivision preliminary plat approval shall be effective for a period of eighteen (18) months from the date of approval.** The approval shall become void if a final plat (for first phase) prepared by a professional registered surveyor in accordance with (1) the approved preliminary plat, (2) the conditions herein, and (3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the eighteen (18) month approval period.

The approval for phase 2, contingent upon completion of phase 1, shall be void if the same requirements for phase 1 (noted above, except the time period) are not completed within two years from the date the final plat is submitted for phase 1 and the requirements of SHMC 17.136.050 are not met.

The approval for phase 3, contingent upon completion of phases 1 and 2, shall be void if the same requirements for phase 1 (noted above, except the time period) are not completed within two years from the date the final plat is submitted for phase 2 and the requirements of SHMC 17.136.050 are not met.

The approval for phase 4, contingent upon completion of phases 1, 2 and 3, shall be void if the same requirements for phase 1 (noted above, except the time period) are not completed within two years from the date the final plat is submitted for phase 3 and the requirements of SHMC 17.136.050 are not met.

Two **time extensions** may be granted pursuant to SHMC 17.136.040(2) for any phase, but only two total are possible for all phases.

Notwithstanding any validity period or time extension above, **any portion or phase that is not vested, shall be void seven years from the date of the original decision of this preliminary plat.** Nothing under this condition is intended to preclude owner/developer from acting on multiple phases simultaneously.

2. **The following shall be completed prior to submission and the City's acceptance of a final plat application (as applicable to each phase):**
 - a. A Planned Development overlay (e.g., via file PD.2.22) shall be adopted and in effect for the subject property.
 - b. Homeowners Association (HOA) and CC&Rs for establishing the HOA shall be approved (see condition 8).
 - c. Engineering/construction plans for all public and other applicable improvements shall be submitted to the city for review and approval in compliance with all City of St. Helens laws and standards and in accordance with the conditions herein. As specific conditions of approval, these plans shall include:
 - A. Changes necessary for the final plat per condition 3 to avoid conflicts between these plans and the final plat to the maximum extent possible.
 - B. As per condition 3.a (tracts and phasing).
 - C. Construction details for the pedestrian path connecting Westboro Way to Tract H of the Meadowbrook Planned Community, Phase 3.

- D. Methods of preventing disturbance and encroachment of wetland and upland wetland protection zone areas. See condition 4.c.
 - E. Tree plan for existing trees to be preserved, to be protected during construction per Chapter 17.132 SHMC.
 - F. Joint mailbox facility(ies) shall be included per City and USPS (Postmaster) standards. Subject to city and Postmaster approval.
 - G. All applicable street cross sections representing the appropriate classifications per the City's Transportation Systems Plan.
 - H. Street frontage improvements to Pittsburg Road per the city's minor arterial standards including street trees per Chapter 17.72 SHMC. Street trees shall be "small" per Chapter 17.72 SHMC due to existing overheard power.
 - I. Access and utility improvements to serve Lots accessed by access easement (private road). "No parking" designation required on both sides of street.
 - J. Streets shall meet fire code specifications as applicable. For example, 26 radii are proposed at the hammerhead cul-de-sac off Barr Avenue except a 28' corner radius is required.
 - K. Per condition 3.b (approval of street names).
 - L. Streetlights are required at each intersection and at such locations to provide overlapping lighting to sufficiently illuminate the street. New streetlights shall use LED fixtures.
 - M. Infrastructure and improvements reconfiguration/relocation to allow the Barr Avenue access made possible by the dedication deed recorded as instrument no. 2022-3799.
- d. Prior to or with submission of engineering/construction plans per **condition 2.c**, a drainage plan and full stormwater report shall be submitted that includes methods of downstream conveyance and pre and post conditions. The proposed development shall mitigate the increased stormwater flows from the site so that the increased runoff will not impact the downstream flows. It shall also include provisions for protecting wetland water quality, for facilities draining into wetlands. As per Columbia County Public Works, no additional storm water to be added to Pittsburg Road or Meadowview Drive.
 - e. *The Full Completion Method.* **All public improvements shall be completed, in place and acceptable to the City, Columbia County, and Bonneville Power Administration (BPA) as applicable.** The only exception to this is that portions of sidewalk that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-

buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior as approved by City Engineering. Completion includes providing final approved as-build plans to the City and any other guarantees (e.g., bonds) of workmanship or guarantees of performance for public improvements that may be required;

Or

The HB 2306 Method (Oregon Laws Chapter 397). All public improvements shall be “substantially completed,” in place and acceptable to: the City, Columbia County, and Bonneville Power Administration (BPA) as applicable. “Substantially completed” means the city, county or other appropriate public body has inspected, tested and found acceptable under applicable code requirements, unless the parties agree to a lower standard: (A) The water supply system; (B) The fire hydrant system; (C) The sewage disposal system; (D) The storm water drainage system, excepting any landscaping requirements that are part of the system; (E) The curbs; (F) The demarcating of street signs acceptable for emergency responders; and (G) The roads necessary for access by emergency vehicles. The remaining public improvements are secured with some type of financial guarantee such as a bond. Other guarantees (e.g., bonds) of workmanship or guarantees of performance for public improvements may also be required. As-build plans shall be required unless insufficient work will be done per this “substantially completed” option, in which case the as-build plans shall be bonded.

- f. Maintenance plan for the private storm water facilities shall be approved by the city. This shall clearly identify maintenance activities and frequency, and the proposed entity(s) responsible for maintenance. Private responsibilities are also referenced in SHMC 13.20.060.
- g. Approved access permit for connection to Meadowview Drive and approved construction permit(s) for Meadowview Drive and Pittsburg Road shall be obtained from Columbia County Public Works.
- h. Applicable approvals from the Bonneville Power Administration (BPA).
- i. Areas where natural vegetation has been removed, and that are not covered by approved landscaping, shall be replanted pursuant to SHMC 17.72.120. This includes the proposed lots to be developed to show how the lot themselves will be covered to prevent erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards before development of that specific lot commences.
- j. Screening and buffering plan along the north side of all lots along Pittsburg Road per SHMC 17.152.030(16) and 17.136.060(3). This shall be in a form (e.g., 8.5” x 11” page) such that it can be attached to building permits.

3. **In addition to compliance with local, county, state and other requirements, the following shall be included on/with (for recordation) the final plats (as applicable to each phase):**
- a. The southerly wetland tract shall be part of Phase 1 of this subdivision. The wetland tract adjacent to Westboro Way and the pedestrian path connecting Westboro Way to Tract H of the Meadowbrook Planned Community, Phase 3, shall be a part of Phase 2 of this subdivision.
 - b. All new street names are subject to approval by Columbia 9-1-1 Communications District.
 - c. Minimum 8' wide public utility easements will be required along the street frontage of all lots (and tracts) unless a greater width is determined necessary by City Engineering.
 - d. All utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat.
 - e. The County Surveyor shall approve the name of the plat.
 - f. Right-of-way dedication for the Pittsburg Road, within 30 from the centerline of the right-of-way (approximately 10' of dedication along Pittsburg Road).
 - g. Access control guarantees in a form approved by the city for the extension of Willie Lane. This shall be a note on the plat as approved by the city.
 - h. Tracts shall be identified as to purpose.
 - i. Maintenance agreement amongst the lots with shared access via easement. These are not public streets subject to public maintenance. Agreement shall include no-parking provisions within the private street (access easement).
 - j. Any private shared access easement shall also be a public utility easement.
 - k. Declaration of Protective Covenants, Conditions and Restrictions (CCRs) and Establishment of a Homeowners Association (HOA) shall be recorded with and noted on the final plat for HOA responsibility for common improvement maintenance (see condition 8).
 - l. Conveyance of tracts and any other common area to the Planned Development's Homeowner's Association.
 - m. The pedestrian path connecting Westboro Way to Tract H of the Meadowbrook Planned Community, Phase 3 shall be publicly accessible.

- n. All lots shall meet the dimensional and size requirements of the Development Code or as allowed by the Planned Development standards. This approval includes no Variance(s) or other means of allowing different standards. For example, Lot 24 shall meet the depth to width ratio of the R7 zoning district.
 - o. Changes to reflect the revised preliminary plat layout provided by the applicant on August 15, 2022, which still needs to comply with the other conditions and requirements herein.
4. **Prior to any construction or development of the subject property of each phase:**
- a. Performance guarantees (e.g., performance bond) as approved by City Engineering shall be required for storm drainage systems, grading and erosion control. In addition, engineering/construction plans shall be approved.
 - b. Applicant shall provide a copy of the approved 1200-C permit from Oregon DEQ.
 - c. Any necessary sensitive lands permitting based on plans provided by condition 2.c for impacts not known or anticipated as part of the preliminary subdivision plat application.
5. **After completion of construction and City approval, all public improvements (for each phase) shall be guaranteed** (e.g., warranty bond) for at least two years as to workmanship in a form and value as required by City Engineering.
6. **The following requirements shall apply to the development of the lots of this Subdivision:**
- a. An additional “fair share” fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$6,600 in today’s dollars. Inflation adjustment to value at time of building permit issuance shall be included. See attached **Exhibit B**.
 - b. If the “*HB 2306 Method*” is chosen under condition 2.e, certificate of occupancy for residential dwellings shall not be granted if **all public improvements are not completed, in place and acceptable to the City**. This includes providing final approved as-build plans to the City and release of any and all financial guarantees for improvements used to allow submission of the final plat or recordation of the final plat, before completion of said improvements.
 - c. Building permits for Lots created by this Subdivision cannot be accepted until the final plat is recorded.

- d. If not otherwise recorded with the final plat as required, a Declaration of Protective Covenants, Conditions and Restrictions (CCRs) and Establishment of a Homeowners Association (HOA) shall be recorded (see condition 8).
 - e. Curb/sidewalk shall be completed, and street trees will be required along all local streets (i.e., all streets except Pittsburg Road) as lots are developed. If the Pittsburg Road Street trees (installed as part of the subdivision infrastructure) are in a poor state, they will need to be replaced. The exception to the street tree installation requirement (i.e., none required) is within the BPA easement and along wetland or storm water tracts.
 - f. Areas where natural vegetation has been removed, and that are not covered by approved landscaping, shall be replanted pursuant to SHMC 17.72.120.
 - g. Sensitive Lands Permit will be required for any proposed structure to be placed or constructed on slopes of 25% or greater per Chapter 17.44 SHMC.
 - h. Vehicle access (e.g., driveways) are prohibited along Pittsburg Road. Direct access to Pittsburg Road is not allowed.
 - i. Screening and buffering plan per condition 2.j shall be implemented if not already installed and still intact (or not in disrepair and/or dying-dead, as applicable).
7. The zoning standards for this development shall be those as proposed per **Exhibit A**, attached hereto.
8. Declaration per ORS Chapter 94 that establishes the Planned Community **shall be recorded with the final plat**. Subject to review and approval by the City, it shall include the following:
- a. A Planned Development Homeowners Association formed as a nonprofit corporation.
 - b. Bylaws.
 - c. Specific language that prohibits the Homeowners Association from selling, transferring, conveying or subjecting to security interest of any platted open space or wetland tract without City of St. Helens approval.
 - d. The Planned Development Homeowners Association shall be responsible for all common improvements including but not limited to any open space tract, wetland tract, trail, stormwater quality facility (see condition 11), and subdivision entry monument signage.
 - e. Provisions for the City to veto dissolution of the Homeowners Association or have the right to assess owners for taxes and maintenance or lien properties.

- f. Responsibility for common improvement maintenance. This includes but is not limited to the long-term operation and maintenance of the water quality facilities and wetland responsibilities. Storm management plan per condition 2.f shall be incorporated.
 - g. As applicable per condition 4.c related to any necessary sensitive lands permitting.
 - h. BPA's required notice per their preliminary subdivision plat comments shall be incorporated.
9. Any new sign (e.g., entrance monument signs for the development) requires a sign permit prior to installation.
10. All new utilities shall be underground pursuant to SHMC 17.152.120.
11. The city will not accept any open space, wetland, or stormwater facility tract or improvement. Ownership shall belong to the Homeowners Association of this Planned Development.
12. Developer will be required to repair damages to roadways as a result of subdivision construction, up to full width asphalt overlay as determined by City Engineering.
13. Portions of the property are encumbered by easements for high-voltage transmission lines owned by the Bonneville Power Administration (BPA). BPA has acquired rights for these easements that limit the landowner's use of this area. BPA has the right of ingress and egress, and the right to keep the easement free and clear of all buildings, sheds, fences, roads, in-ground and above-ground swimming pools, trampolines, or any other type of structure, trees, and all vegetation. **All activities planned within the BPA easement need to be reviewed by BPA prior to their occurrence.** Do not build, dig, install utilities, plant, or burn within the easement area. For further questions or concerns regarding any proposed uses of the easement you may contact BPA Real Estate Field Services by calling (800) 836-6619.
14. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses, and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to perform land clearing, construction and improvement of the subject property in the location and manner contemplated by Owner/Developer. City has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying Owner/Developer compliance with the applicable State and Federal agency permit or other approval requirements. This land use approval shall not be interpreted as a waiver, modification, or grant of any State or Federal agency or other permits or authorizations.
15. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).
16. **Prior to or in conjunction with the recordation of the final plat**, the developer shall record a covenant, subject to City review and approval, against the property in the subdivision for the benefit of the City, by which the developer and the homeowners'

association for the subdivision shall indemnify the City from any costs, fines or penalties arising from or associated with surcharges from the existing City sanitary sewer in Sykes Road between Matzen Street and Westshire Lane occurring after final occupancy of the first home in the subdivision, except to the extent such surcharges are caused by acts or omissions of the City or its agents or employees. This condition and the recorded covenant shall automatically expire upon the earlier of (1) completion of construction of a 15-inch pipeline in Sykes Road between Matzen Street and Westshire Lane with a 12-inch connection to the Westshire Lane pipeline as recommended by the 2021 Wastewater Master Plan, the exact specifications subject to final design; or (2) four years after the date that this order becomes final.

Doug Morten, Council President*

Date

**Mayor Rick Scholl recused himself from the proceedings of this matter.*

Attachments: Exhibit A, A summary of the standards proposed for this Planned Development Subdivision based on the applicant's applications with corrections by staff and reflecting Ordinance No. 3286

Exhibit B, basis for sanitary sewer fee by order

*COMSTOCK SUBDIVISION PLANNED DEVELOPMENT STANDARDS

The base standards the R7 zone, those which can deviate as a Planned Development, and those proposed:

PLANNED DEVELOPMENT STANDARDS TABLE

STANDARD	R7 ZONING DISTRICT	PD ALLOWS FLEXIBILITY?	PROPOSED
Min. lot size	7,000 s.f. for detached single-family dwellings and duplexes	Not per ORD No. 3286	7,000 s.f. for detached single-family dwellings and duplexes
Min. lot width at building line (interior lots)	60 feet for detached single-family dwellings and duplexes	Yes	40 feet for detached single-family dwellings and duplexes
Min. lot width at building line (corner lots)	85 feet for detached single-family dwellings and duplexes	Yes	40 feet for detached single-family dwellings and duplexes
Min. lot width at street (standard)	50 feet for detached single-family dwellings and duplexes	Yes	30 feet for detached single-family dwellings and duplexes
Min. lot width at street (cul-de-sac)	30 feet	Yes	30 feet
Min. lot width at street (flag lot)	Flag lots prohibited	Yes (unless flag lots prohibited)	Flag lots prohibited
Min. lot depth	85 feet	Yes	80 feet
Min. front yard (setback)	20 feet	Yes (except along perimeter of PD and for garage structures which open facing a street)	15 feet (20 feet required along perimeter of PD and for any garage structure which opens facing a street)
Min. side yard (setback)	7 feet for interior lots and 14 feet for sides of corner lots along street for detached single-family dwellings and duplexes	Not per ORD No. 3286	7 feet for interior lots and 14 feet for sides of corner lots along street for detached single-family dwellings and duplexes
Min. rear yard (setback)	20 feet	Yes (except along perimeter of PD)	15 feet (20 feet along perimeter of PD)
Min. interior yard (building/structure separation)	7 feet	No	7 feet
Max. building height	35 feet	Yes	35 feet
Max. lot coverage	Buildings and structures shall not occupy more than 40% of the lot area for detached single-family dwellings and duplexes	No	Buildings and structures shall not occupy more than 40% of the lot area for detached single-family dwellings and duplexes
Min. landscaping	25% of the lot area	No	25% of the lot area

No other code exceptions or modifications are proposed.

*Final subdivision name requires approval by the County Surveyor. This is a preliminary name and may change.

September 2022

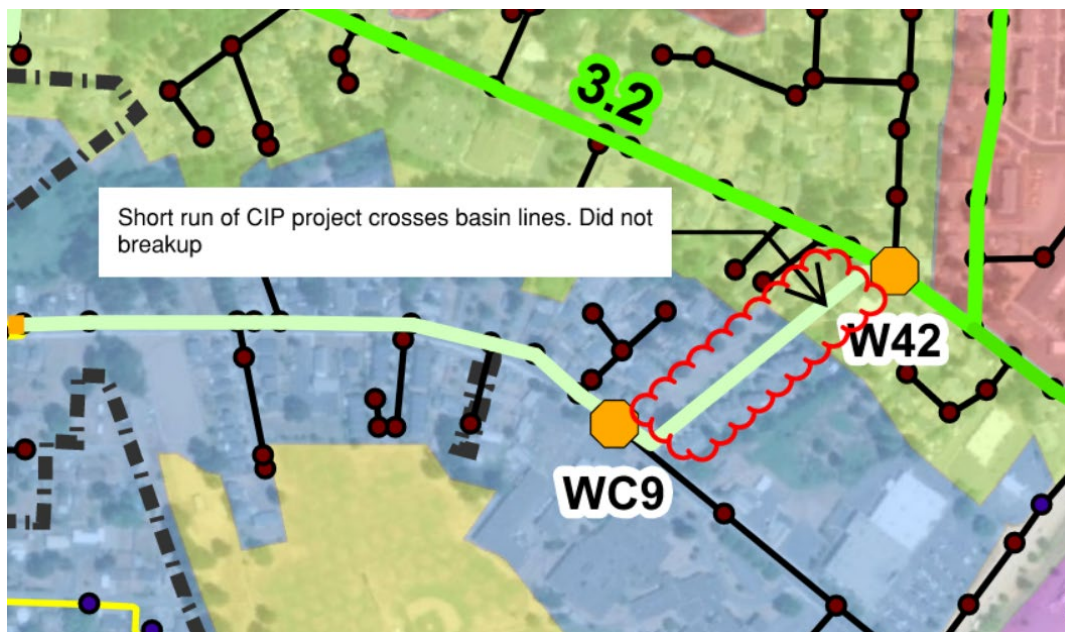
Methodology Summary

DATE: August 17, 2022

SUBJECT: St Helens Basins and CIP Cost Estimates

BASINS

- Basin delineation assumed to follow attached figure and **flow chart**
- Simplified process to not include a 'perfect' delineation CIP projects as they pertain to basins. In the figure below, the CIP replacement is mostly in the blue basin, with a small portion in the green basin. All costs were assigned to the blue basin. There are a few instances of this simplification. Where *major* portions of a CIP spans more than basin, the projects were split by basin.



- Delineation generally reflects existing conditions, except the Pittsburg basin, which is largely undeveloped. Anticipated to discharge to the North-11th basin.

GROWTH AREAS

- Growth areas and EDU allocation to the growth areas are as identified in the 2019 Housing Needs Analysis.

CIP PROJECT COSTS

- Delineation generally reflects existing conditions, except the Pittsburg basin, which is largely undeveloped. Anticipated to discharge to the North-11th basin.
- **Costs are calculated by summing the CIP costs in and downstream of a basin and summing the EDUs in and upstream of the basin. The downstream CIP costs are divided by the upstream EDUs.**

St Helens Sewer Trunk Basins and New EDUs Share of Downstream CIP Projects as it Pertains to the Comstock Planned Subdivision

The highlighted areas of the spreadsheet below reflects the share of costs that new upstream EDUs (as identified in the 2019 Housing Needs Analysis) would pay to complete the downstream CIP improvements along trunk lines they're flow conveys through. The costs per EDU are based on the CIP project costs broken down by trunkline.

Basin	Downstream CIP Share per New Upstream EDU	New In-Basin EDU
Allendale	\$ 104,900	1
Diversion	\$ 104,900	1
Firlock	\$ 7,600	-
Gable	\$ 7,900	589
Interceptor	\$ 2,200	512
Matzen	\$ 12,700	430
McNulty	\$ 3,200	144
Middle Trunk	\$ 41,400	91
Millard-OPR	\$ 3,200	806
North-11th	\$ 3,400	340
North-Willamette	\$ 2,200	134
Pittsburg	\$ 3,400	731
Port	\$ 3,800	36
South Trunk	\$ 1,800	124
Southwest	\$ 3,200	748
Sunset	\$ 7,900	321
Sykes	\$ 6,600	500
Vernonia	\$ 104,900	30

The Comstock Subdivision cost would be approximately \$6,600 per EDU.

Here's how methodology behind the calculation,

1. First, the EDU hierarchy as it pertained to upstream basins was calculated. The sum of the EDU impact from the Sykes basin is 930, which adds up the Sykes EDUs (500) and the Matzen EDUs (430).
2. Next the cost per EDU calculated is based on the cost of CIP projects which the Sykes Basin will impact divided by the EDUs,
 - Sykes CIP project costs/Upstream EDUs = \$2.6 Million/930 EDUs = \$2,800
 - Port CIP project costs /Upstream EDUs = \$3 Million/1,554 EDUs = \$2,000
 - South Trunk CIP project costs/Upstream EDUs = \$6 Million/3,408 EDUs = \$1,800

These add up to the \$6,600 share of the costs for the Sykes Basin.

Lower Basin	Upstream Basins	New EDUs	Row Labels	Sum of New EDUs
Interceptor	Interceptor	512	Allendale	1
Interceptor	Middle Trunk	91	Diversion	32
Interceptor	North-Willamette	134	Firlock	0
Interceptor	Sunset	321	Gable	589
Interceptor	North-11th	340	Interceptor	2129
Interceptor	Pittsburg	731	Matzen	430
Middle Trunk	Middle Trunk	91	McNulty	1698
North-Willamette	North-Willamette	134	Middle Trunk	91
North-Willamette	Sunset	321	Millard-OPR	806
North-Willamette	North-11th	340	North-11th	1071
North-Willamette	Pittsburg	731	North-Willamette	1526
Sunset	Sunset	321	Pittsburg	731
North-11th	North-11th	340	Port	1554
North-11th	Pittsburg	731	South Trunk	3408
Pittsburg	Pittsburg	731	Southwest	748
South Trunk	South Trunk	124	Sunset	321
South Trunk	Diversion	1	Sykes	929
South Trunk	Vernonia	30	Vernonia	31
South Trunk	Allendale	1	Grand Total	16093
South Trunk	Port	36		
South Trunk	Firlock	0		
South Trunk	Sykes	500		
South Trunk	Gable	589		
South Trunk	Matzen	430		
South Trunk	McNulty	144		
South Trunk	Southwest	748		
South Trunk	Millard-OPR	806		
Diversion	Diversion	1		
Diversion	Vernonia	30		
Diversion	Allendale	1		
Vernonia	Vernonia	30		
Vernonia	Allendale	1		
Allendale	Allendale	1		
Port	Port	36		
Port	Firlock	0		
Port	Sykes	500		
Port	Gable	589		
Port	Matzen	430		
Gable	Gable	589		
Firlock	Firlock	0		
Sykes	Sykes	500		
Sykes	Matzen	430		
Matzen	Matzen	430		

Top Basin	Lower Basins	Basin CIP/New EDU	Row Labels	Sum of Basin CIP/New EDU	New EDUs In-Basin	Check Sum
Interceptor	Interceptor	\$ 2,200.00	Allendale	\$104,900	0.8	\$ 86,543.34
Middle Trunk	Middle Trunk	\$ 39,200.00	Diversion	\$104,900	1.0	\$ 105,515.97
Middle Trunk	Interceptor	\$ 2,200.00	Firlock	\$7,600	0.0	\$ -
North-Willamette	North-Willamette	\$ -	Gable	\$7,900	588.6	\$ 4,649,897.04
North-Willamette	Interceptor	\$ 2,200.00	Interceptor	\$2,200	512.2	\$ 1,126,937.76
North-11th	North-11th	\$ 1,200.00	Matzen	\$12,700	429.6	\$ 5,455,424.47
North-11th	North-Willamette	\$ -	McNulty	\$3,200	143.9	\$ 460,330.80
North-11th	Interceptor	\$ 2,200.00	Middle Trunk	\$41,400	91.5	\$ 3,787,856.98
Pittsburg	Pittsburg	\$ -	Millard-OPR	\$3,200	805.8	\$ 2,578,519.60
Pittsburg	North-11th	\$ 1,200.00	North-11th	\$3,400	340.0	\$ 1,156,079.13
Pittsburg	North-Willamette	\$ -	North-Willamette	\$2,200	133.8	\$ 294,456.18
Pittsburg	Interceptor	\$ 2,200.00	Pittsburg	\$3,400	730.8	\$ 2,484,806.51
Sunset	Sunset	\$ 5,700.00	Port	\$3,800	36.2	\$ 137,412.20
Sunset	North-Willamette	\$ -	South Trunk	\$1,800	123.8	\$ 222,924.57
Sunset	Interceptor	\$ 2,200.00	Southwest	\$3,200	748.1	\$ 2,394,033.16
South Trunk	South Trunk	\$ 1,800.00	Sunset	\$7,900	320.8	\$ 2,534,654.71
Diversion	Diversion	\$ 103,100.00	Sykes	\$6,600	499.5	\$ 3,296,865.20
Diversion	South Trunk	\$ 1,800.00	Vernonia	\$104,900	30.4	\$ 3,183,970.33
Vernonia	Vernonia	\$ -	Grand Total	\$425,200	\$	\$ 33,956,227.95
Vernonia	Diversion	\$ 103,100.00				
Vernonia	South Trunk	\$ 1,800.00				
Allendale	Allendale	\$ -				
Allendale	Vernonia	\$ -				
Allendale	Diversion	\$ 103,100.00				
Allendale	South Trunk	\$ 1,800.00				
Port	Port	\$ 2,000.00				
Port	South Trunk	\$ 1,800.00				
Firlock	Firlock	\$ -				
Firlock	Port	\$ 2,000.00				
Firlock	South Trunk	\$ 1,800.00				
Sykes	Sykes	\$ 2,800.00				
Sykes	Port	\$ 2,000.00				
Sykes	South Trunk	\$ 1,800.00				
Matzen	Matzen	\$ 6,100.00				
Matzen	Sykes	\$ 2,800.00				

Basin	In-Basin and Up-Basin New EDUs	In-Basin CIP	Basin CIP per Up-Basin New EDU
Allendale	1	\$ -	\$ -
Diversion	33	\$ 3,400,000	\$ 103,100
Firlock	0	\$ 100,000	\$ -
Gable	589	\$ 2,400,000	\$ 4,100
Interceptor	2130	\$ 4,500,000	\$ 2,200
Matzen	430	\$ 2,600,000	\$ 6,100
McNulty	1698	\$ 2,229,400	\$ 1,400
Middle Trunk	92	\$ 3,600,000	\$ 39,200
Millard-OPR	806	\$ -	\$ -
North-11th	1071	\$ 1,200,000	\$ 1,200
North-Willamette	1526	\$ -	\$ -
Pittsburg	731	\$ -	\$ -
Port	1554	\$ 3,000,000	\$ 2,000
South Trunk	3408	\$ 6,000,000	\$ 1,800
Southwest	749	\$ -	\$ -
Sunset	321	\$ 1,800,000	\$ 5,700
Sykes	930	\$ 2,600,000	\$ 2,800
Vernonia	32	\$ -	\$ -

SEWER BASIN FLOW PATH

