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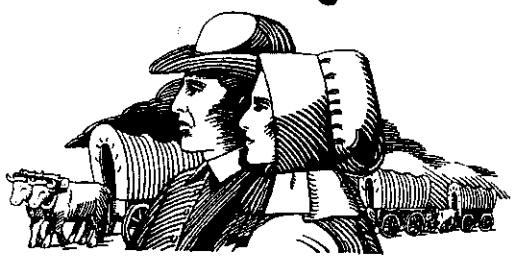
CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892



AGENDA

City Commission Chambers - City Hall
October 25, 1999 at 7:00 P.M.

PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:05 p.m. 2. **APPROVAL OF MINUTES**: October 11, 1999
(Under Separate Cover)

7:10 p.m. 3. **PUBLIC HEARINGS**

7:15 p.m. A. **Files No. CU 99-06** METRO; Annual review of Metro South Transfer Station operations; Site modifications including a new public unloading area, scalehouse expansion and two additions to the existing transfer building area; zoned "M-2" Heavy Industrial; 2001 Washington Street; Clackamas County Map 2S-2E-29, Tax Lot 904

8:00 p.m. 4. **ADJOURN TO WORKSESSIONS**

8:05 p.m. 5. **WORKSESSION: ZC 99-12 STORM WATER MANUAL AND GRADING DESIGN STANDARDS**

9:00 p.m. 6. **WORKSESSION: ZC 98-17 ANNEXATION PROCEDURES (CREATE A NEW SECTION IN OREGON CITY MUNICIPAL CODE)**

9:25 p.m. 7. **OLD BUSINESS: WORKSESSION – PLANNING COMMISSION WORK PROGRAM (*Continuation*)**

9:30 p.m. 8. **NEW BUSINESS**
A. Comments by Commissioners

9:35 p.m. 9. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

CITY OF OREGON CITY

PLANNING COMMISSION

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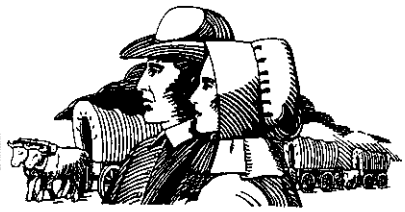

STAFF REPORT
Date: October 25, 1999

Complete: 8/23/99
120-Day: 12/25/99

FILE NO.: CU 99-06

HEARING DATE: October 25, 1999
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT METRO
c/o Jim Watkins, Environmental Services Manager
Ray Barker, Management Assistant
600 NE Grand Avenue
Portland, OR 97232-1795

OWNER: METRO
600 NE Grand Avenue
Portland, OR 97232-1795

REQUEST: Conditional Use: 1) Annual review of Metro South Transfer Station operations; 2) Site modifications including a new public unloading area, scalehouse expansion, and two additions to the existing transfer building.

LOCATION: 2001 Washington Street
Clackamas County Map 2S-2E-29, Tax Lot 904

REVIEWER: Barbara Shields, Senior Planner
Dean Norlin, Senior Engineer

RECOMMENDATION: **Staff recommends approval of CU 99-06**

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service rate assumptions for the scales and the additions of the new public unloading facility, it is expected that vehicle queuing at the entrance to the scales and on Washington Street is expected to be greatly reduced. Metro is also planning to make two additions to the transfer building in the area currently occupied by the recycling drop boxes. The proposed 32x50-foot extension will provide additional space on the north side for vehicle maneuvering and sorting of recycling materials. The proposed 2,900 square foot addition will provide improved personnel facilities (Exhibit 4). Finally, Metro is planning to expand the existing scalehouse building to provide a 10x12-foot computer room on the west end of the building (Exhibit 5).

Summary of Analysis:

The Annual Report for Metro South Station, March 1999, indicates that Metro continues to make efforts to minimize traffic, odor, and litter problems associated with the station.

No significant impacts to abutting properties will occur as a result of the proposed modification. The objective of these modifications is to mitigate traffic congestion problems at the intersection of Washington Street and Highway 213 and to improve internal site circulation and operations of the transfer station.

The proposal is consistent with the goals and policies of the Oregon City Comprehensive Plan and satisfies the criteria for a conditional use permit.

BASIC FACTS:

1. The Metro South Station is located on an approximately 11-acre site located at 2001 Washington Street and was built to replace Rossman's Landfill, located directly across Washington Street. Rossman's Landfill was closed in 1983 and the Clackams Transfer and Recycling Center opened at that time.

2. The Metro South Transfer Station is bordered by Washington Street on the south, Highway 213 to the north and the Southern Pacific railroad to the northwest. The End of the Oregon Trail Interpretive Center is located just across from the station, one the east side of Washington Street.

3. The subject property is designated "Industrial" in the Oregon City Comprehensive Plan. The site is zoned M-2, Heavy Industrial. Solid waste processing and transfer facilities are allowed as conditional uses in the M-2 Heavy Industrial District (OCMC 17.38.030) and subject to OCMC 17.56 requirements.

4. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet, and the Park Place Neighborhood Association.

   The City's Public Works Division and the Oregon Department of Transportation (ODOT) reviewed the proposal and commented that the proposal "does not conflict with our interest."

3. **Criterion (3): The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.**

The proposal was evaluated by utility providers (Exhibit 6a and 6b). The Engineering Division did not indicate that the proposal would create any negative impacts on City utilities. No comments were received from the affected property owners and the Park Place Neighborhood Association.

As discussed previously in the report, the proposed location and timing of the proposed site modifications is appropriate because it improves both the existing traffic congestion at the intersection of Washington Street and Highway 213 and internal operations of the facility.

The applicant has performed a traffic impact analysis of the transfer station to assess traffic impacts of the proposed modifications. This analysis indicates that the proposed site modifications are expected to result in a significant reduction of vehicle queues at the site entrance and on Washington Street.

Based on above analysis, staff concludes that adequate services are available to serve the site and this criterion is satisfied.

4. **Criterion (4): The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.**

This criterion addresses the impacts to the surrounding area. The Annual Report for Metro South Station, March 1999, indicates that Metro continues make efforts to minimize traffic, odor, and litter problems associated with the transfer station.

As discussed previously in this report, any new impacts generated from this addition are anticipated to improve rather that negatively impact traffic conditions on Washington Street and internal operations of the site.

Therefore, staff finds that this criterion is satisfied.

5. **Criterion (5): The proposal satisfies the goals and policies of the city comprehensive plan, which apply to the proposed use.**

The Oregon City Comprehensive Plan contains the following applicable goals and policies:

EXHIBITS:

1. Vicinity Map
2. Annual Report for Metro South, March 1999*
3. Site Plan**
4. Applicant's Narrative
5. Applicant's Addendum to Narrative and Site Plan**
6. Agency Comments
    a. City Engineering
    b. Traffic Engineer

*Annual Report is available for review at City Hall, Planning Division
** Detailed Site Plan maps are available for review at City Hall, Planning Division

Metro South Transfer Facility 1998 99 Additions	
(1)	Entrance Traffic Improvements
(2)	Retaining Wall
(3)	Scalehouse and Scale
(4)	Temporary Parking
(5)	Transfer Building Addition
(6)	New Compactors
(7)	Truck Wash
(8)	Latex Building
(9)	Retaining Wall

Metro South Transfer Facility Proposed Additions	
(A)	Relocation of Public Unloading/Recycling Facility
(B)	Transfer Building Addition
(C)	Personnel Facilities

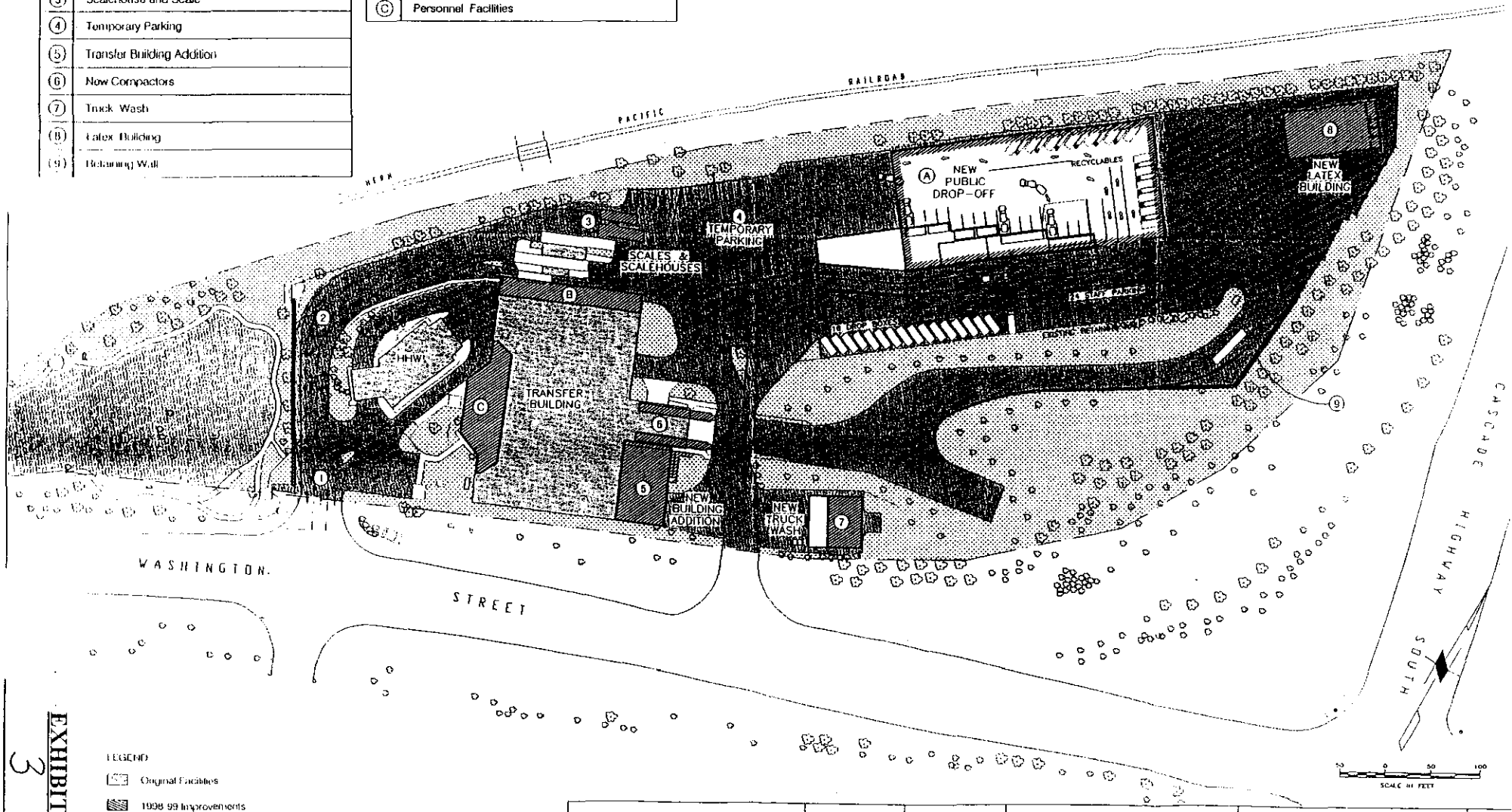


EXHIBIT 3

LEGEND
- Original Facilities
- 1998 99 Improvements
- Proposed Improvements

URS Greiner 111 S.W. Columbia Street Portland, Oregon 97201			METRO PORTLAND OREGON	METRO SOUTH STATION MASTER PLAN SITE IMPROVEMENTS
			CAD FILE NUMBER: 970-001	DRAWING NUMBER: 001 REV.
				SHEET SHT ___ OF ___

Future Site Modifications

Following completion of the new public unloading facility, Metro plans to make an addition to the transfer building in the area currently occupied by the recycling drop boxes. The 32 x 50 foot extension will provide additional space on the north side for commercial vehicle maneuvering and floor sorting. The proposed extension will not affect the existing building footprint. It is estimated that these improvements will begin in 2002 or 2003.

Metro also plans to modify the transfer building to provide improved personnel facilities. A 2,900 square foot addition to the west end of the building would be constructed to provide storage space, lunchrooms, and meeting/training rooms for both the Metro and private operations personnel on the site. These proposed improvements to the transfer building will not affect the existing building footprint. It is estimated that the improvements will begin in 2002 or 2003.

Traffic Analysis

Kittelson and Associates, Inc. has performed a traffic analysis and evaluation of the Metro South Transfer Station site following completion of the proposed site modifications. Their analysis indicates that the service rate for the facility is estimated to increase by 91 percent, which is expected to result is a significant reduction of vehicle queues at the site entrance and on SW Washington Street. A copy of the traffic analysis and evaluation is enclosed.

Highway 213 Corridor Study/Construction

In June 1997, an intergovernmental agreement (IGA) between Metro and Oregon City was signed that requires Metro to assist and financially participate in the study and construction of potential traffic enhancements to the Highway 213 Corridor undertaken by the Oregon Department of Transportation, Clackamas County, and Oregon City. Metro's assistance shall not be less than $250,000, at not less than $50,000 per year for the term of the agreement (5years). During FY 1997-98, a total of $143,000 was paid by Metro to Oregon City to be used for the Highway 213 Corridor study and a Washington Street-Abernethy Road refinement plan.

On September 25, 1998, a Memorandum of Understanding (MOU) was entered into between the State of Oregon, the City of Oregon City and Metro for Highway 213 and Interstate 205 roadway improvements. The MOU needs to be revised as the latest cost estimates exceed the original $450,000 threshold level. The revised construction costs are estimated at $500,000. There remains a $50,000 cost difference between the original estimates and the revised cost estimates. A new MOU could be initiated once final cost estimates and funding sources have been agreed upon, and other outstanding issues, such as potential traffic impacts of future development in the End-of-the Oregon Trail landfill area, are resolved.

trips, one for outbound trips), and two scales provide service for commercial trips (one in, one out). The addition of the second entrance lane has resulted in an increase of on-site vehicle storage in the amount of 220 feet which corresponds to approximately 7-9 vehicles. The addition of the scale and scalehouse has improved the service rate to approximately 144 vehicles per hour (Metro staff estimate a service rate of 1.2 vehicle/minute/scale; thus two entrance scales results in 144 vehicles per hour).

Based on conversations with Metro staff, vehicle queues continue to spill back onto SW Washington Street under 1999 conditions. Further analysis of the facility operations has revealed that the delay on-site is caused by a deficiency in service time at the existing drop-off facility. Metro staff estimate that the existing 16-bay drop-off facility services approximately 70 vehicles per hour (this estimate includes public and commercial trips), which corresponds to an average rate of 4.4 vehicles per bay per hour. Thus, while the scales can accommodate an estimated 144 vehicles per hour, the drop-off facility can only accommodate approximately 70 vehicles per hour which is considerably less than the demand of 115 vehicles per hour based on Metro's forecast (see Attachment 'B'). This service rate deficiency results in excessive vehicle queuing at the entrance to the facility.

The addition of the new public-only drop-off facility will result in 16 new bays. Using a conservative service rate of 4.0 vehicle trips per bay per hour, it is estimated that the new drop-off facility will accommodate 64 vehicles per hour (16 x 4.0). Therefore, the combined service rate of the two drop-off facilities is expected to increase from 70 vehicles per hour to 134 vehicles per hour. It is important to note that the operations of the transfer facility is dependent upon the service time of both the scales and the drop-off facilities. With the addition of the new drop-off facility, it is expected that the drop-off facility will continue to be the constraint at the facility since their service rate is less than the service rate of the scales (134 vehicles per hour versus 144 vehicles per hour). Based on these assumptions, the service rate of the transfer facility is expected to increase from 70 vehicles per hour to 134 vehicles per hour, which corresponds to a 91% increase.

A review of Metro's forecast traffic volumes (see Attachment 'B') reveals that the estimated peak hour vehicle demand under 2001 conditions (124 vehicles) is less than projected service rate of 134 vehicles per hour during peak periods throughout the week. Thus, the facility is expected to operate under capacity under 2001 conditions with the improvements in place, as compared to the over-capacity conditions that currently exist. Given the estimated service rate assumptions for the scales (1.2 veh/min) and the drop-off facilities (4.0 veh/bay/min), vehicle queuing at the entrance to the scales and on SW Washington Street is expected to be greatly reduced due to the forecast capacity increase of the facility following construction of the new public drop-off building.

Traffic Operations Analysis

The traffic operations analysis summarized in the May 1997 report was reviewed to determine the operating levels of the site-access driveways under 1997 conditions. Results from the report indicate that the west and east access driveways on SW Washington Street operated at level-of-service "C" or better under during all weekday and weekend peak hour periods.

A review of existing and projected future peak hour and daily traffic volumes provided by Metro (see Attachment 'B') shows that peak hour trips in 1997 totaled 115 vehicles, while the projected 2001

We trust that this letter addresses the transportation-related issues associated with the proposed improvements for the Metro South Transfer Station. Please do not hesitate to call with any questions.

Sincerely,
KITTELSON & ASSOCIATES, INC.

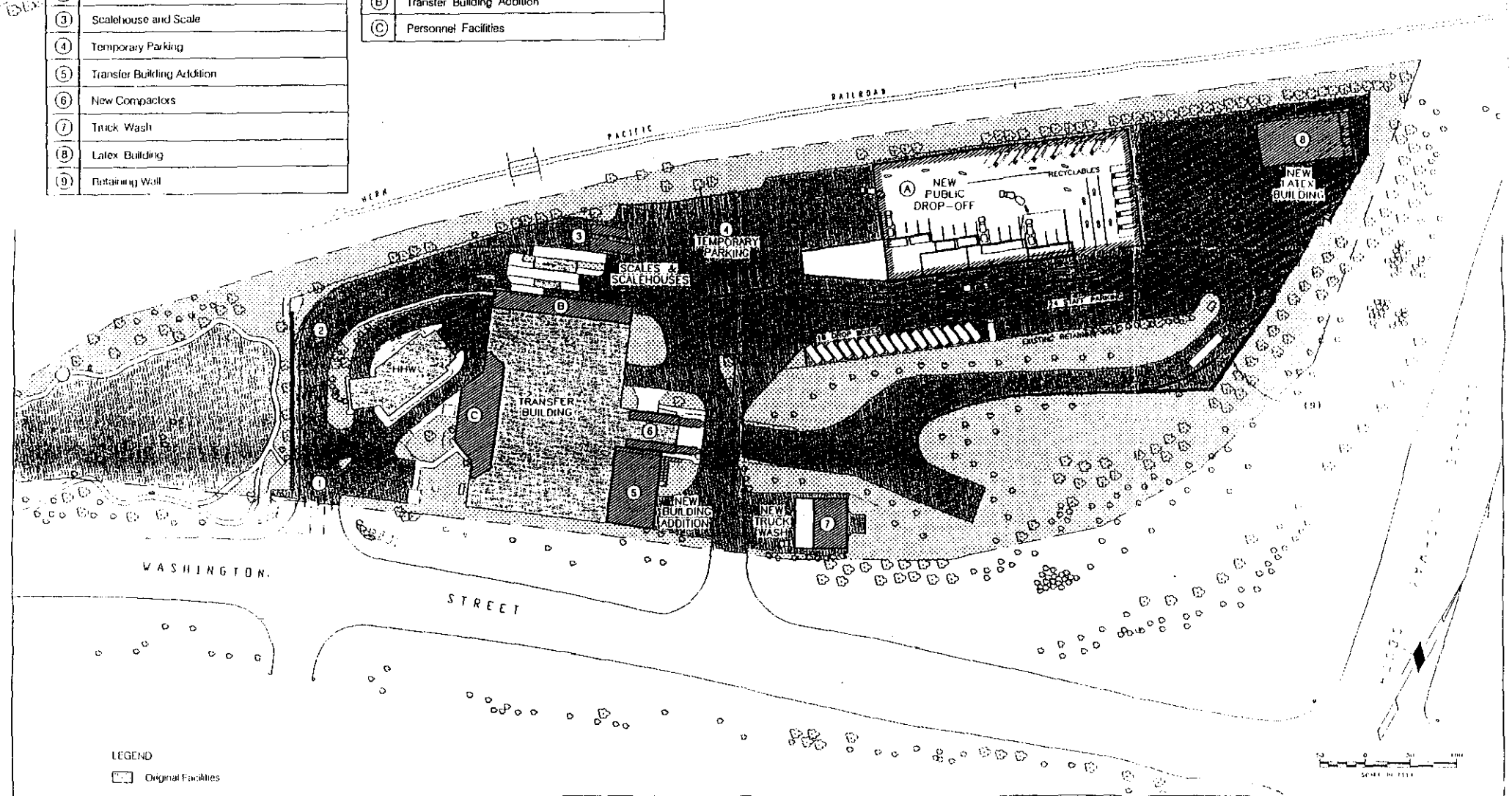
Brandon Nevers
Engineering Associate

Gary Katsion
Principal

Attachments: 'A' - Proposed Site Plan
'B' - Metro Traffic Volume Forecasts

Metro South Transfer Facility 1998-99 Additions	
1	Entrance Traffic Improvements
2	Retaining Wall
3	Scalehouse and Scale
4	Temporary Parking
5	Transfer Building Addition
6	New Compactors
7	Truck Wash
8	Latex Building
9	Retaining Wall

Metro South Transfer Facility Proposed Additions	
A	Relocation of Public Unloading/Recycling Facility
B	Transfer Building Addition
C	Personnel Facilities



LEGEND

- Original Facilities
- 1998-99 Improvements
- Proposed Improvements

URS Greiner

111 S.W. Columbia Street
Portland, Oregon 9

METRO
PORTLAND OREGON

CAD FILE NUMBER: 970-001

METRO SOUTH STATION
MASTER PLAN
SITE IMPROVEMENTS

DRAWING NUMBER: 001

REV

2.4 FACILITY NEEDS ASSESSMENT

A. Waste/Traffic Volumes

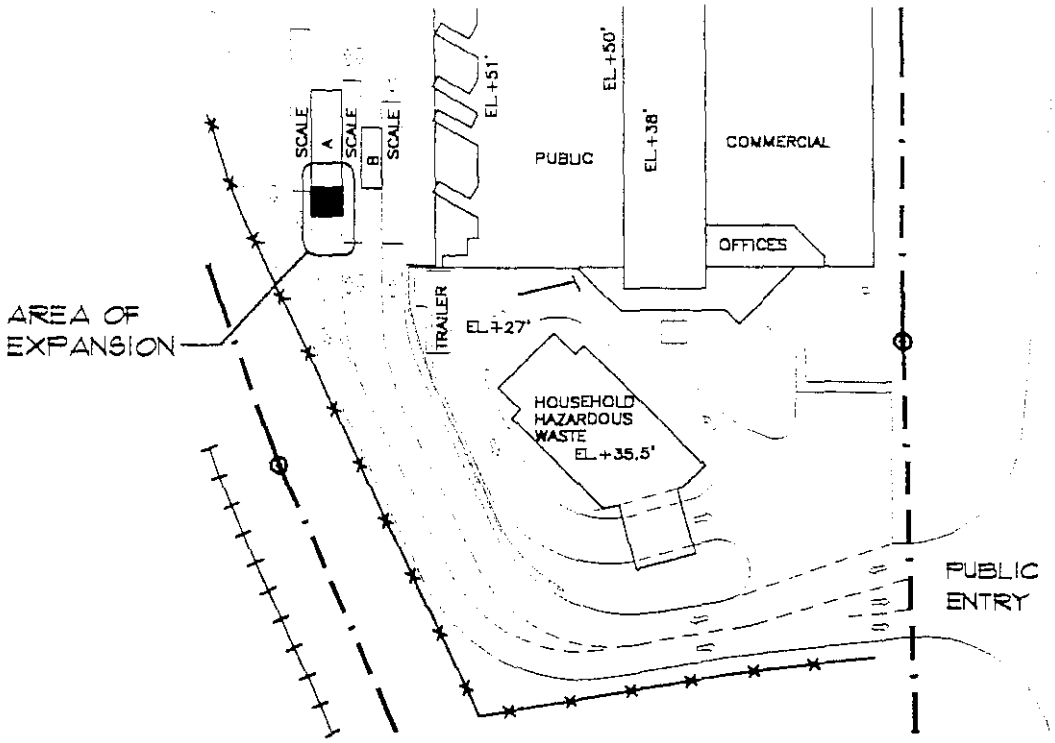
1. Projections

Table 2.1 presents the waste and traffic volumes collected by Metro from the scalehouse operations from 1993 through 1997. The table also presents projected waste and traffic volumes for 1998 up to the year 2010.

Table 2-1
Metro South Station

Year	Tons of Waste				Vehicles				
	Com'L	Public	Total	Peak Day	Com'l	Public	Total	Peak Day	Peak Hour
1993	332,984	38,865	371,849	1,670	73,959	101,937	175,896	696	98
1994	346,985	40,385	387,370	1,784	78,082	107,965	186,047	711	121
1995	337,806	39,423	377,229	1,760	75,906	109,120	185,026	788	105
1996	341,015	44,507	385,522	2,061	76,278	119,177	196,651	797	109
1997	329,306	47,603	376,902	1,755	71,488	125,169	196,651	805	115
1998	293,439	47,610	341,049	1,572	65,646	128,677	194,323	786	112
1999	295,394	49,368	344,762	1,589	66,084	133,427	199,511	807	115
2000	310,985	51,125	362,110	1,669	69,571	138,177	207,748	841	120
2001	317, 158	52,883	370,041	1,705	70,953	142,927	213,880	865	124
2002	323,854	54,640	378,495	1,744	72,451	147,677	220,128	891	127
2003	331,050	56,398	387,447	1,786	74,060	152,427	226,487	917	131
2004	338,451	58,155	396,607	1,828	75,716	157,177	232,893	942	135
2005	346,069	59,913	405,982	1,871	77,420	161,927	239,347	969	138
2006	353,898	61,670	415,569	1,915	79,172	166,677	245,849	995	142
2007	361,951	63,428	425,379	1,960	80,973	171,427	252,400	1,021	146
2008	370,229	65,185	435,415	2,007	82,825	176,177	259,002	1,048	150
2009	378,742	66,943	445,685	2,054	84,730	180,927	256,657	1,075	154
2010	387,488	68,700	456,188	2,102	86,686	185,677	272,363	1,102	157

Note: The 1993 through 1997 numbers are actual data.



VICINITY MAP

METRO SOUTH TRANSFER STATION

N.T.S.

DAVID EVANS AND ASSOCIATES, INC.

2828 SW Corbett Avenue
Portland, Oregon 97201
Tel: 503.223.6663
Fax: 503.223.2701

September 16, 1999

Mr. Brian Cosgrove
City of Oregon City
PO Box 351
Oregon City, OR 97045

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
METRO SOUTH TRANSFER STATION (CU 99-06)

Dear Mr. Cosgrove:

In response to your request, David Evans and Associates, Inc. has reviewed the Traffic Impact information prepared by Brandon Nevers of Kittelson & Associates, Inc set forth in a July 6, 1999 letter to Bob Carn. The traffic safety record included in the "Annual Report for Metro South Station" for the period of January 1 through December 31, 1998 was also reviewed and appears to be adequate.

The applicant has adequately addressed traffic conditions for the annual review and proposed site modifications including a new public unloading area. The applicant analyzed the conditions for the year 2001 which would be the estimated date of operation for the new public loading area. It was found that the assumptions and analysis methods used to determine the impacts of the new unloading facilities on traffic operations and backup (queuing) were appropriate.

I agree with the conclusions that the new unloading facilities should alleviate the current traffic backup (queuing) condition. The review of the traffic safety information showed that there currently is no evidence of any reported traffic accidents resulting from the existing traffic queuing outside the South Station on to SW Washington Street. However, the attachments to the letter discussing the impacts did not include a copy of the level-of-service analysis for the west driveway with the 2001 estimated PM peak hour traffic. This should be submitted to complete the analysis for the 2001 scenario.

Since the new unloading facilities were shown to improve traffic conditions at the Metro South Station on SW Washington Street, the report information is adequate as noted. The addition of the new unloading facilities also doesn't appear to impact the future projected traffic volumes for the Metro South Transfer Station. However there was no analysis of how long the new unloading facilities will alleviate the current traffic backup concern or for a longer-term future year. It seems to me that both Metro and Oregon City would want this information for planning adequate facilities in the future.

EXHIBIT
6b

CITY OF OREGON CITY

PLANNING COMMISSION

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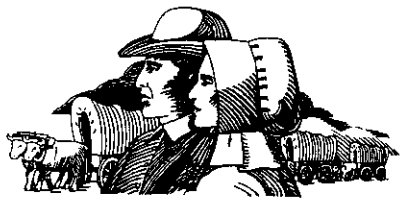


STAFF REPORT
October 25, 1999

FILE: ZC 99-12 (Worksession)

REQUEST: 1) Planning Commission review and recommendation on an addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 13.12: Stormwater Management;"
2) Planning Commission review and recommendation on addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 15.48: Grading, Filling and Excavation;"
3) Planning Commission review and recommendation on approval by resolution of technical material titled: "Stormwater and Grading Design Standards."

APPLICANT: City of Oregon City

PUBLIC REVIEW:

The above-cited items are legislative actions. They are scheduled for a Planning Commission worksession on October 25, 1999. A public hearing by the Planning Commission is scheduled for November 8, 1999. A public hearing by the City Commission is scheduled for November 17, 1999.

BACKGROUND:

What Do the Proposed Code Amendments and Standards Do?

Amendments to the Oregon City Municipal Code will provide consistent policy under which certain physical aspects of stormwater (conveyance, quality, and quantity) and grading design will be implemented, using the Stormwater and Grading Design Standards ("Standards").

Most of the elements required by the Code and contained in the Standards are Public Works-oriented and most are related to public improvements and City contract construction projects. However, it is intended that they apply to both public and private projects.

Population growth and increased development of land, together with inadequate drainage controls have led to problems, both in Oregon City and regionally, related to land clearing, grading, and stormwater runoff impacts. These problems have contributed to increased sedimentation in ponds, creeks, and streams, and water quality and fisheries habitat degradation, as well as flooding, erosion, property damage and risk to life. The City's existing design guidelines contained in the Drainage Design Procedures and Standards, (Appendix A, of the City's Drainage Master Plan dated January 1988) need to be updated and expanded. This updating and expansion will provide for adequate surface and subsurface drainage planning and practice. The City must ensure all new stormwater facilities are in compliance with applicable local, State, and Federal regulations such as the National Pollution Discharge Elimination System (NPDES) requirements.

The proposed Code amendments and Standards are intended to minimize increased stormwater runoff rates and volumes from any new development to reduce the impact upon any downstream natural channel. Another goal is to prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities.

The proposed Code amendments and Standards are intended to reduce soil erosion and non-point source pollution, wherever possible, and to prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property. These proposed Code amendments and Standards are also intended to help maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes.

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892

STAFF REPORT
October 25, 1999

FILE: ZC 98-17 (Worksession)

REQUEST: Planning Commission review and recommendation on an addition by ordinance of a new title to the Oregon City Municipal Code, as follows: "Title 14: Annexation Procedures."

APPLICANT: City of Oregon City

PUBLIC REVIEW:

The above-cited is a legislative action. It is scheduled for a Planning Commission worksession on October 25, 1999. A public hearing by the Planning Commission is scheduled for November 8, 1999. A public hearing by the City Commission is scheduled for November 17, 1999.

BACKGROUND:

At a Special Election held May 18, 1999, Oregon City voters answered in the affirmative to a ballot measure that asked the question, "Shall the City Charter be amended to require city voter approval for annexation, except those mandated by law?"

On June 2, 1999, the Mayor signed a general proclamation. It stated that having received an affirmative majority of the total votes, a Charter amendment was now City law and that its codification would be part of the Municipal Code.

The attached language, "City Boundary Changes and Extension of Services," specifies implementation of this City Charter amendment.

"District" means an entity described in ORS 199.420.

"Major Boundary Change" means formation, merger, consolidation or dissolution of a City or District or the addition of an additional function to a district with territory within the City.

"Minor Boundary Change" means an annexation, withdrawal or transfer of territory to or from a city or district or the extraterritorial extension of water or sewer service by City outside the City limits or by a district within City.

"Planning Commission" means the Oregon City Planning Commission.

"Withdrawal" means the detachment, disconnection, or exclusion of territory from the City or district.

Section 4 Procedures for Major Boundary Changes and for Minor Boundary Changes Other Than Annexations

A. With respect to Major Boundary Changes and for Minor Boundary Changes other than for Annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.

B. When land is annexed into the City, such annexation shall have the effect of a withdrawal of territory from any district in which the affected territory lies unless the City Commission specifically provides otherwise in approving the annexation and transmitting the same to the voters for their approval or rejection.

Section 5. Annexation Procedures.

A. Application Filing Deadlines. Annexation elections shall be scheduled for May and November of each year. Application deadlines are established to permit public hearings by both the Planning Commission and City Commission in time to meet State requirements for submitting ballot information for these election dates. The deadline for receipt of applications involving a ballot election in May is 5:00 p.m. on the last working day in October. The deadline for receipt of applications involving a ballot election in November is 5:00 p.m. on the last working day in May.

B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the City Manager.

C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized Neighborhood Association or Associations within which the property proposed to be annexed is located. If the City Manager deems that more than one such Association is affected, the applicant is encouraged to meet with each such Association, as identified by the City Manager. Unwillingness or unreasonable

e. General land use plan indicating the types and intensities of the proposed, or potential development;

6 If applicable, a Double-Majority Worksheet, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.

7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 5 of this ordinance, as relevant, including:

a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;

b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;

c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;

d. Statement outlining method and source of financing required to provide additional facilities, if any;

e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;

f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development of the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;

g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Section 5. Annexation Factors. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;

potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found.

Section 9. Election Procedures.

A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.

B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Section 10. Setting of Boundaries and Proclamation of Annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by Resolution, shall set the boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

Section 11. Exceptions.

The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
October 11, 1999

COMMISSIONERS PRESENT
Chairperson Hewitt
Commissioner Olson
Commissioner Surratt
Commissioner Carter

STAFF PRESENT
Maggie Collins, Interim Planning Manager
Marnie Allen, City Attorney
Deanna Nguyen, Hearings Reporter

COMMISSIONERS ABSENT
Commissioner Vergun
Commissioner Bagent

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order. He then reviewed the legislative hearing procedure and process. There was one legislative application scheduled. He then went over the process of hearings, time limits, pointed out the posted procedures, and reviewed the meeting agenda.

2. APPROVAL OF MINUTES: September 13, 1999

Commissioner Carter stated that page five should be corrected to read that "**Commissioner Carter** asked if there would be a public hearing for Site Design Review."

Commissioner Surratt moved to approve the minutes of September 13, 1999 as corrected. **Commissioner Carter** seconded. **MOTION CARRIED** 4-0.

Ayes: Carter, Hewitt, Olson, Surratt; Nays: None.

3. APPROVAL OF MINUTES: September 27, 1999

Commissioner Carter stated that page four should be corrected to read "Neighborhood Association."

Commissioner Olson moved to approve the minutes of September 27, 1999 as corrected. **Commissioner Surratt** seconded. **MOTION CARRIED** 3-0 with one abstention; Chairperson Hewitt was not at that meeting.

Ayes: Carter, Olson, Surratt; Nays: None.

CORRESPONDENCE RECEIVED BY STAFF – None.

QUESTIONS OR COMMENTS FROM COMMISSIONERS

Commisioner Carter wanted to clarify how many units could be placed on a lot. **Maggie Collins** stated that two single-family residences that share a common wall would need least 8000 square feet, and would have only one owner (a duplex). With this proposal you have the same thing, with single ownership for each lot. **Commissioner Olson** stated that one alternative is a 5300 square foot lot doubled to 10,600 square feet.

Chairperson Hewitt asked how a builder would get around a lot width depth minimum of forty feet if they had a 100 square foot frontage and only an 80 foot depth. Logically they could build on the lot, but have 8000 square feet in the opposite direction. **Maggie Collins** stated the Staff would recommend that the applicant apply for a variance. A site design review might be needed to make sure the final submittal is in accordance with the area's character and lot configuration is similar to that in the area.

Commissioner Carter asked whether or not the intent of building common wall single-family dwellings was usually to build more than two units. **Maggie Collins** stated that in other jurisdictions, depending on the amount of developable land, up to six or eight units of common wall housing could be built. Oregon City does not have a provision allowing attached dwelling units, so the City has started with the lowest number of these types of units. It is possible to stretch to three or four units, but she suggested listening to testimony first.

TESTIMONY IN FAVOR

Speaking: Phil Gentemann, 2137 Martewood Court, West Linn, Oregon; representing Centrich Homes

Phil Gentemann stated that Centrich Homes has been building homes for about twenty-one years, mostly mid-upper range homes. He stated that the cost of a building permit for a typical home is $8,000 - $10,000. With the way the code reads for the systems development charges in West Linn, the building permit for a duplex is $19,000. This raises costs more than expected, and his company doesn't want to build low-end units. Centrich Homes went to the Oregon City City Commission and talked about making duplexes into attached houses, changing the ownership to two separate parties. Centrich Homes prefers not to compete with apartments by building duplexes at the $500 to $800/month rental range. Centrich Homes would like to market attached houses at $139,000 per side, making them affordable to first time homebuyers. **Phil Gentemann** then added photos to the record showing development of similar properties, and plans of similar attached housing units. Developing them as duplexes would average them at 800 to 1000 square feet, and as attached housing they would range 1200-1300 square feet.

Commissioner Olson asked if the single-family detached value would be comparable to the local single-family attached dwellings. **Rick Givens** stated by going the single-family attached route, Centrich Homes is able to provide a larger attached dwelling, an upgraded appearance, and prevent a dramatic change between single-family and duplexes in the area.

TESTIMONY NEITHER PRO NOR CON

Speaking: Kenneth E. Lukens, 948 Prospect Street, Oregon City, OR 97045; representing self

Kenneth Lukens was concerned with an increased number of low-income apartments being built in the area. After testimony he realized that is not the case, and also understands the difference between single family attached dwellings and duplexes.

QUESTIONS FROM THE COMMISSION – None.

Speaking: Edna E. Grover, 928 Prospect Street, Oregon City, OR 97045; representing self

Edna Grover was curious on the entry way to the properties, and whether there would be one or two. That was her only question.

QUESTIONS FROM THE COMMISSION – None.

REBUTTAL

Maggie Collins stated typically there would be one entryway per unit off a public street. **Chairman Hewitt** requested Ms. Collins to draw an example on the dry erase board. **Maggie Collin's** drawing displayed the two most common set-ups: the first being a drive way at each end of the structure, and the second having one common pathway down the middle of the structure providing each owner with a driveway.

QUESTIONS OR COMMENTS FROM THE COMMISSION

Commissioner Carter asked how multi-family dwellings were defined. **Maggie Collins** stated it was at four or more units.

DELIBERATION AMONG COMMISSIONERS

Chairperson Hewitt stated the phrase, "Single-family attached dwelling," is confusing compared to what is known to the public as, "Common wall dwelling." He feels that the phrase, "common wall single-family," would be clearer. He also stated that the Commission could go along with the proposal, or take the same language and look at multiples limited or unlimited. **Commissioner Olson** would like to stay with Alternative 2 and add language pertaining to the need for a 4000 square foot lot. She suggested

Chairperson Hewitt stated that the Commission was in agreement on Alternative 2 for Section 17.16.060 with proposed changes to "Maintenance easement." Also, under Section 17.16.020, permitted uses to include item C, "a single-family attached dwelling," subject to OCMC 17.16.060 requirements, and the definitions under Section 17.16.060. The Commission is in agreement up to the definition in the first part of Exhibit 3. Under Section 17.16.060, Single-family attached dwellings, the words "zero lot line," will be taken out. For definition in Proposal B, the same phrase will be taken out and changed to read, "Single-family attached dwellings means two attached single-family dwelling units that share a common wall but are separate lots at a common property line with no setbacks from the common lot line."

Commissioner Olson moved to accept **File No. ZC 99-08** with the request to amend the Oregon City Municipal code chapter 17.16 to include single-family attached dwelling in Section 17.16.020 and add a new section to 17.16.060 single-family attached dwellings, which is Alternative 2 with changes only in the Maintenance Easement section 2 to read, "Prior to building permit approval, the applicant shall submit a recorded easement that runs along the common property line. This easement shall be sufficient to guarantee rights for maintenance purposes of structure and yard, but in no case shall it be less than 5 feet in width." The Definition is Staff Proposal B removing the phrase, "zero lot line."

Commissioner Surratt seconded. **MOTION CARRIED** 4-0.

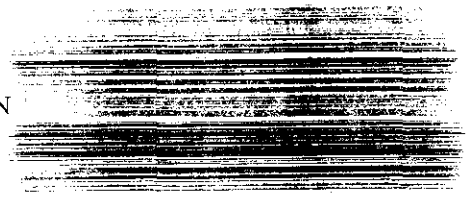
Ayes: Carter, Olson, Surratt, Hewitt; Nays: None.

6. OLD BUSINESS – None.

7. NEW BUSINESS

Speaking: Kathy Hogan, 19712 S Central Pt. Road, Oregon City, Oregon 97045; representing self.

Kathy Hogan would like the Commission to consider the Urban Growth boundary and the effect on the farmer if these complexes are added to a PUD. **Chairperson Hewitt** stated that he understands her concern, and there would be discussion in the Work Program item that follows. **Kathy Hogan** then added her concern about playground areas and the number of children within a complex. She suggest that the open area requirements be enlarged for future developments, which might address the issue of parents not wanting their children walking to other area parks. **Chairperson Hewitt** stated that the only way that can be done is to ask the Planning Staff to take it under advisement with a multi-family or apartment complex legislative ordinance. He then asked Ms. Collins if there is one planner that handles changes to amendments down the road. **Maggie Collins** stated this issue can be addressed by all staff under the design review process.



with the City no later than January 2000. **Maggie Collins** acknowledged their request to be made in November, 1999.

ADJOURN

There being no further business, the meeting was adjourned by Chairperson Hewitt.

Gary Hewitt, Planning Commission Chair Person

Maggie Collins, Interim Planning Manager

CHAPTER 13.12
Stormwater Management

Sections:

13.12.010 Purpose.

The purpose of this Chapter is to define policies, minimum requirements, minimum standards, and design procedures for the construction, and maintenance of stormwater conveyance, and quantity and quality control facilities in order to:

A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;

B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;

C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this Chapter;

D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;

E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;

G. Have all stormwater facilities:

1. Designed in a manner to allow economical future maintenance;
2. If City-owned and maintained, designed for maintenance with City-owned equipment;
3. Designed using materials that will ensure a minimum practical design life of 75 years; and
4. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed.

H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards.

I. Have all new stormwater facilities be in compliance with applicable National Pollution Discharge Elimination System (NPDES) requirements.

J. Minimize the deterioration of existing watercourses, culverts, bridges, dams, and other structures;

K. Minimize increases in non-point source pollution;

L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.

13.12.020 Adoption of Standards.

The Stormwater and Grading Design Standards are adopted by resolution and incorporated by reference as part of this Chapter.

13.12.030 Superceding Oregon City Drainage Master Plan Appendix A

The policies and standards of this Chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable Basin Master Plans, for land drainage and flood control within the Oregon City Urban Growth Area, as adopted by the City of Oregon City. The referenced Stormwater and Grading Design Standards supersede Appendix A of the Oregon City Drainage Master Plan.

13.12.040 Definitions.

Unless specifically defined below, words and phases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Applicant" means a person, party, firm, corporation, or other legal entity that has applied for a development permit or approval.

"Best Management Practices (BMP)" means physical, structural, managerial practices and/or activities, when used singly or in combination, prevent, or limit, pollutants/sediments from entering stormwater flows.

"Biosolids" means solids derived from primary, secondary, or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemical stabilize solids to the extent that they do not attract vectors. This term refers to domestic wastewater treatment facility solids that have undergone adequate treatment to permit their land application.

"Building storm drain" means that part of the piping of a stormwater drainage system that begins at a point five feet (5') outside the established line of the building or structure. It conveys storm water to the approved point of disposal.

"Bulk petroleum storage areas" means areas that are used to store any type of bulk liquid petroleum or waste materials outside in multiple above ground storage tanks (AST). Multiple ASTs include two or more tanks that are either within the same secondary containment structure or within 20 feet of each other.

"Catch basin" means a structure, normally with a sump, for receiving drainage from a gutter or median and discharging the water through a conduit.

"City" means the City of Oregon City.

"City Engineer" means the City Engineering Manager, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

"Clearing" means surface removal of vegetation.

"Closed depression" means a low lying area, which has no, or such a limited, surface outlet that in most storm events acts as a retention basin, holding water for infiltration into the ground or evaporation into the air. By their nature, closed depressions may contain wetlands.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from naturally occurring or created wetlands.

"Construction" means any site-altering activity, including but not limited to grading, paving, utility construction, and building construction.

"Contributing drainage area" means the subject property together with the watershed contributing runoff to it.

"Conveyance" means a measure, K, of the ability of a stream, channel, or conduit to convey water. In Manning's formula $K = (1.49/n)AR^{2/3}$.

"Conveyance capacity" means the limits of a channel or conduit to convey water.

"Culvert" means a hydraulically short conduit that conveys surface drainage in artificial or natural water courses through a roadway embankment or past some other type of flow obstruction.

"Dam" means a water storage structure that may or may not meet Oregon Revised Statute (ORS) requirements for height and storage capacity. All such structures require professional engineer design. If the water storage structure exceeds the ORS criteria for height or storage capacity, then the Oregon State Water Resources Commission shall have approval authority.

"Department of Environmental Quality (DEQ) Water Quality Standard" means the numerical criteria or narrative condition needed in order to protect an identified beneficial use of a water body.

"DEQ" means the Oregon Department of Environmental Quality.

"Design Storm" means a theoretical rainfall event that, statistically, has a specified probability of being exceeded in any given year. Design storms may be numerically expressed either in years (recurrence interval) or as a percentage. Design storms have a prescribed rainfall amount, with a prescribed rainfall distribution and duration. They are used for estimating surface water runoff for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water. For the design of stormwater quantity control and quality control facilities, the design storm shall have a 24-hour rainfall period with a SCS (Soil Conservation Service, now known as the NRCS, Natural Resources Conservation Service) Type 1A rainfall distribution.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: a) Stream enhancement or restoration projects approved by the City; b) Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this Chapter; and c) Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development.

"Drainage feature" means any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff.

"DSL" means the Oregon Division of State Lands.

"Easement" means the legal right to use a parcel of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land.

"Embankment" means a raised structure of earth, gravel, or similar material above the surrounding grade.

"Engineer" means a registered professional engineer licensed by the State of Oregon.

"Engineer of Record" means the project engineer who will affix his/her seal on project drainage plans and drainage analysis.

"Engineering Geologist" means a registered professional engineering geologist licensed by the State of Oregon.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

"Erosion" means the movement of soil particles resulting from actions of water, wind or mechanical means.

"Erosion Control Officer" means a City-appointed employee or designated representative.

"Excavation" means the mechanical removal of earth material.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated areas of flood hazard, floodway, and the risk premium zones.

"Flood Management Areas" means all lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, the Federal Emergency Management Agency, or City of Oregon City that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods

"Forebay" means an easily maintained, extra storage area provided near an inlet of a BMP to trap incoming sediments before they accumulate in a pond or wetland BMP.

"Fuel dispensing facilities" means the area (including fuel islands, above-ground fuel tanks, fuel pumps, and the surrounding pad) where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers.

"Grading" means any excavating, filling, embanking, or altering contours of earth material.

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

"Impervious surfaces" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. It can also be a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

"Inlet" means a connection between the surface of the ground and a drain or sewer for the admission of surface and stormwater runoff.

"Inlet Control" occurs when the culvert barrel is capable of conveying more flow than the inlet will accept. The control section of the culvert operation under inlet control is located just inside the entrance. Critical depth occurs at or near this location, and the flow regime immediately downstream is supercritical. Hydraulic characteristics downstream of the inlet control sections do not affect the culvert capacity. The upstream water surface elevation and the inlet geometry represent the major flow controls.

"Landscape Architect" means:

- A "Registered Landscape Architect" is a person registered as a landscape architect by the State of Oregon under ORS 671.310 to 671.459.

- "Landscape architecture" or the "practice of landscape architecture" means the performance of professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision where the dominant purpose of the services is:

a. The preservation and enhancement of land uses and natural land features;

b. The location and construction of aesthetically pleasing and functional approaches for structures, roadways and walkways or other improvements for natural drainage and erosion control; or

c. Design for equestrian trails, plantings, landscape irrigation, landscape lighting and landscape grading.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative and both temporary and permanent) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, paving, clearing, grading and grubbing.

"Lot" means a single unit of land that is created by a subdivision of land. (ORS 92.010(3)). For the purposes of this Chapter, the word "lot" shall include "plot," "parcel," or "tract."

"Maintenance" means any activity which is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if needed to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property, which may directly impact the function of the stormwater facilities.

"Maintenance easement" means a binding agreement between the City and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to maintain certain stormwater facilities; grants the City the right to enter the subject property to inspect and make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the City for the cost should the City perform such repairs or maintenance.

"Maintenance schedule" means a document detailing required stormwater facility maintenance activities to be performed at specific intervals.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the effected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute water quality resource areas.

"NPDES" means the National Pollutant Discharge Elimination System. A national permit that covers discharges to waters of the United States (reference: Clean Water Act).

"Nonpoint source pollution" means pollution from any source other than from discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silviculture, mining, construction, subsurface disposal and urban runoff sources.

"NRCS" means the Natural Resource Conservation Service; a Federal Government Agency. The NRCS was formally known as the SCS.

"ODFW Construction Standards" means the Oregon Department of Fish and Wildlife construction guidelines for building roads, bridges and culverts or any transportation structure within a waterway.

"Oil/water separator" means a structure or device used to remove suspended, floating or dispersed oil and greasy solids from water.

"Off-site" means any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

"On-site" means the entire property that includes the proposed development.

"Orifice" means an opening with closed perimeter, usually sharp-edged, and of regular form in a plate, wall, or partition through which water may flow, generally used for the purposes of measurement and control of water.

"Outlet" means a point of discharge of a culvert or other closed conduit.

"Outlet control" occurs when the culvert barrel is capable of conveying as much flow as the inlet opening will accept. The control section for outlet control flow in a culvert is located at the barrel exit or further downstream. Either subcritical or pressure flow exists in the culvert barrel under these conditions. All of the geometric and hydraulic characteristics of the culvert play a role in determining its capacity. These characteristics include all the factors governing inlet control, the water surface elevation at the outlet, and the slope, length, and hydraulic roughness of the culvert barrel.

"Owner or property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

"Parcel" means a single unit of land that is created by a partitioning of land. (ORS 92.010(7)).

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

"Permittee" means the person, agency, or company holding a City permit duly paid for and received from the City.

"Plans" mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc., or reproductions thereof, approved or to be approved by the City, County, or State. They will show the location, character, dimensions, and details for the work to be done.

"Post-development conditions" mean the conditions which exist following the completion of the land disturbing activities in terms of topography, vegetation, land use, and rate, volume, or direction of stormwater runoff.

"Precipitation" means the process by which water in liquid or solid state falls from the atmosphere.

"Pre-development conditions" mean the conditions which exist prior to the initiation of the land disturbing activities or date of application submittal, whichever is earlier, in terms of topography, vegetation, land use, and rate, volume, or direction of stormwater runoff.

"Professional Engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the State of Oregon.

"Project Engineer" means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Private storm drain" means a storm drain located on private property serving more than one (1) structure and maintained by private property owners.

"Public storm drain" means any storm drain in the public right-of-way or easement operated and maintained by the City, County or State.

"Public Works Department" means the City department responsible for all stormwater management activities for City accepted and owned stormwater facilities.

"Record drawings" means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record Drawings are signed and dated by the Project Engineer.

"Release rate" means the controlled rate of release of drainage, storm and runoff water from property, storage pond, runoff detention pond, or other facility during and following a storm event.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

"Right-of-way" means all land, or interest therein, which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for, or dedicated to, the use of the general public.

"Sedimentation" means the process of gravity deposition of water suspended matter. The process of depositing soil particles, clays, sands and other sediment, that were picked up by surface water runoff.

"Significant negative impact" means an impact that affects the natural environment, considered individually or cumulatively with other impacts to the point where existing water quality functions and values are degraded.

"Silt" means fine textured soil particles, including clay and sand (largely passing a No. 200 sieve) as differentiated from coarse particles of sand and gravel.

"Siltation" means the deposition of waterborne sediments - fine textured soil particles causing a smoothing or cementing effect. See sedimentation.

"Solid waste storage area" means a place where solid waste containers are stored. Solid waste containers include trash compactors, solid waste dumpsters, and garbage cans.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater easement" means a legal encumbrance that is placed against a property's title to reserve specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

"Stormwater facility" means a component of a manmade drainage feature, or features designed or constructed to perform a particular function or multiple functions. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, detentions basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" encompasses "control", "developmental" and "maintenance" activities in which there is physical interaction with storm water.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands, and erosion and sedimentation control facilities.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include but are not limited to, detention and retention facilities.

"Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

"Street, private" means any street, road, or right-of-way that is not a public street, as defined in this Standard.

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of these Standards, public street may include "alley", "lane", "court", "avenue", "boulevard", "cul-de-sac", and similar designations, and any County Roads and State Highways.

"Stripping" means the removal of surface organic material before placing fill.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the operation of a utility, including buildings, utility lines, manholes, catch basins, driveways, sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning codes.

"Subdivide land" means dividing an area or tract of land into four (4) or more lots. This applies for an area or tract of land which existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

"Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in the section.

"Surface waters" mean stormwater accumulating on the surface (including natural and manmade) and draining in the direction of least resistance due to gravity.

"Waste discharges" are defined to mean any discharge that requires and NPDES permit, WPCF permit, or 401 Certification. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit; domestic sewage facilities that discharge less than 5,000 gallons per day under WPCF permit; biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and reclaimed domestic waste water land applied at agronomic rates pursuant to OAR Chapter 340, Division 55 are excluded from this definition.

"Water quality facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purposes of water quality improvement. It may also include but not be limited to, existing features such as constructed wetlands, water quality swales, and ponds that are maintained as stormwater quality control facilities.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

"Wetlands" mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

13.12.050 Applicability and Exemptions.

This Chapter establishes performance standards for stormwater conveyance, quantity and quality. Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

A. Stormwater Conveyance. The stormwater conveyance requirements of this Chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the Stormwater Conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code and shall be reviewed by the Building Official.

B. Stormwater Quantity Control. The stormwater quantity control requirements of this Chapter shall apply to the following proposed activities, uses or developments:

1. The activity is located wholly or partially within Water Quality Resource Areas (WQRA) pursuant to Chapter 17.49 and will result in the creation of more than 500 square feet of impervious surface within the WQRA or will disturb more than 1,000 square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;

2. The activity will result in the creation of more than 2,000 square feet of impervious surface. This 2,000 square foot measurement will be considered cumulative for any given seven-year period; or

3. Redevelopment of a commercial or industrial land use will disturb more than 5,000 square feet of existing impervious surface. This 5,000 square foot measurement will be considered cumulative for any given seven-year period.

4. An exemption to the stormwater quantity control requirements of this Chapter will be granted in the following circumstances:

   a. The development site discharges to a stormwater quantity control facility approved by the City Engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater; or,

   b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River and Abernethy Creek; and lies within the 100-year floodplain or ten feet above the design flood elevation as defined in Chapter 17.42.

C. Stormwater Quality Control. The stormwater quality control requirements of this Chapter shall apply to the following proposed activities, uses or developments:

1. Category A – Activities subject to general water quality requirements of this Chapter.
   a. The construction of four or more single-family residences;
   b. Activities located wholly or partially within Water Quality Resource Areas pursuant to Chapter 17.49 that will result in the creation of more than 500 square feet of impervious surface within the WQRA or will disturb more than 1,000 square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period; or
   c. Activities that create more than 8,000 square feet of new impervious surface for other than a single family residential development. This 8,000 square foot measurement will be considered cumulative for any given seven-year period.
   d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the City Engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.
2. Category B – Uses requiring additional management practices. In addition to any other applicable requirements of this Chapter, the following uses are subject to additional management practices:
   a. Fuel dispensing facilities;
   b. Bulk petroleum storage in multiple stationary tanks;
   c. Solid waste storage areas for commercial, industrial or multi-family uses;
   d. Loading and unloading docks for commercial or industrial uses; or
   e. Covered vehicle parking for commercial or industrial uses.
3. Category C – Clackamas River Watershed. . In addition to any other applicable requirements of this Chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Three Basin Rule).

13.12.060 Abrogation and Greater Restrictions.

Where the provisions of this Chapter are less restrictive or conflict with comparable provisions of other portions of this Code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this Chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this Chapter shall govern. However, nothing in this Chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this Chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City's adopted Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgement to protect the health, safety, and welfare of the public. It is not

the intent of this Chapter to make the City of Oregon City a guarantor or protector of public or private property in regard to land development activity.

13.12.070 Severability.

The provisions of this Chapter are severable. If any section, clause, or phrase of this Chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

13.12.080 Submittal Requirements.

A. Timing and scope of required submittal.

1. Applications subject to the stormwater conveyance requirements of this Chapter shall include an Engineered Drainage Plan and Design Flow Calculation Report submitted prior to, or contemporaneous with, submittal of an application for a building, land use, or other city issued permit.

2. Applications subject to the stormwater quantity and/or Category A quality requirements of this Chapter shall include an Engineered Drainage Plan and an Engineered Drainage Report submitted prior to, or contemporaneous with, submittal of an application for a building, land use, or other city issued permit.

3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Stormwater and Grading Design Standards as part of the Site Plan and Design Review Process.

4. Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new waste discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the City.

B. Required Engineered Drainage Plans, Drainage Reports, and Design Flow Calculation Reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Stormwater and Grading Design Standards.

C. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid City approved plan and report before proceeding with construction.

13.12.090 Approval Criteria for Engineered Drainage Plans and Drainage Report.

An Engineered Drainage Plan and/or Drainage Report shall be approved only upon making the following findings:

A. The Plan and Report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this Chapter;

B. The Plan and Report meet the requirements of the Stormwater and Grading Design Standards;

C. Unless otherwise exempted by Section 13.12.030(A), the Plan and Report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:

1. Do not exceed the capacity of receiving drainage conveyance facilities;
2. Do not increase the potential for streambank erosion; and
3. Do not add volume to an off-site closed depression without providing for mitigation.

D. Unless otherwise exempted by Section 13.12.030(B), the proposed development includes:

1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and
2. Stormwater quality control facilities which:
   - Are in compliance with applicable National Pollution Discharge Elimination System (NPDES) requirements;
   - Minimize the deterioration of existing watercourses, culverts, bridges, dams, and other structures; and
   - Minimize any increase in non-point source pollution.

E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The post-development peak stormwater discharge rate from a development site for the two-year, 24-hour duration storm event shall not exceed fifty percent (50%) of the two-year, 24-hour pre-development peak runoff rate.

G. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

13.12.100 Alternative Materials, Alternative Design and Methods of Construction

The provisions of this Chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this Chapter or the Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the provisions of this Chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this Chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

The details of any action granting approval of an alternate shall be recorded and entered in the City files.

13.12.110 Transfer of Engineering Responsibility.

Project Drainage Plans shall always have an engineer of record performing the function of Project Engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the Project Engineer. The new Project Engineer shall provide written notice of accepting project responsibility to the City within 72 hours of accepting the position as Project Engineer.

13.12.120 Standard Construction Specifications.

The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City of Oregon City, in effect at the time of application. The exception to this requirement is where this Chapter and the Stormwater and Grading Design Standards provide other design details.

13.12.130 Administrative Provisions.

An applicant shall submit the following additional items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

A. Engineer's Cost Estimate, (also may be known as Engineer's opinion of probable construction cost).

B. Plan check and Inspection fees (as set by City resolution).

C. Certificate of liability insurance for City-funded public projects contracted by the City (not less than $1,000,000 single incident and $2,000,000 aggregate).

D. Pre-construction meeting (if required if required elsewhere in the Code).

E. Performance Assurance(s). This can be a letter of commitment or cash deposit in form and substance satisfactory to the City Engineer and City Attorney. This is required to assure that the following are accomplished to the satisfaction of the City Engineer:

1. Work shown on the development plans is accomplished.
2. Appropriate as-built / record drawings and electronic files are delivered to the City. (As-built drawings, or record drawings, will be on 4-mil Mylar.) Electronic files shall be submitted per City Engineer format requirements.
3. Compliance with the criteria in this Chapter and the Stormwater and Grading Design Standards, as well as with other City standards, ordinances, resolutions or rules.

4. Permanent stabilization and/or restoration of the impact from the development.
5. Fulfillment of all Conditions of Approval.
6. Payment of all outstanding fees.
7. Submittal of any required maintenance guarantee(s).

F. Developer/Engineer Agreement for public works improvements.

G. Land Division Compliance Agreement (if applicable).

H. Project Engineer's Certificate of Completion.

I. Operation and Maintenance easement, if required 13.12.130 (A) (for an example see Appendix 2-3 of the Stormwater and Grading Design Standards).

J. Details on individual items required by this subsection can be obtained by contacting the City's Engineering Division. Many items, such as the engineer's cost estimate and plan check and inspection fee, are frequently incorporated with other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

13.12.140 Maintenance of Public Stormwater Facilities.

A. Where proposed drainage patterns require stormwater facilities to receive stormwater runoff from public streets, the City shall be responsible for maintenance of those stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

B. Responsibility for maintenance of stormwater detention facilities and other stormwater facilities with sumps shall remain with the property owner/developer for one year or until 90% of the homes or commercial or industrial buildings within the development have been completed, whichever is sooner. Transfer of maintenance of all other stormwater facilities shall occur when the City accepts the facility.

C. The City will perform an inspection of the development's entire tributary, publicly maintained, stormwater system after one year or when 90% of the homes or commercial or industrial buildings within the development have been completed, whichever is sooner. The stormwater system must be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City.

13.12.150 Penalties and Enforcement.

A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this Chapter. The City has the authority to enter onto land for the purpose of inspection of site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed, or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this Chapter) within 10 calendar days. This plan (and drawings, if necessary) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if necessary) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a Grading Permit, then the City shall collect the appropriate Grading Permit Fee.

C. Any person, firm, corporation, or entity violating any of the provisions of this Chapter, whether they be the property owner, the applicant, the contractor, or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

13.12.160 Hazardous Conditions.

A. Determination and Notification. If the City Engineer determines that any excavation, embankment, erosion/sedimentation control, or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use, or stability of a public way, Water Quality Resource Areas (pursuant to 17.49), or a drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this Chapter and the Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. Order to Correct. The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

13.12.170 Permits from Other Jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES permits for projects that cover areas of five (5) acres or greater. No permit will be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing it's own permits, however if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, it will bring such conditions to the attention of the appropriate DEQ representatives.

B. Projects often require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permit. If, in the City's opinion, such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits, however if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, it will bring such conditions to the attention of the appropriate DSL/USACE representatives.

C. Occasionally, projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. No work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits, however if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

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CHAPTER 15.48
Grading, Filling and Excavating

Sections:

15.48.010 Purpose.

The purpose of this Chapter is to mitigate, minimize, or eliminate the adverse impacts caused by grading, fill, and excavation activities on public or private property. It establishes policies, procedures and minimum requirements for grading and earthwork construction. It is intended to promote the general health, safety, and welfare of the public and requires the Applicant to follow sound land development practices.

15.48.020 Definitions.

Unless specifically defined below, words and phases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Applicant" means a person, party, firm, corporation, or other legal entity that has applied for a development permit or approval.

"City" means the City of Oregon City.

"City Engineer" means the City Engineering Manager, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

"Clearing" means surface removal of vegetation.

"Construction" means any site-altering activity, including but not limited to grading, utility construction, and building construction.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development.

"Easement" means the legal right to use a parcel of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land.

"Embankment" means a raised structure of earth, gravel, or similar material above the surrounding grade.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

"Engineer" means a registered professional engineer licensed by the State of Oregon.

"Engineering Geologist" means a registered professional engineering geologist licensed by the State of Oregon.

"Erosion" means the movement of soil particles resulting from actions of water, wind or mechanical means.

"Erosion Control Officer" means a City-appointed employee or designated representative.

"Excavation" means the mechanical removal of earth material.

"Fill" means any material such as, but not limited to, sand, gravel, soil or rock that is placed for the purposes of development or redevelopment.

"Grading" means any excavating, filling, embanking, or altering contours of earth material.

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

"Impervious surfaces" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. It can also be a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

"Lot" means a single unit of land that is created by a subdivision of land. (ORS 92.010(3)). For the purposes of this Chapter, the word "lot" shall include "plot," "parcel," or "tract."

"Parcel" means a single unit of land that is created by a partitioning of land. (ORS 92.010(7)).

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

"Professional Engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the State of Oregon.

"Project Engineer" means the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis and will supervise construction of the project. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Public Improvement Project" means a privately funded improvement to a public right-of-way that is not required as a result of a land division.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing condition. Restoration activities re-establish the structure, function, and/or diversity to that which existed prior to impacts caused by human activity or prior to the permitted activity.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the

operation of a utility, including buildings, utility lines, manholes, catch basins, driveways, sidewalks. It does not including minor improvements, such as fences, utility poles, flagpoles or irrigation system components, that are not customarily regulated through zoning codes.

15.48.030 Applicability – Grading Permit Required.

A City-issued Grading Permit shall be required before the commencement of any of the following filling or grading activities.

A. Grading activities in excess of 10 cubic yards of earth;

B. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;

C. Grading activities resulting in the creation of impervious surfaces greater than 2,000 square feet or more in area;

D. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or

E. Grading activities involving the clearing or disturbance of 0.5 acres (21,780 sq. ft.) or more of land.

Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this Chapter. However, a separate Grading Permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the Grading Permit required under this Chapter.

15.48.040 Grading Permit Exemptions.

The following filling and grading activities shall not require the issuance of a Grading Permit:

A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies.

B. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a Grading Permit if:

   1. It exceeds 50 cubic yards,

   2. More than 10 cubic yards are removed from the site, or

   3. The fill is placed on the site to a depth greater than one foot.

C. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this Chapter.

D. Excavation for cemetery graves.

E. Sandbagging, diking, ditching, filling, or similar work when done to protect life or property during an emergency.

F. Repaving of existing paved surfaces which does not alter existing drainage patterns.

G. Maintenance work on public roads performed under the direction of the City, Clackamas County, or Oregon State Department of Transportation personnel.

14.48.050 Abrogation and Greater Restrictions.

Where the provisions of this Chapter are less restrictive or conflict with comparable provisions of this Code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this Chapter imposes restrictions that are more stringent than regional, state and federal law, the provisions of this Chapter shall govern. However, nothing in this Chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this Chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City's adopted Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgement to protect the health, safety, and welfare of the public. It is not the intent of this Chapter to make the City of Oregon City a guarantor or protector of public or private property in regard to land development activity.

15.48.060 Severability.

The provisions of this Chapter are severable. If any section, clause or phrase of this Chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

15.48.070 Fees.

The City may set fees by resolution for review of development plans, or any other activity, which will result in a Grading Permit. Details on these fees can be obtained by contacting the City's Engineering Division.

15.48.080 Adoption of Standards.

The Stormwater and Grading Design Standards are adopted by resolution and incorporated by reference as part of this Chapter.

15.48.090 Submittal Requirements.

An Engineered Grading Plan or an Abbreviated Grading Plan shall be prepared in compliance with the submittal requirements of the Stormwater and Grading Design Standards whenever a City approved Grading Permit is required. In addition, a Geotechnical Engineering Report and/or Residential Lot Grading Plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The City shall allow the applicant to submit an Abbreviated Grading Plan in compliance with the submittal requirements of the Stormwater and Grading Design Standards if the following criteria are met:

1. The proposed site is not wholly or partially within the Flood Management Area Overlay District pursuant to Chapter 17.42, the Unstable Soils and Hillside Constraints Overlay District pursuant to 17.44, or a Water Quality Resource Area pursuant to Chapter 17.49; and

2. The proposed filling or grading activity does not involve more than 50 cubic yards of earth.

B. Engineered Grading Plan. The City shall require an Engineered Grading Plan in compliance with the submittal requirements of the Stormwater and Grading Design Standards to be prepared by a Professional Engineer if the proposed activities do not qualify for Abbreviated Grading Plan.

C. Geotechnical Engineering Report. The City shall require a Geotechnical Engineering Report in compliance with the minimum report requirements of the Stormwater and Grading Design Standards to be prepared by a Professional Engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill.

2. When an embankment for a stormwater pond is created by the placement of fill.

3. When, by excavation, the soils remaining in place are greater than 3 feet high and less than 20 feet wide.

D. Residential Lot Grading Plan. The City shall require a Residential Lot Grading Plan in compliance with the minimum report requirements of the Stormwater and Grading Design Standards to be prepared by a Professional Engineer for all land divisions creating new residential building lots or where a Public Improvement Project is required to provide access to an existing residential lot.

15.48.100 Approval Standards for Grading Permits and Grading Plans

A. A Grading Permit shall not be issued by the City without either an approved Engineered Grading Plan or an approved Abbreviated Grading Plan.

B. An Engineered Grading Plan or an Abbreviated Grading Plan shall be approved only upon finding that the Plan meets the requirements of the Stormwater and Grading Design Standards.

15.48.110 Permit Requirements

A. Construction Limits. Prior to the commencement of any permitted clearing and grading activities, clearing and grading limits must be clearly and visibly identified using staking and/or flagging. Under no circumstances may areas beyond the property boundaries be disturbed without the prior approval of the owners of those properties and without the issuance by the City of all necessary permits to work within these areas. Engineering Division staff will inspect clearing limits prior to commencement of site work activities.

B. Changed Conditions, Stop Work Order, Permit Revisions and Permit Revocation. The City may revoke the original Grading Permit, require revisions to the original Grading Permit and/or order work stopped on the project in the following circumstances.

1. Stop Work Order. The City will order all or part of a permitted work stopped for any period of time for any of the following reasons:

   a. Failure to comply with the conditions of the Grading Permit.

   b. The Grading Permit was granted based on differing conditions or erroneous information submitted to the City by the Applicant.

   c. Weather or weather-created conditions have caused off-site or downstream problems concerning drainage, water quantity, or water quality.

   d. The work is hazardous to life, endangers property, or adversely affects the use or stability of a public way or drainage course.

2. Revisions to Grading Permit. Revisions to the original Grading Permit will be required in the following circumstances:

   a. The Grading Permit was granted based on differing conditions or erroneous information submitted to the City by the Applicant; or,

   b. Full implementation of the original Grading Permit will not resolve an identified drainage or water quality problem or an identified hazard to life or property.

3. Revocation of Grading Permit. A Grading Permit will be revoked if the applicant fails to submit Revisions to the Grading Permit as required in the above subsection within 30 days of receiving written notice from the City.

C. Engineers' Notification of Noncompliance. Permit non-compliance shall be reported by the Project Engineer or any associated professional (such as biologist, geologist, project inspector, etc.) immediately in writing to the persons in charge of the grading work and to the City Engineer. This subsection applies if work is not being done in conformance with the requirements of this Chapter, the conditions of the Grading Permit, or the recommendations of the Geotechnical Engineering report. Recommendations for corrective measures, if necessary, shall be submitted to the City Engineer.

D. Permit Time Limit. A Grading Permit shall expire upon approved completion of all work or six months from the date the permit was issued, whichever comes first. The City Engineer will issue one six-month extension upon first request. Additional six-month extensions may be granted if the work is proceeding in accordance with an approved permit. If work is not completed at the time of expiration of the permit and the City Engineer has not extended the permit expiration date, all Grading Permit work must cease.

E. Permit Expiration and Renewal. Upon the expiration of a permit without an extension, a new Grading Permit application must be submitted and approved prior to the resumption of work. Work not yet completed under the earlier permit will be reviewed in accordance with the most recent version of this Chapter and the Stormwater and Grading Design Standards.

F. Inspections. The City's Engineering Division shall be called for inspection if required by the Grading Permit.

G. Completion of Work and Final Approval. Final City Engineering approval shall be withheld until the following is completed and accepted by the City:

1. All grading work has been completed in accordance with the final approved Grading Permit and/or Grading Plan.
2. Final inspection and approval of work by the City.
3. Any required final reports and statements of approval from the Project Engineer have been submitted to and approved by the City.
4. All engineered fills have received a certification from a professional engineer that the fill was installed in conformance with the approved grading plan. Attach soils test results that document compaction testing to the certification.

15.48.120 Penalties and Enforcement.

A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this Chapter. The City has the authority to enter onto land for the purpose of inspection of site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed, or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with drawings completed by a professional engineer, if otherwise required by this Chapter) within 10 calendar days for the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if necessary) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner.

C. Any person, firm, corporation, or entity violating any of the provisions of this Chapter, whether they be the property owner, the applicant, the contractor, or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

15.48.130 Hazardous Conditions.

A. Determination and Notification. If the City Engineer determines that any excavation, embankment, erosion/sedimentation control, or drainage facility has become a safety hazard; endangers property; or adversely affects the safety, use, or stability of a public way, a Water Quality Resource Area (pursuant to 17.49), or a drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this Chapter and the Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. Order to Correct. The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

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