



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda Planning Commission

Monday, April 22, 2019

7:00 PM

Commission Chambers

1. Call to Order

2. Public Comments

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Staff.

3. Public Hearings

- 3a.** GLUA-18-00038- Consolidated File (No. SUB-18-00001: Subdivision, NROD-18-00012: Natural Resource Overlay District, VAR-18-00003: Variance - Planning Commission Type III) for a property located at 16362 Hiram Ave, Oregon City.

Attachments: [Staff Report and Recommendation](#)

[Commission Report](#)

[Exhibit 1. Vicinity Map](#)

[Exhibit 2. Applicant's Revised Narrative](#)

[Exhibit 3. Applicant's Submittal](#)

[Exhibit 4. Applicant's Plans](#)

[Exhibit 5. Applicant's Traffic Analysis Letter \(TAL\)](#)

[Exhibit 6. April 9, 2019 Letter from John Replinger](#)

- 3b.** File LEG-18-0001: City Commission Request for Additional Planning Commission Review of Certain Code Amendments

Attachments: [Commission Report](#)

[Topics Identified for further Planning Commission Review and Direction by the City Commission](#)

[OCMC 17.20 - ADU Cluster Internal LiveWork and Manufac Home Park](#)

[OCMC 17.34 - MUD Mixed Use Downtown District](#)

[OCMC 17.16 - Single Family Attached and 3-4 Plex Residential Design](#)

[OCMC 17.26 - HC Historic Commercial District](#)

[OCMC 17.50 - Administration and Procedures](#)

4. Approval of the Minutes

- 4a.** Approval of Planning Commission Minutes

Attachments: [Staff Report](#)

[01.14.2019 PC Minutes Draft](#)

[02.14.2018 PC Minutes Draft](#)

[01.22.2018 PC Minutes Draft](#)

5. Communications

6. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 19-039

Agenda Date:

Status: Agenda Ready

To: Planning Commission

Agenda #:

From: Christina Robertson-Gardiner

File Type: Land Use Item

SUBJECT:

GLUA-18-00038- Consolidated File (No. SUB-18-00001: Subdivision, NROD-18-00012: Natural Resource Overlay District, VAR-18-00003: Variance - Planning Commission Type III) for a property located at 16362 Hiram Ave, Oregon City.

RECOMMENDED ACTION (Motion):

Staff recommends the Planning Commission approve files GLUA-18-000038 (SUB 18-00001, NROD18-00012, and VAR 18-00003) with conditions

BACKGROUND:

The applicant is requesting to divide the property into five lots, ranging in size from 7,007 square feet to 8,793 square feet along with a 1,835 square foot stormwater tract and 9,360 square foot Natural Resource tract. The applicant has proposed to retain the existing residence. The existing driveway is proposed to be removed and a new driveway off of the new road is proposed for the existing residence. Three existing trees will be lost along Hiram due to street frontage improvements and seven mitigation trees will be planted at the rear of the parcel as replacement trees.

The applicant is applying for a Planning Commission Variance for corner side setback reduction from 15 to 6 feet for the existing house on Lot 1 and a Type II modification requests to allow a constrained street and to increase the intersection centerline offset distance to 24.9 feet to allow an offset intersection and reduced street width.

The applicant is utilizing the Type II Natural Resource Overlay District (NROD) density adjustments process to reduce the minimum lot size dimensions as permitted under the NROD regulations to achieve the allowed density onsite by counting a portion of the NROD tract into the subdivision density calculations.

The applicant is also proposing to dedicate the NROD buffer area as a Tract B in the Subdivision which on its own, does not require a mitigation plan. However, the required dedication and construction of a sidewalk and planter strip will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment which is allowed through the Type II NROD review process.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



**TYPE III SUBDIVISION, NATURAL RESOURCE REVIEW AND PLANNING COMMISSION VARIANCE
STAFF REPORT AND PROPOSED CONDITIONS OF APPROVAL**

April 12, 2019

FILE NUMBER:

GLUA-18-00038- Consolidated File No.

- SUB-18-00001: Subdivision
- NROD-18-00012: Natural Resource Overlay District
- VAR-18-00003: Variance – Planning Commission Type III

Application Submitted:

10/30/2018

Application Complete:

02/08/2019

120-Day Decision Deadline:

06/08/2019

APPLICANT: Tom Sisul, Sisul Engendering, 375 Portland Ave, Gladstone OR 97027

OWNER: Jerry Lemon, 19043 Sunnyside RD, Damascus OR 97089

REQUEST: Approval of a 5- Lot Subdivision located within the Natural Resources Overlay District including a Planning Commission Variance for corner side setback reduction for Lot 1 and modifications to allow an offset intersection and reduced street width.

LOCATION: 16362 Hiram Ave, Oregon City OR 97045
Clackamas County Assessor Parcel Number (APN): 2-2E-28BC-01000

REVIEWER: Christina Robertson-Gardiner, AICP Senior Planner
Sang Pau, Development Engineering Associate

RECOMMENDATION: Approval with Conditions.

PROCESS: Type III Quasi-Judicial Public Hearing. Pursuant to OCMC 17.50. C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval

Planning Files: GLUA-18-00038: SUB-18-00001, NROD-18-00012, VAR-18-00003

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall meet the following condition(s) prior to issuance of construction permits:

1. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of construction plans. (DS)
2. The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City.
3. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project. (DS)
4. The applicant shall obtain approval from Oregon Department of Environmental Quality (DEQ) for the sanitary sewer main extension into the new road prior to release of any permit from the City and prior to beginning construction work associated with the project. (DS)
5. The applicant shall provide street lights along Hiram Avenue and the new road in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan. (DS)
6. The applicant shall locate a benchmark within the subdivision boundaries using datum plane specified by the city engineer. (DS)
7. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)
8. The applicant shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. (DS)
9. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. The applicant shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) prior to release of any permit from the City and prior to beginning construction work associated with the project. (DS)
10. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. (DS)

The applicant shall meet the following condition(s) during construction of the development:

11. Workmanship and materials for any work performed under permits issued by the city shall comply with the latest 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. (DS)
12. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
13. All pavement cuts and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
14. The applicant shall work with the Development Services to determine if the sidewalk portion of Hiram Avenue that perpetually crosses Stream A can be designed as a bridge element. A culvert can only be utilized in this section if the city determines that a bridge is impracticable. (P,DS)
15. The applicant has prepared an OCMC 17.41 tree mitigation plan that appears to meet the development code for Option 1 and Option 4. Prior to submitting a grading permit, the applicant shall indicate where and how existing trees will be protected. (P)
16. Prior to construction of public utilities, the applicant shall submit a mitigation plan for the disturbed area required by the extension of Hiram Avenue. The mitigation plan shall be implemented/installed prior to platting. The mitigation plan shall include the following information:
 - a) The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry.
 - b) Written responses to each applicable Mitigation Standard [Section] [17.49.180](#) or [17.49.190](#) indicating how the proposed development complies with the mitigation standards;
 - c) The resources and functional values to be restored, created, or enhanced through the mitigation plan;
 - d) Documentation of coordination, if applicable, with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
 - e) Construction timetables;
 - f) Monitoring and Maintenance practices pursuant to Section 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.
 - g) Final calculation of disturbance area of the street improvement identified and mitigation area calculation based on the size of the disturbance area within the NROD.
 - h) All mitigation planting shall occur in Tract B.
 - i) Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area or fraction thereof.
 - j) Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
 - k) Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.

- l) Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
- m) Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
- n) Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.
- o) Any invasive species shall be removed from Tract B. (P)

The applicant shall meet the following condition(s) prior to issuance of an approved plat:

- 17. The lot containing the existing dwelling shall have a concrete driveway approach with a minimum hard surface for at least ten back into the lot as measured from the edge of street pavement. The hard surface shall be concrete, asphalt, or other surface approved by the city engineer. (DS)
- 18. The applicant shall provide markers at the termination of the proposed local street to indicate the end of the roadway and provide signage that it is planned for future extension. (DS)
- 19. The plat shall include an access control strip across the end of the new street proposed for the development for the purposes of future extension. (DS)
- 20. The applicant shall provide the following along the frontage of Hiram Avenue on the subject property side of the centerline:
27' of ROW consisting of 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip. (DS)
- 21. The applicant shall establish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer. (DS)
- 22. For the proposed dead-end street, the applicant shall provide a turnaround contained in an easement with appropriate no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 and City adopted street standards. (DS)
- 23. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting an existing or proposed ROW unless it conflicts with the existing dwelling, in which case a smaller easement may be accepted by the city upon review and approval. (DS)
- 24. Overhead utilities along all property frontages, existing and new, shall be placed underground. The applicant shall make all necessary arrangements with utility companies and other affected parties for the installation of underground lines and facilities including but not limited to electric, communication, telephone, fiberoptic, street lighting and cable television. (DS)
- 25. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. (DS)

26. The development shall extend the storm drainage system within the development for the connection of upgradient developable properties unless it is proven that upgradient developable properties can connect to another storm drainage system and maintain gravity feed. (DS)
27. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
28. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City. (DS)
29. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost or cash in lieu. (DS)
30. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. (DS)
31. The plat, and a document/covenant referenced on the plat, if privately owned, shall identify that Tract B is proposed for NROD protection and clearly state restrictions and purpose of the tract under OCMC 17.49 Natural Resource Overlay District. (P)
32. Prior to Platting, the applicant shall submit a final tree mitigation table that indicates which trees were removed and or protected and identify the mitigation approach for each tree removed. Any fee in lieu payment shall occur at or before the site is platted. (P)
33. Prior to Occupancy of Building Permits for the houses, the applicant shall record a permanent, protective covenant or easement on all properties with new or existing mitigation trees planted on private property in a form acceptable to the City .(P)
34. The applicant has proposed a street layout that requires street trees. The applicant indicated that one tree will be planted for every 30 feet of frontage, but did not submit the calculation to demonstrate compliance with this standard. Prior to issuance of a permit associated with the construction of civil improvements, the applicant shall submit a plan for street trees in compliance with OCMC 12.08. Final review of tree placement will occur during civil plan review and shall comply with the standards in OCMC 12.08. The species will be street trees from the Oregon City Street Tree List (or approved by a certified arborist). If there are remaining trees that cannot be planted for spacing reasons, the applicant shall pay fee in lieu for prior to platting. (P)

35. Prior to plat of the proposed subdivision, the applicant shall demonstrate that all existing structures comply with the permitted uses and dimensional standards of the R-8 Single-Family Dwelling District, notwithstanding the proposed Corner Side yard Variance or have been relocated. (P)
36. The application states that the plans show that there are no impacts below OHW mark for the intermittent stream. However the conditioned street improvement will create some impact. It is up to the applicant to determine if this additional street widening will trigger any additional review from the DSL and/or the Army Corps of Engineers. (P)
37. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
- a. Private open space held by the owner or a homeowners association; or
 - b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
 - d. Any other ownership proposed by the owner and approved by the city (P)
38. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the director of community development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the city's planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and ground cover species. (P)
39. If Tract B is privately owned, the Applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section and identify allowed and prohibited uses per OCMC 17.49.80 and OCMC 17.100. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner(s) of Tract B.
40. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section. (P)

41. The Tract B boundary that abut the development lots shall be identified with highly visible flagged surveyor stakes and shall remain onsite until the house on the lot receives its Certificate of Occupancy.

The applicant shall meet the following condition(s) prior issuance of Certificate of Occupancy:

42. As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements. (DS)

I. BACKGROUND:

1. Existing Conditions

The subject site is located east of Hiram Blvd between Rock and Gain Streets. The property is approximately two acres in size and is developed with a single-family residence. The site is generally flat and the northernmost portion of the site resides within the Natural Resource Overlay District (NROD).

The subject site is designated as “LR”, Low Density Residential by the Oregon City Comprehensive Plan and is zoned “R-8” Single-Family Dwelling District. Surrounding properties are residential in nature. Properties to the south are also zoned “R-8” and properties to the north, east, and west are zoned “R-10” Single-Family Dwelling District.

Currently a single family home and outbuilding exist onsite. The applicant is proposing the creation of a new public street, within a five lots subdivision 5 (which includes the existing house). The subject site contains an existing stream and Natural Resource Overlay District ion the northern portions of the site.

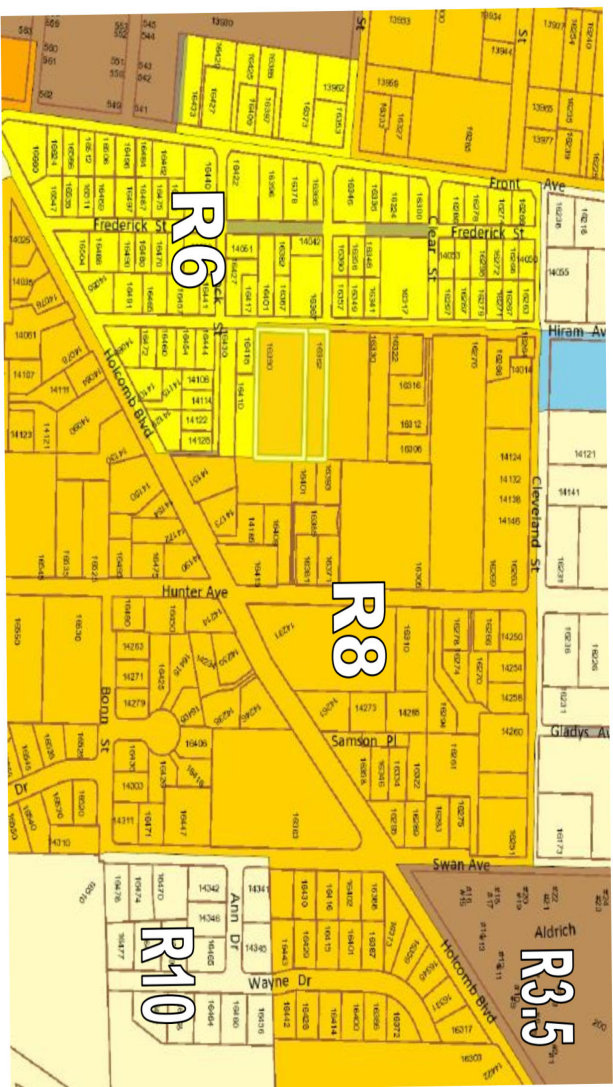


Figure 2: Existing Conditions – Aerial Image



Figure 3: Existing Conditions – Natural Resource Overlay District

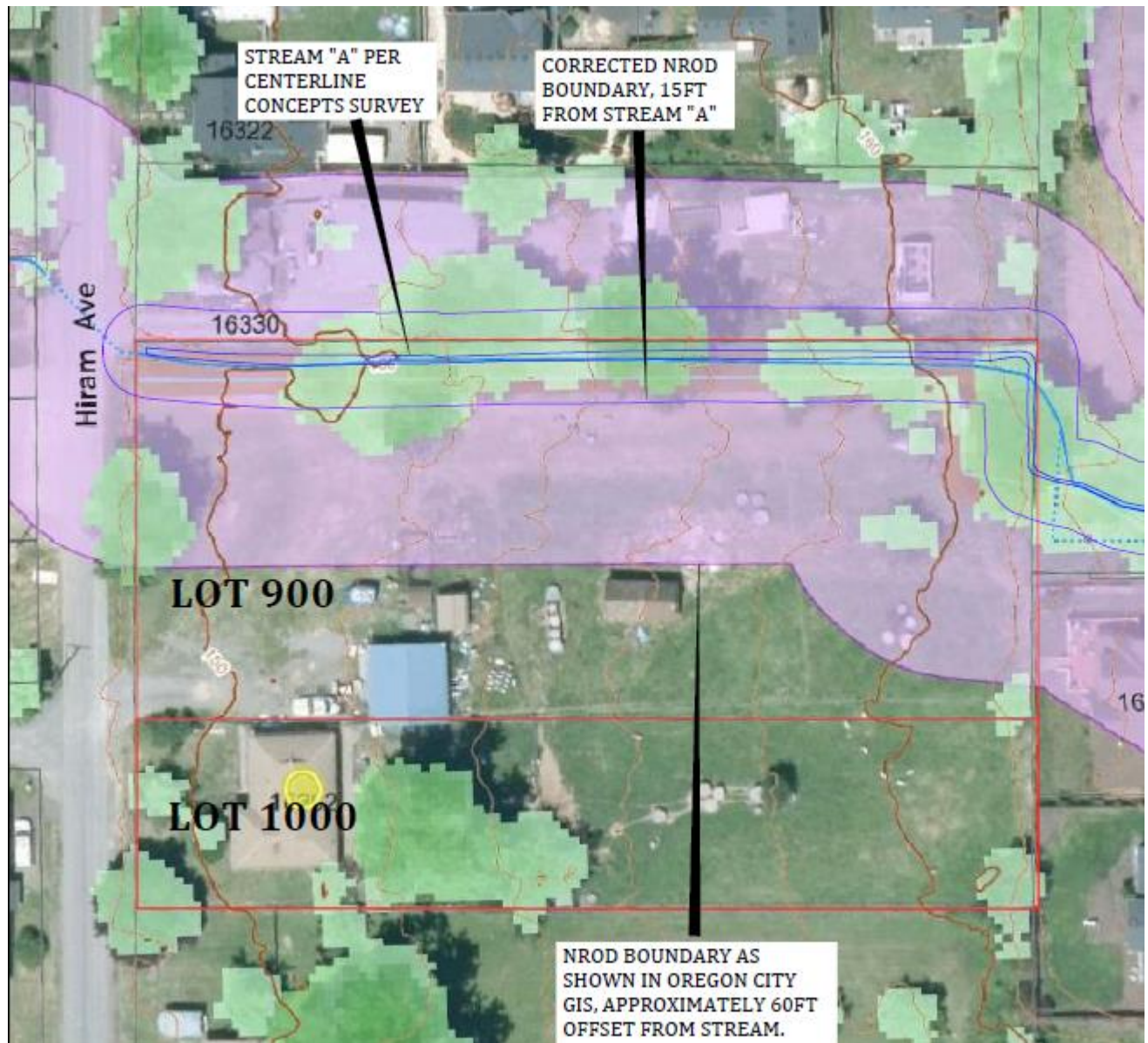


Figure 4: Existing Conditions – Existing house to remain on Lot 1- location of sideyard setback reduction Variance request.



Figure 5: Existing Conditions – Stream “A” outfall to storm drain on Hiram Ave. Required street dedication and sidewalk construction will require a small amount of mitigation in this area that can be met through the proposed Conditions of Approval.



2. Project Description

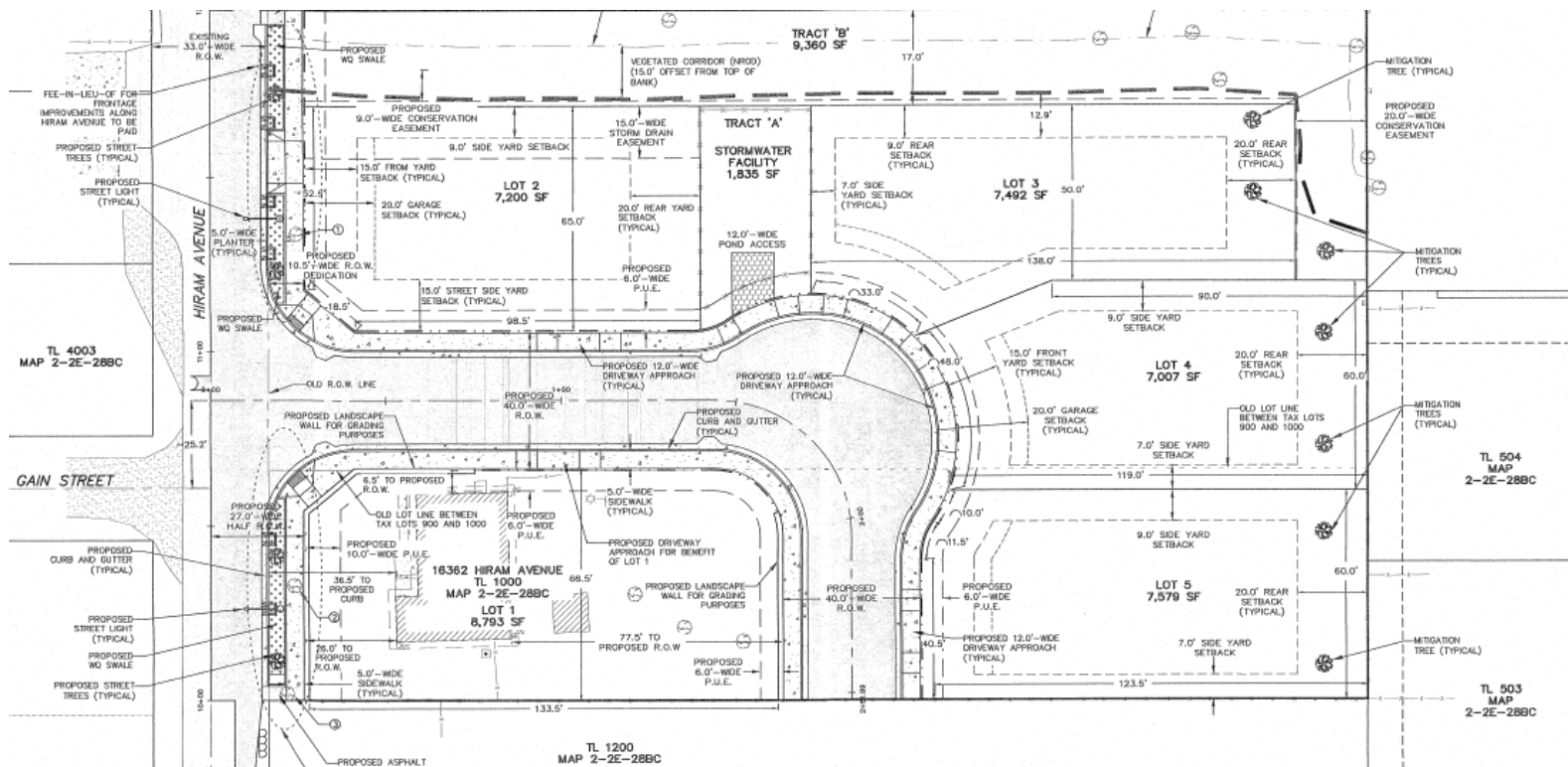
The applicant is requesting to divide the property into five lots, ranging in size from 7,007 square feet to 8,793 square feet along with a 1,835 square foot stormwater tract and 9,360 square foot Natural Resource tract. The applicant has proposed to retain the existing residence. The existing driveway is proposed to be removed and a new driveway off of the new road is proposed for the existing residence. Three existing trees will be lost along Hiram due to street frontage improvements and seven mitigation trees will be planted at the rear of the parcel as replacement trees.

The applicant is utilizing the Type II Natural Resource Overlay District (NROD) density adjustments process to reduce the minimum lot size dimensions as permitted under the NROD regulations to achieve the allowed density onsite by counting a portion of the NROD tract into the subdivision density calculations.

The applicant is proposing to dedicate the NROD buffer area as Tract B in the Subdivision which on its own, does not require a mitigation plan. However, the required dedication and construction of a sidewalk and planter strip will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment, which is allowed through the Type II NROD review process.

The applicant is additionally applying for a Planning Commission Variance for corner side setback reduction from 15 to 6 feet for the existing house on Lot 1 and a Type II modification requests to allow a constrained street and to increase the intersection centerline offset distance to 24.9 feet to allow an offset intersection and reduced street width.

Figure 5: Proposed Site Plan



4. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

5. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. No Public Comments have been submitted.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.10 - "R-8" SINGLE-FAMILY DWELLING DISTRICT

17.10.040. A. Minimum lot area, eight thousand square feet;

17.10.040. B. Minimum lot width, sixty feet;

17.10.040. C. Minimum lot depth, seventy-five feet;

Finding:). The minimum lot width of Lot 3 is proposed to be 50 feet wide as is allowed under Table 17.49.240A- Lot Size Reduction of the Natural Resource Overlay District which allows a reduction from the minimum per the base zone requirement. See section 17.49.240A for additional findings. All other lots sizes are met.

17.10.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet.

Finding: Not Applicable. Compliance with building height requirements will be reviewed upon submittal of a building permit application.

17.10.040.E

1. Front yard: fifteen feet minimum depth.

2. Front porch, ten feet minimum setback,

Finding: Complies as Proposed. The front setback of the existing home is met. All lots meet the required 50 foot minimum depth requirements. Further compliance with setbacks will be reviewed upon submittal of a building permit application.

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

Finding: Complies as Proposed. The existing garage will be removed as part of this development as it is located within the proposed ROW. A garage is currently not proposed to be added to Lot 1. Any new garage setbacks will be reviewed upon submittal of a building permit application if pursued.

4. Interior side yard, nine feet minimum setback for at least one side yard; seven feet minimum setback for the other side yard,

Finding: Complies as Proposed. The existing residence on Lot 1 meets the 7 foot side yard setback. Further compliance with setbacks will be reviewed upon submittal of a building permit application.

5. Corner side yard, fifteen feet minimum setback,

Finding: Complies as Conditioned. The subject site is within the "R-8" Single-Family Dwelling District which has a minimum corner lot setback as 15 feet, as identified in OCMC 17.10.040.B. The applicant has proposed a 5-lot subdivision, and to accommodate an existing home and meet the setbacks for that home, has requested a corner side yard setback variance to Lot 1 of 6.5 feet. OCMC 17.60.020.E.2 allows Variances of corner side setbacks of 25% or 11.25 feet ($15 \times .2 = 11.25$ feet) to be processed as a Type II Minor Variance. This development application does not meet that threshold and therefore requires a Major Variance review. Further findings can be found in OCMC 17.60- Variances.

- 6. Rear yard, twenty-foot minimum setback
- 7. Rear porch, fifteen-foot minimum setback.

Finding: Complies as Proposed. Compliance with setbacks will be reviewed upon submittal of a building permit application.

17.12.040.F. Garage standards: See Chapter 17.21—Residential Design Standards.

Finding: Not Applicable. Compliance with residential design standards in OCCM 17.21 would be reviewed upon submittal of building permit application.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Finding: Complies as Proposed. The footprint of the existing house on Lot 1 is approximately 1,500 SF. Proposed Lot 1 is 8,793 SF in size, therefore, the lot coverage of Lot 1 is approximately 17% ($1,500/8,793 = 0.17$). Compliance with lot coverage for Lots 2-5 would be reviewed upon submittal of a building permit application.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

17.60.020.A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

Finding: Complies as Proposed. The applicant submitted this Variance request. The application was deemed complete on February 8, 2019

17.60.020.B. *A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.*

Finding: Complies as Proposed. The applicant submitted this Variance request. The application was deemed complete on February 8, 2019

17.60.020.C. *Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.*

Finding: Complies as Proposed. The proposed Variance is for a corner side yard setback greater than 25% as demonstrated in 17.60.020.E.

17.60.020.D. *Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.*

Finding: Not applicable: The application was processed as a Type III application.

17.60.020.E. *For the purposes of this section, minor variances shall be defined as follows:*

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five;*

6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

Finding: Complies as Proposed. The subject site is within the “R-8” Single-Family Dwelling District which has a minimum corner lot setback as 15 feet, as identified in OCMC 17.10.040.B. The applicant has proposed a 5-lot subdivision, and to accommodate an existing home and meet the setbacks for that home, has requested a corner side yard setback variance to Lot 1 of 6.5 feet. OCMC 17.60.020.E.2 allows Variances of corner side setbacks of 25% or 11.25 feet ($15 \times .2 = 11.25$ feet) to be processed as a Type II Minor Variance. This development application does not meet that threshold and therefore requires a Major Variance review.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

17.60.030.A. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Finding: Complies as Proposed. The Variance request will not create damage to adjacent properties, by reducing light, air, or safe access or other necessary qualities. The existing home on which this variance is being requested is the only currently built lot in the subdivision and will not affect light, air, safe access or other desirable or necessary qualities of any currently existing abutting properties with existing dwelling units. New development on Lots 2-5 will occur after the platting of the subdivision which would view the house on Lot 1 as an existing condition.

17.60.030.B. *That the request is the minimum variance that would alleviate the hardship;*

Finding: Complies as Proposed. There at least three competing requirements are at play that necessitated this request. The street extension, if built with no offset runs directly through the existing house. The proposed street design is the closest intersection distance that 1.) allows the existing house to be maintained and 2) allows for Lots 2 and 3 to be designed to meet minimum lot dimensions.

Designing and approving infill subdivisions often require modifications to existing city standards as the lot size and dimensions are very site specific. City code encourages the modification of street dimensions to support the creation of city streets in constrained areas, which reduces the need for flag lots. Flag lots reduce the ability to provide pedestrian connections within a neighborhood and reduce options for vehicular circulation. Therefore, it is in the city’s interest to approach infill with a site specific lens for street design. Findings for the Type II modification to the adopted street standards to adjust the street offset and reduce the street width, have been approved the Development Services Division, can be found in section 12.04.007 *Modifications of the staff report.*

The final, and needed, adjustment is a Planning Commission Variance to the corner side setback on Lot 1. This is the minimum required reduction for the corner side yard setback of Lot 1. Denial of this request would require the applicant to demolish the existing modest house onsite and removal of entry level housing stock from the city’s housing inventory.

17.60.030.C. *Granting the variance will equal or exceed the purpose of the regulation to be modified.*

Finding: Complies as Proposed. The proposed Variance is a balance of different competing regulations as noted in B above. The proposed Variance will overall provide a reasonable compromise, of competing requirements.

17.60.030.D. *Any impacts resulting from the adjustment are mitigated;*

Finding: Complies as Proposed. Fencing along the ROW line could be installed, or vegetation screen could be planted although the applicant notes that side of the existing home has no windows or doors. Staff is not

requesting any mitigation with this proposal and will look to the Planning Commission for additional direction on this issue.

17.60.030.E. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

Finding: Complies as Proposed. No practical alternatives that would not impact the centerline off-set are possible.

17.60.030.F. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Finding: Complies as Proposed. The proposed Major Variance allows the development of the subject site. Approval would result in the creation of an additional lot resulting in greater housing options as well as efficient use of land and public facilities. The variance allows for a reasonable adjustment to allow an infill development in a constrained area, to be served with a public street, as is desired by the City.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

16.08.025 - Preliminary subdivision plat—Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

16.08.025.A. Site Plan. *A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.*

Finding: Complies as Proposed. The development application included a preliminary site plan displaying the necessary submittal requirements. This standard is met.

16.08.025.B. Traffic/Transportation Plan. *The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.*

Finding: Complies as Proposed. A transportation analysis letter (TAL) was prepared for this project, dated January 25, 2019, by Michael Ard, P.E. of Ard Engineering. The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant. The analysis of the TAL can be found in 16.08.030.B.5. *Traffic and Transportation.*

16.08.025.C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. *The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and*

courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

- 1. Proposed and existing street rights-of-way and all other transportation facilities;*
- 2. All proposed lots and tracts;*
- 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h.);*
- 4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;*
- 5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42*
- 6. The location of any known state or federal threatened or endangered species;*
- 7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;*
- 8. All wildlife habitat or other natural features listed on any of the city's official inventories.*

Finding: Complies as Proposed. The development application included a preliminary site plan displaying the necessary submittal requirements. This standard is met.

16.08.025.D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

- 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
- 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

Finding: Complies as Proposed. A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various tribes for review.

16.08.030.B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

16.08.030.B.1. Water

Finding: See findings from section 16.12.095.D. of this report

16.08.030.B.2. Sanitary Sewer

Finding: See findings from section 16.12.095.C. of this report.

16.08.030.B.3. Storm Sewer and Storm Water Drainage

Finding: See findings from section 13.12. of this report.

16.08.030.B.4. Parks and Recreation

Finding: Complies as Proposed. Park System Development Charges will be paid at the time building permits are issued for each lot within the subdivision.

16.08.030.B.5. Traffic and Transportation

Finding: Complies as Conditioned. A transportation analysis letter (TAL) was prepared for this project, dated January 25, 2019, by Michael Ard, P.E. of Ard Engineering. The TAL was reviewed by John Replinger of Replinger and Associates, City transportation consultant, who wrote:

An excerpt from his letter to city staff -Exhibit 6 can be found below:

The engineer provides a detailed discussion of intersection safety of offset intersections. In addition, he provides a detailed explanation of the rationale for this access and the modification of the street standards. He argues that the new street with the offset intersection meets the intent of the code; the modification provides safe and efficient movement for users of all modes; the modification is consistent with an adopted plan; and the modification is complementary to the nearby streets.

Though offset intersections are not favored for several reasons, the low speeds, low volumes, and the opportunity this modification provides for serving additional development seem reasonable. I think the engineer provides adequate justification for the proposal. I support the granting of the modification to allow the offset intersection.

I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the proposed development can be assessed.

I find the engineer's arguments in favor of an offset intersection at Hiram Avenue and Gains Street to be adequate justification for the proposed modification.

I find no need for mitigation measures to address transportation impacts associated with this proposal.

16.08.030.B.6. Schools

Finding: Complies as Proposed. The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed at the time building permits are issued for each lot in the subdivision.

16.08.030.B.7. Fire and Police Services

Finding: Complies as proposed. Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services.

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the Applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

Finding: Not Applicable. As described above, all public facilities and services are available. Therefore, this standard does not apply to this application.

16.08.030.C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in

the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.

Finding: Not Applicable. This application includes a Major Variance request for a corner side yard setback. The findings can be found in OCMC 17.60 Variance section of the staff report.

16.08.030.D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Finding: Complies as Proposed. The applicant submitted a copy of CC&Rs for the subdivision pertaining to the proposed stormwater facility. Staff did not identify any contradictions or conflicts between the proposed CC&Rs and the Oregon City Municipal Code.

16.08.030.E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

Finding: Complies as Proposed. The applicant proposed to construct the subdivision in a single phase.

16.08.030.F. Overall density of the subdivision and the density by dwelling type for each.

Finding: Complies as Proposed. The site is approximately 86,040 square feet in size. However, following the required right-of-way dedications, the total net developable area is approximately 59,511

16.08.045 - Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Finding: Complies as Proposed. As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.

Finding: Complies as Proposed. The applicant has not proposed any flag lots for this subdivision.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS^[3]

16.12.020 - Blocks—Generally.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Finding: Complies as Proposed.. The proposed street layout provides for improved pedestrian, bicycle and motor vehicular circulation in the area and may be extended with future development of adjacent properties.

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Finding: Complies as Proposed. The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

16.12.040 - Building sites.

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Minimum lot sizes contained in [Title 17](#) are not affected by those provided herein.

Finding: Complies as Proposed. The buildings sites proposed are appropriate in size, width, shape, and orientation for low-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-8" Single-Family Dwelling District, except reductions to lot size, depth and width as allowed for tree preservation under OCMC 17.41.080. The applicant is not requesting a variance to any dimensional lot size standards.

16.12.045 - Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in [Chapter 17.04](#).

Finding: Please refer to the analysis in Section 16.08.030.F of this report.

16.12.050 – Lot size reduction

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the lots within the entire subdivision on average meets the minimum site area requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot.

The average lot area is determined by first calculating the total site area devoted to dwelling units, subtracting the powerline easement areas, and dividing that figure by the proposed number of dwelling lots. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways. A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision. When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Finding: Complies as Proposed. The parcel is zoned R-8 which required 8,000 SF lots. The minimum lot size for any lot would be 80% of that figure or 6,400 SF. The minimum lot size proposed is 7,007 SF, therefore this standard is met.

16.12.055 - Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Finding: Complies as Proposed. No through lots are proposed.

16.12.060 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Finding: Complies as Proposed. As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of [Chapter 15.48](#), [16.12](#) and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of [Chapter 17.47](#).

Finding: See findings from Section 15.48 of this report.

16.12.070 - Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

Finding: Not Applicable. All the existing and proposed streets within or adjacent to the subject site are or will be local streets.

16.12.075 - Building site—Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Finding: Complies as Proposed. No lots within the subdivision have sufficient lot size for further land division.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Finding: Complies as proposed. Applicant has provided a utility easement which is continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. All utility easements for water, sanitary or storm drainage are provided on an engineering plan.

16.12.085.B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Complies as Conditioned. The applicant shall provide a 10-foot-wide public utility easement along all property lines fronting an existing or proposed ROW unless it conflicts with the existing dwelling, in which case a smaller easement may be accepted by the city upon review and approval.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: The subject site is bounded by watercourse. Please refer to the findings within Chapter 17.49 of this report.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Finding: Not Applicable. The applicant has not proposed any access easements as part of this development.

E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: A portion of the site resides within the Natural Resource Overlay District. Please refer to the findings within Chapter 17.49 of this report.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of [Chapter 17.49](#) and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.

D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.

E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies as Conditioned. The applicant shall schedule a pre-design meeting with Public Works Development Services staff prior to initial submittal of construction plans.

The applicant shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City.

The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to beginning construction work associated with the project.

As-builts conforming to City standards shall be provided within 90 days of completion of the public improvements.

The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect for two years from the establishment of the guarantee and until accepted by the City.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under [Title 16](#), unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Finding: Complies as Conditioned. The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. The applicant shall establish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, [Chapter 13.12](#) and the Public Works Stormwater and Grading Design Standards.

Finding: Complies as Conditioned. The development shall extend the storm drainage system within the development for the connection of upgradient developable properties unless it is proven that upgradient developable properties can connect to another storm drainage system and maintain gravity feed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the

city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Finding: Complies as Conditioned. There is an existing sanitary sewer main in Hiram Avenue. The existing dwelling is connected to this sanitary line. Lots 2 & 3 are proposed to have new sanitary laterals from a sewer main extended from this existing main. Lots 4 & 5 are proposed to have new sanitary laterals from a sewer main running along the east property line of the development site. The applicant shall obtain approval from Oregon Department of Environmental Quality (DEQ) for the sanitary sewer main extension into the new road prior to release of any permit from the City and prior to beginning construction work associated with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095.D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies as proposed. An 8-inch water main exists in Hiram Avenue and is a part of a looped system and can provide adequate pressure and water supply. The applicant proposes to extend a new 8-inch line within the ROW of the new public street to serve the new lots.

16.12.095.E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

Finding: Complies as proposed. Please refer to section 12.040.180 B for a discussion of sidewalks.

16.12.095.F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

Finding: Not applicable. The City's Transportation System Plan does not indicate an existing or the extension of a system of bicycle routes associated with the development.

16.12.095.G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Complies as Proposed. The applicant proposes to provide any required street signs and traffic control devices (stop signs) in conformance with applicable city regulations and standards.

16.12.095.H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Finding: Complies as Conditioned. The applicant proposes to install street lights as required by City code. The applicant shall provide street lights along Hiram Avenue and the new road in conformance with all City

standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095.I. Street Trees.

Finding: Please refer to the analysis in section 12.08 of this report.

16.12.095.J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

Finding: Complies as Conditioned. The applicant shall locate a benchmark within the subdivision boundaries using datum plane specified by the city engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095.K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies as conditioned. Overhead utilities along all property frontages, existing and new, shall be placed underground. The applicant shall make all necessary arrangements with utility companies and other affected parties for the installation of underground lines and facilities including but not limited to electric, communication, telephone, fiberoptic, street lighting and cable television. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095.L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

Finding: Not applicable. Oversizing of facilities is not required for this development.

16.12.095.M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

Finding: Please refer to the analysis in section 17.47 of this report.

16.12.100 Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

- 1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
- 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Please refer to the findings in chapter 12.04 within this report.

16.12.105 Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Finding: Please see findings from Section 17.50.140 of this report.

16.12.110 Minimum improvements—Financial guarantee.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:

1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Please see findings from Section 17.50.140 of this report.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 Applicability

A. Compliance with this chapter is required for all Land Divisions, Site Plan and Design Review, Master Plan, Detailed Development Plan and Conditional Use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Finding: Applicable. The applicant applied for a subdivision, this chapter is applicable.

12.04.005 Jurisdiction and management of the public rights-of-way

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Finding: Complies as Proposed. By submission of the their application, the applicant has acknowledged the City's jurisdiction and management of the public right-of-way.

12.04.007 Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
- C. The modification is consistent with an adopted plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative,
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Complies as proposed. The applicant has proposed two modifications and provided justification for them as follows:

1. A modification request is being made to allow the use of a constrained street section.

2. A modification request is being made to allow a street centerline off-set of 24.9 feet. (Also see the transportation analysis by Ard Engineering for more detailed explanations.)
- A. The modification meets the intent of the standard;
1. The constrained street request will meet the intent of the standard by provide vehicular and pedestrian access to the proposed subdivision site and will be able to be extended in the future.
 2. The off-set intersections, while generally prohibited between 5 feet and 150 feet, will meet the intent of the standard, as the intersection spacing cannot be placed any closer than 24.9 feet due to an existing house that prevents a straighter alignment. A variance request to street side yard setback is also being requested to allow the 24.9 foot off-set intersection.
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
1. Because the proposed constrained street will be a local street, use by freight is not an issue, but the constrained street will not hinder pedestrians, motor vehicles or bicyclists from using the proposed street as intended. While allowing for reasonable size lots and allowing for one additional infill lot than would be otherwise achievable.
 2. All three streets that involved with this design are local streets, (Hiram, Gains and the new proposed street). All three streets are or will be short in length, (Four blocks maximum). The modification request should not have any significant effect of the efficient movement of pedestrians, bicyclists or motor vehicles.
- C. The modification is consistent with an adopted plan; and
1. As a local street the street itself is not specifically noted in the Master Transportation Plan, but the intent of providing connectivity through to underdeveloped adjoining parcels is achieved.
 2. There is no specific adopted plan for the new proposed street.
- D. The modification is complementary with a surrounding street design; or; in the alternative;
- Applicant's Response:
1. The requested modification will allow for a public street extension and for the project as a whole to be financially feasible.
 2. In the Park Place neighborhood, there are a number of intersections off-set by similar distances, such as Gains at Front and Cleveland at Front.

Finding: Complies as Conditioned.

The application also included a new road with the following:

A constrained right-of-way with a width of 40-feet and consists of a 28-foot-wide pavement section, (2) 0.5-foot-wide curbs, (2) 5-foot-wide sidewalks and (2) 0.5-foot-wide buffers. **Staff finds that the proposed modifications conform to the criteria outlined in 12.04.007.**

12.04.010 Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Finding: Complies as Conditioned. See section 12.040.180 B for findings.

12.04.020 Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Finding: Not Applicable. The applicant has not proposed to construct any infrastructure within an unimproved street.

12.04.025 - Street design—Driveway Curb Cuts.

12.04.025.A. *One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.*

Finding: Complies as proposed. The applicant has not proposed more than one driveway per lot.

12.04.025.B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
Single or Two-Family Dwelling with one Car Garage/Parking Space	10 feet	12 feet
Single or Two-Family Dwelling with two Car Garage/Parking Space	12 feet	24 feet
Single or Two-Family Dwelling with three or more Car Garages/Parking Space	18 feet	30 feet
Non Residential or Multi-Family Residential Driveway Access	15 feet	40 feet

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Finding: Complies as proposed. The applicant has proposed curb cut widths that are no more than 12 feet in width as required by section 12.04.25.B.

12.04.025.C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.*
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single –Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.*

Finding: Complies as proposed. The applicant has not proposed more than one driveway per lot and no more than two for corner lots which front more than one road.

12.04.025.D. For all driveways, the following standards apply.

- 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.*
- 2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.*
- 4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.*

Finding: Complies as conditioned. The lot containing the existing dwelling shall have a concrete driveway approach with a minimum hard surface for at least ten back into the lot as measured from the edge of street

pavement. The hard surface shall be concrete, asphalt, or other surface approved by the city engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.025.E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.

Finding: Not applicable. The public works director has not waived this standard.

12.04.030 Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Not applicable. This is not a criterion for this development. All owners of land abutting a street where a sidewalk has been constructed is responsible for maintaining the sidewalk and curb in good repair.

12.04.031 Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Not Applicable. This is not a criterion for this development.

12.04.032 Required sidewalk repair.

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Finding: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk.

12.04.033 City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.034 Assessment of costs.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. This is not a criterion for this development because no sidewalk repair is required.

12.04.040 Streets--Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. This is not a criterion for this development.

12.04.050 Retaining walls--Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. Applicant is not proposing construction of a retaining wall.

12.04.060 Retaining walls--Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. Applicant is not proposing construction of a retaining wall.

12.04.070 Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 Excavations--Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Finding: Not applicable. Applicant will not require permit for excavations beyond what is permitted through Public Works construction plan review.

12.04.090 Excavations--Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Finding: Not applicable. Applicant will not require permit for excavations beyond what is permitted through Public Works construction plan review.

12.04.095 - Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;*
- B. To facilitate street tree planting requirements;*

C. To assure pedestrian and vehicular safety by limiting vehicular access points; and

D. To assure that adequate sight distance requirements are met.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

Finding: Not applicable. The decision maker has not exercised the authority to minimize the number and size of curb cuts beyond what has been proposed by the applicant.

12.04.100 Excavations – Restoration of Pavement

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.

Finding: Complies as conditioned. The applicant has proposed work in the public right-of-way that will require pavement restoration. This includes new pipelines. The project All pavement cuts and restoration shall be performed in accordance with the City of Oregon City Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.110 Excavations--Nuisance--Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not applicable. This is not a criterion for this development.

12.04.120 Obstructions – Permit Required

Finding: Not applicable. This is not a criterion for this development.

12.04.130 Obstructions--Sidewalk sales.

A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Finding: Not applicable. This is not a criterion for this development.

12.04.140 Obstructions--Nuisance--Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not applicable. This is not a criterion for this development.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 Street vacations--Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies as Conditioned. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 Street Design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.

Finding: Complies as conditioned. The location, widths, and grades of the proposed street system provide for the continuation or appropriate projection of existing principal streets in the surrounding area and give access for the future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The applicant shall provide markers at the termination of the proposed local street to indicate the end of the roadway and provide signage that it is planned for future extension. The plat shall include an access control strip across the end of the new street proposed for the development for the purposes of future extension. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.180 Street Design.

All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

Finding: Complies as proposed. Hiram Avenue is classified as a Local Street in the Oregon City Transportation System Plan (TSP), and should have a maximum right-of-way (ROW) width of 54 feet. The applicant shall provide the following along the frontage of Hiram Avenue on the subject property side of the centerline: 27' of ROW consisting of 16-foot-wide pavement, 0.5-foot-wide curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk and a 0.5-foot-wide buffer strip.

The applicant has requested a modification for the design of a new street which can be found at section 12.04.007 of this report.

12.04.185 Street Design--Access Control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The City may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies as Proposed. The applicant proposes access control at the end of Moss Lake Way per City requirements.

12.04.190 Street Design--Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Complies as Proposed. The proposed street alignments meet the City requirements. This standard is met.

12.04.194 Traffic Sight Obstructions

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard.

12.04.195 Spacing Standards.

12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Complies as proposed. The proposed distances between intersections does not exceed 530 feet.

12.04.195.B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and	175 ft.

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
	<i>Minimum distance between driveways for uses other than single and two-family dwellings</i>	
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>25 ft.</i>
<i>The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.</i>		

Finding: Complies as proposed. Driveway locations, as shown on the preliminary plan, meets the minimum driveway spacing standards identified in Table 12.04.195.B.

12.04.199 Pedestrian and Bicycle Accessways

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three-hundred-and-thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

12.04.199.A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

12.04.199.B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

- 1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five foot planter strip and a three foot planter strip.*
- 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five foot planter strip and a three foot planter strip.*

12.04.199.C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

2.04.199.D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

12.04.199.E. Accessways shall comply with Americans with Disabilities Act (ADA).

12.04.199.F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

- 1. Within the three foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;*

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
3. Within the five foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

12.04.199.G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

12.04.199.H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

12.04.199.I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot-wide gravel path with wooden, brick or concrete edgings .

12.04.199.J. The Community Development Director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

12.04.199.K. Ownership, liability and maintenance of accessways.

To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Complies as proposed. The applicant has provided a shadow plat showing that there is adequate direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel.

12.04.205 Mobility Standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.

A. For intersections within the Regional Center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205 / OR 99E Interchange

I-205 / OR 213 Interchange

OR 213 / Beavercreek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Finding: Complies as proposed. No offsite mitigation is required for this application as the trip generation of 4 additional lots do not trigger a Traffic Impact Analysis. Please refer to the analysis in 16.08.030.B.5 for additional analysis.

12.04.210 Street design--Intersection Angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as proposed. A new street has been proposed and connects to Hiram Avenue to create a right angle. The curb return at the intersection is proposed with a radius of at least 25 feet.

12.04.215 Street design--Off-Site Street Improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Not applicable. City has not made the determination that impact to existing streets, adjacent to, or abutting the development conflicts with the city's planned minimum design or dimensional requirements. No off-site street improvements are required.

12.04.220 Street Design--Half Street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Moratorium Pavement Cut Standard" or as approved by the City Engineer.

Finding: Not applicable. No half street designs are proposed.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: Complies as Conditioned. The development has provided a shadow plat showing a temporary dead-end road to be developed in the future to end as a new cul-de-sac. The proposed cul-de-sac will serve no more than 25 dwelling units. The proposed development proposes to dead-end the street until future development provides the cul-de-sac. The length of the proposed dead-end street exceeds 150 feet. For the proposed dead-end street, the applicant shall provide a turnaround contained in an easement with appropriate no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 and City adopted street standards.

12.04.230 Street Design--Street Names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Complies as Proposed. Prior to Platting, the applicant shall work with City staff to provide a street name that meet City requirements.

12.04.235 Street Design--Grades and Curves.

Grades and center line radii shall conform to the standards in the City's street design standards and specifications.

Finding: Complies as proposed. The plans show that the proposed grade for the new road will meet city street design standards and specifications.

12.04.240 Street Design--Development Abutting Arterial or Collector Street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies as proposed. All lots are proposed to take access from a local road.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Finding: Not applicable. Curb extensions are not proposed or required at this time.

12.04.255 Street design--Alleys.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Finding: Not Applicable. No alleys are proposed.

12.04.260 Street Design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in 17.04.1310.

Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies as proposed. None of the abutting streets are transit streets. Sidewalks are proposed along all site street frontages for pedestrian circulation.

12.04.265 Street design--Planter Strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Finding: Complies as Conditioned. Please refer to section 12.08.

12.04.270 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter 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, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies as Conditioned. Workmanship and materials for any work performed under permits issued by the city shall comply with the latest 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.280 Violation--Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. No violations have been identified.

CHAPTER 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Finding: Complies as proposed. Complies as Conditioned. The applicant indicated that one tree will be planted for every 30 feet of frontage, but did not submit the calculation to demonstrate compliance with this standard. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Finding: Complies as Conditioned. The applicant indicated that one tree will be planted for every 30 feet of frontage, but did not submit the calculation to demonstrate compliance with this standard. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a plan for street trees in compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. The following clearance distances shall be maintained when planting trees:

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

Finding: Complies as Conditioned. Prior to issuance of a permit associated with the proposed development the applicant shall submit a plan for street trees with street tree locations, location of street lights, fire hydrants or

power lines that demonstrates compliance with OCMC 12.08. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Finding: Complies as proposed. The applicant has indicated that they will plant trees which are a minimum of 2" in diameter. This detail is included in the final tree plan to be reviewed by the city prior to platting.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Not applicable: No street trees exist onsite.

12.08.020 - Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Finding: Not applicable: There are no adopted street tree plans for this site.

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Finding: Complies as proposed. The applicant indicated that "maintenance of street trees and planting strips is anticipated to be the responsibility of the property owner and/or the hired management company." (Exhibit 2).

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees

		25" to 30"	5 Trees
		31" and over	8 Trees

Finding: Not applicable. No trees are proposed to be removed in the public ROW

12.08.040 - Heritage Trees and Groves.

Finding: Not applicable. The applicant did not propose to designate or remove a heritage tree or grove.

CHAPTER 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. Construction of improvements to public stormwater conveyance facilities is required to serve this development.

B. *Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:*

1. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand 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 five-year period; or*
2. *Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area.

C. *Exemptions. The following exemptions to subsection B of this section apply:*

1. *An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the city.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*

- d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
- e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
- f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
- g. Maintenance or repair of existing utilities.

Finding: Not Applicable. The proposed development does not meet the criteria for exemption.

D. *Uses Requiring Additional Management Practices.* In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

- 1. Bulk petroleum storage facilities;
- 2. Above ground storage of liquid materials;
- 3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
- 4. Exterior storage of bulk construction materials;
- 5. Material transfer areas and loading docks;
- 6. Equipment and/or vehicle washing facilities;
- 7. Development on land with suspected or known contamination;
- 8. Covered vehicle parking for commercial or industrial uses;
- 9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
- 10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. The proposal does not contain elements requiring additional stormwater management practices.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
- B. 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.

Finding: Complies as Conditioned. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.4 of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 facilities will accomplish the purpose statements of this chapter.
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.
- C. 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.
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies as Proposed. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the

Section 9.4 of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Public Works 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 intent 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.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

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, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies as Proposed. The proposal appears to be in accordance with the Stormwater and Grading Design Standards adopted August 18, 2015, which are in effect at time of application.

13.12.140 - Maintenance of public stormwater facilities.

- A. *A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those public 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 facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the city accepts the stormwater conveyance system.*
- C. *The city will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. 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.*

Finding: Complies as proposed. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost or cash in lieu. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.145 - Maintenance of private stormwater facilities.

- A. *An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.*

- B. *Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.*
- C. *Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.*

Finding: Complies as Conditioned. The proposed public stormwater facility does not appear to be adequately sized for the addition of single-family dwellings. Therefore, private stormwater facilities may be required of the development. The applicant shall execute a Maintenance Covenant and Access Easement for any private stormwater facilities to be constructed within the development. The Maintenance Covenant and Access Easement shall include an operation and maintenance plan for said stormwater facilities. The Maintenance Covenant and Access Easement shall be recorded by the City as required by the Public Works Stormwater and Grading Design Standards. The applicant shall pay all fees associated with processing and recording the Maintenance Covenant and Access Easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. *A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:*

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. 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;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. 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*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Finding: Applicable. The development proposes grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet.

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 Public Works 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 Public Works Stormwater and Grading Design Standards if the following criteria are met:*

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 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 fifty cubic yards of earth.*

B. *Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works 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 Public Works 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 three feet high and less than twenty 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 Public Works 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.

Finding: Complies as Conditioned. The applicant provided a preliminary engineered grading plan demonstrating general compliance with the City's Public Works requirements for grading standards. The applicant shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The applicant has proposed to construct a new subdivision with associated street improvements.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies as Conditioned. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The applicant shall obtain an Erosion and Sediment Control Permit from the City prior to beginning construction work associated with the project. The applicant shall obtain a 1200-C (NPDES) permit from the Oregon Department of Environmental Quality (DEQ) prior to the release of any permit from the City and prior to beginning construction work associated with the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies as Conditioned. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan which meets the requirements of the City of Oregon City public works standards for erosion and sediment control. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

The applicant submitted an assessment of the Natural Resource Overlay District onsite, as prepared by John McConnaughey, PWS of Environmental Technology Consultants dated February 2018.

excerpts from the report are provided below:

Oregon City maps showing a small ditched and straitened stream following the North property boundary are essentially correct. The surveyor's mapping of the stream centerline was close to the position shown on city maps, and ETC determined that it was likely a jurisdictional feature. A survey of the two lots found no additional jurisdictional features.

Further examination of the stream and surrounding topography found that it likely meets the definition of an intermittent stream draining less than 100 acres, and has side slopes of less than 25%. Corroborating information is found in Oregon City Water Resources Report WR 01-08 written for the Dalles subdivision on the west boundary of the subject parcels, (Partition Plat 2005-112). That report also determined the stream was intermittent and drained less than 100 acres.

The width of the vegetated corridor according to Table 17.49.110 is then 15'. City maps show an NROD vegetated buffer of about 60FT. The applicant, therefore, does not accept the mapped boundary and instead proposes the 15FT boundary shown in this report.

Aerial photos from 1999 to the present suggest the vegetation, land and buildings are relatively unchanged in the past 18 years. There is a small older single-family house, four sheds, and a garage. Most of the property is cleared and maintained as a lawn, although it had not been mowed for a while on my visit. There are some scattered fruit trees, some European Hawthorn on the north side along the stream, and a large and two medium size deciduous trees on the south side inside a fenced yard in back of the house.

Lot 2-2E-28BC-00900 is developed with three sheds and most of the garage used by the house on lot 1000. The garage straddles the lot line between lot 900 and 1000, with most of the garage on lot 900, and the south wall on lot 1000. Lot 2-2E-28BC-01000 is developed with an older single family home, a shed, and a portion of the garage.

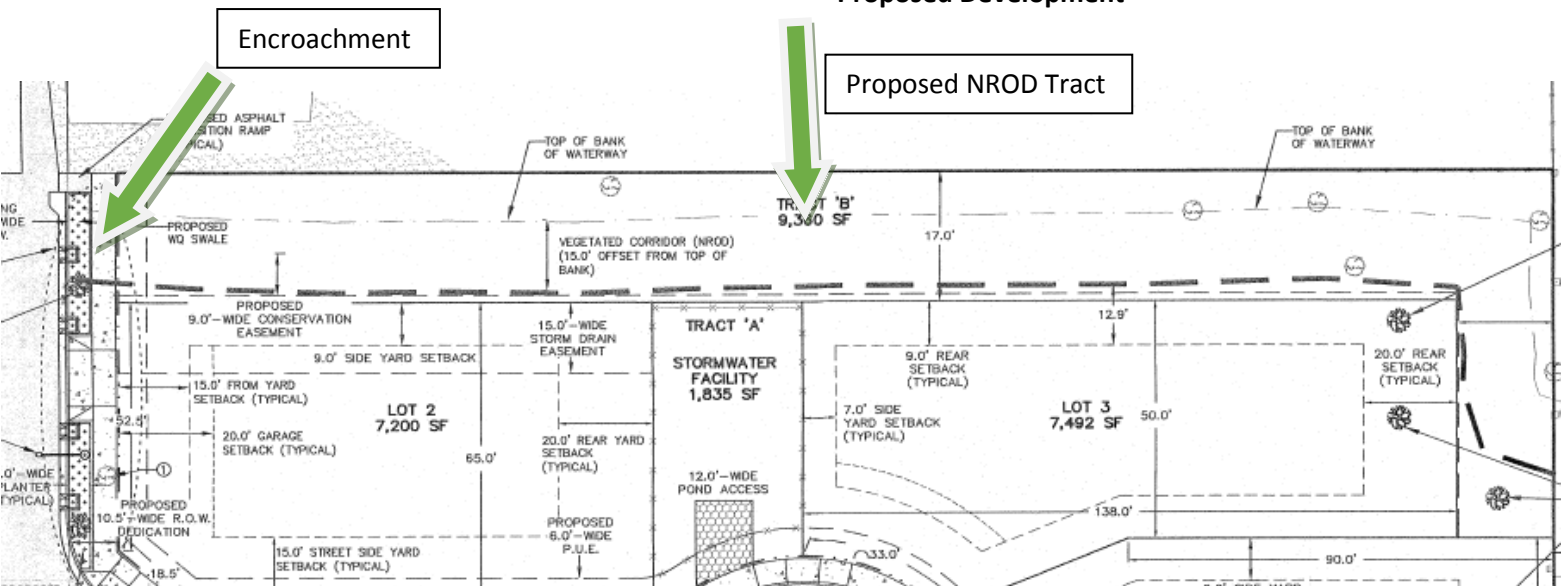
There was a small trickle of water in the stream on my visit in December 2017. Waterman and Publitz [in 2001] also reported a small trickle of water when they observed the stream in February 2001. They concluded the stream was ephemeral, and I concur with that assessment.

The NROD buffer meets the definition of a degraded vegetated corridor, due to the historic maintenance of the area as a lawn of European grasses and scattered trees. A portion of the west end also has blackberries that overhang from the neighboring properties.

Existing Conditions



Proposed Development



The applicant indicates that this project does not directly impact any wetland or stream areas, with the exception that the stormwater detention facility will discharge via a pipe to the same stormwater inlet that Stream "A" drains into. NROD areas will become part of residential lots in order for the subdivision

development to meet the minimum lot size requirements of R8. No ground or vegetation disturbances are proposed within the NROD area.

However, the required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.030

Finding: Complies as Proposed. An intermittent or ephemeral stream flows westerly through the eastern portion of the subject site. The stream is mapped as a Title 3 Water Quality Resource on the City's NROD map.

17.49.050 *Emergencies*

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section emergency shall mean 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.

Finding: Not applicable. This application is not an emergency.

17.49.060 *Consistency and Relationship to Other Regulations*

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provide the greater protection of the resource shall govern.

Finding: Not applicable. The application states that the plans show that there are no impacts below OHW mark for the intermittent stream. However, the conditioned street improvement will create some impact. It is up to the applicant to determine if this additional street widening will trigger any additional review from the DSL and/or the Army Corps of Engineers. No conflicts within the Natural Resource Overlay District have arisen.

17.49.060.B. *Compliance with Federal and State Requirements.*

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Finding: Complies as proposed. No evidence suggests that property outside the NROD may contain a wetland or other protected water resource.

17.49.[0]70 - Prohibited uses.

The following development and activities are not allowed within the NROD:

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in (D) below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

Finding: Not applicable. The applicant is not proposing any prohibited uses within the NROD boundary and proposed tract.

17.49.[0]80 –Uses allowed outright (Exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.
- F. Trails meeting all of the following:
 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 2. Widths shall not exceed 48 inches and trail grade shall not exceed 20 percent;
 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 4. Located no closer than 25 feet to a wetland or the top of banks of a perennial stream or 10 feet of an intermittent stream;
 5. No impervious surfaces; and
 6. No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 2-inch diameter and planted within 10 feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 1. Lots shall have their building sites (or buildable areas) entirely located at least 5 feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
 3. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and
 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
- L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:
 1. All work is done using hand-held equipment;

2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

M. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.

Finding: Not applicable. The proposed development includes activities allowed under this section by the creation of an NROD tract. Conditions and Restrictions will be placed on the tract to ensure future compliance with the standards set forth in this chapter additional findings can be found in OCMC 17.49.100.

17.49.090 Uses Allowed Under Prescribed Conditions

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:

- A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.
- B. A residence on a highly constrained vacant lot of record that has less than 3,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.
- D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
- E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080,
- G. Roads, bridges/creek crossings Subject to Section 17.49.150 --
- H. Utility lines subject to Section 17.49.140 (
- I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155 ().
- J. Institutional, Industrial or Commercial development on a vacant lot of record situated in an area designated for such use that has more than 75% of its area covered by the NROD, subject to subsection 17.49.120(B).
- K City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Finding: Complies as proposed. The applicant indicates that this project does not directly impact any wetland or stream areas, with the exception that the stormwater detention facility will be discharged via a pipe to the same stormwater inlet that Stream "A" drains into. NROD areas will become part of residential lots in order for the subdivision development to meet the minimum lot size requirements of R8. No ground or vegetation disturbances are proposed within the NROD area.

However, the required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.100 General Development Standards

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

- A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Finding: Not applicable. None of the uses identified above are being proposed in the NROD tract.

17.49.100.B. *The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*

Finding: Not applicable. The applicant is not proposing to meet subdivision required landscaping requirements within the NROD.

17.49.100.C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;*

Finding: Complies as Conditioned. Prior to issuance of a permit associated with the proposed development the applicant shall submit a planting list which complies with the standards in OCMC 17.49. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.100.D. *Grading is subject to installation of erosion control measures required by the City of Oregon;*

Finding: Erosion control measure will be installed and required as part of the Development review process for the street improvement.

17.49.100.E. *The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*

Finding: Not applicable. A reduction in the minimum setback has not been proposed.

17.49.100.F. *Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*

Finding: Not applicable. An increase in the maximum setback has not been proposed.

17.49.100.G. *Fences are allowed only within the disturbance area;*

Finding: Not applicable. The applicant has not proposed a fence within the vegetated corridor. Retaining walls are not subject to this standard.

17.49.100.H. *Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;*

Finding: Complies as proposed. The NROD tract abuts the rear of Lots 2,3&4 and the stormwater facility. No lighting exceeding 200 watts has been proposed in this area.

17.49.100.I. *If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and*

Finding: No applicable- the site is not located within the Oregon City Flood Overlay District.

17.49.100.J. *Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190.*

Finding: Complies as conditioned The applicant indicates that this project does not directly impact any wetland or stream areas, with the exception that the stormwater detention facility will be discharged via a pipe to the same stormwater inlet that Stream "A" drains into. NROD areas will become part of residential lots in order for the subdivision development to meet the minimum lot size requirements of R8. No ground or vegetation disturbances are proposed within the NROD area.

However, the required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.110 *Width of Vegetated Corridor.*

Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Table 17.49.110

<i>Protected Water Feature Type (see definitions)</i>	<i>Slope Adjacent to Protected Water Feature</i>	<i>Starting Point for Measurements from Water Feature</i>	<i>Width of Vegetated Corridor (see Note 1)</i>
<i>Anadromous fish-bearing streams</i>	<i>Any slope</i>	<ul style="list-style-type: none"> • <i>Edge of bankfull flow</i> 	<i>200 feet</i>
<i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i>	<i>< 25 percent</i>	<ul style="list-style-type: none"> • <i>Edge of bankfull flow</i> 	<i>15 feet</i>
<i>All other protected water features</i>	<i>< 25 percent</i>	<ul style="list-style-type: none"> • <i>Edge of bankfull flow</i> • <i>Delineated edge of Title 3 wetland</i> 	<i>50 feet</i>
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		<i>200 feet</i>
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		<i>Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.</i>

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.

C. Habitat Areas outside city limit / within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet (50').

Finding: Complies as proposed. The Natural Resource Overlay District associated with this development has been found to be an intermittent or ephemeral stream. The vegetated corridor associated with Stream A is 15 feet.

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record

In addition to the General Development Standards of Section 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per subsections 17.49.90(B) and 17.49.90(F):

- A. *Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is 3,000 square feet.*
- B. *Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, including R-2 multifamily, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals 25% of the total lot area.*

[1] Lots that are entirely covered by the NROD will be allowed to develop 25% of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < or = to 0, no disturbance is permitted and the building shall be located outside of the boundary.

- C. *In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least 50 feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or 25 feet from the top of bank of any tributary of the afore-mentioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.*
- D. *If the highly constrained lot of record cannot comply with the above standards, a maximum 1500 square foot disturbance within the NROD area may be allowed*

Finding: Not applicable. The site is not a highly constrained lot of record.

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

- A. *The following alterations and additions to existing development are permitted subject to the following standards.*
 - 1. *Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.*
 - 2. *Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*

Finding: Not applicable. No development is being proposed within the delimited NROD boundary.

17.49.130.B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

Finding: Not applicable. The applicant indicates that this project does not directly impact any wetland or stream areas, with the exception that the stormwater detention facility will be discharged via a pipe to the same stormwater inlet that Stream "A" drains into. NROD areas will become part of residential lots in order for the subdivision development to meet the minimum lot size requirements of R8. No ground or vegetation disturbances are proposed within the NROD area.

However, the required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.140 Standards for Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;*
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;*
- C. New utility lines shall be within the right-of-way, unless reviewed under D.*
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.*
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;*
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.*
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Finding: Complies as Conditioned. No utility lines are being proposed within the NROD buffer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.*

Finding: Complies as conditioned. The applicant shall work with the Development Services to determine if the sidewalk portion of Hiram Avenue that perpetually crosses Stream A can be designed as a bridge element. A culvert can only be utilized in this section if the city determines that a bridge is impracticable.

- 17.49.150.B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;*

Finding: Not applicable. The applicant shall work with the Development Services to determine if the sidewalk portion of Hiram Avenue that perpetually crosses Stream A can be designed as a bridge element. A culvert can only be utilized in this section if the city determines that a bridge is impracticable.

- 17.49.150.C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*

Finding: Not applicable. No fill or excavation is proposed to occur within the ordinary high water mark of the stream.

- 17.49.150.D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*

Finding: Not applicable: No wetlands have been found onsite.

- 17.49.150.E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*

Finding: Not applicable. No fill or excavation is proposed to occur within the ordinary high water mark of the stream.

17.49.150. F. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Finding: Complies as Conditioned. The required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction/disturbance into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to this report to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.155 Standards for Stormwater Facilities

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

- A. The forest canopy within the driplines of existing trees shall not be disturbed.*
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.*
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.*
- D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor.*
- E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.*
- F. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.*

Finding: Complies as proposed. The required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction/disturbance into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to this report to address this proposed encroachment which is allowed through the Type II NROD review process.

17.49.160 Standards for Land Divisions

Other than those land divisions exempted by Section 17.49.070 (G), new residential lots created within the NROD shall conform to the following standards.

- A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:*
 - 1. There is an existing house on the site that is entirely within the NROD area; and*
 - 2. The existing house will remain; and*
 - 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a 20-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.*
- B. Subdivisions.*
 - 1. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.*
 - 2. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:*
 - a. Private open space held by the owner or a homeowners association; or*
 - b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or*
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or*
 - d. Any other ownership proposed by the owner and approved by the city.*
 - e. Tracts shall be exempt from minimum frontage requirements.*

C. Partitions

1. *New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection (2) of this section.*
2. *Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:*
 - a. *A tract of private open space held by the owner or homeowners association; or*
 - b. *For residential land divisions, a tract of private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or*
 - c. *At the owners option, public open space where the tract has been dedicated to the city or other governmental unit;*
 - d. *Conservation easement area pursuant to subsection 17.49.180(G) and approved in form by the Community Development Director*
 - e. *Any other ownership proposed by the owner and approved by the Community Development Director.*
 - f. *Tracts shall be exempt from minimum frontage requirements.*

Finding: Complies as Conditioned. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- a. Private open space held by the owner or a homeowners association; or
- b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
- c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
- d. Any other ownership proposed by the owner and approved by the city

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

- A. *All trails that are not exempt pursuant to Section 17.49.80(F), , except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and*
- B. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Finding: Not applicable. No trails are being proposed as part of this application.

17.49.180 - Mitigation standards.

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

- A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;
- B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
 1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
 - D. Invasive and nuisance vegetation shall be removed within the mitigation area;
 - E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

Finding: Complies as Conditioned. The requirement for mitigation is based on the extension of Hiram Avenue. The mitigation plan, as conditioned, will require planting to be installed with Tract B of the NROD buffer area.

1. Mitigation Planting Option 1.
 - a. Option 1 - Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

Table 17.49.180E.1.a.—Required Planting Option 1

Size of Tree to be Removed (DBH)	Number of Trees and Shrubs to be Replanted
6 to 12"	2 trees and 3 shrubs
13 to 18"	3 trees and 6 shrubs
19 to 24"	5 trees and 12 shrubs
25 to 30"	7 trees and 18 shrubs
Over 30"	10 trees and 30 shrubs

- b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs must be in at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
- c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
- d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- e. Option 1 — Plant Diversity. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus.

Finding: Not Applicable. The applicant is not removing trees within the NROD buffer as part of this proposal. Option 1 is not an appropriate or applicable mitigation approach.

2. Mitigation Planting Option 2.

- a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
- b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock. However, no initial plantings may be shorter than twelve inches in height.
- c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
- d. Option 2 — Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
- e. Option 2 — Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

- F. **Monitoring and Maintenance.** The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the director of community development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the city's planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end of the five-year monitoring period shall be replanted or reseeded with native grasses and ground cover species.
- G. **Covenant or Conservation Easement.** Applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.
- H. **Financial Guarantee.** A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

Finding. **Complies as Conditioned.** The required dedication and construction of a sidewalk and planter strip on Hiram Avenue will create a small amount of construction/disturbance into the NROD buffer which will require proportional mitigation through the Option 2 NROD mitigation process. A clear and objective condition has been added to this report to address this proposed encroachment which is allowed through the Type II NROD review process.

Prior to Platting, the applicant shall submit and implement/install a mitigation plan for the disturbed area required by the extension of Hiram Avenue. The mitigation plan shall include the following information:

- a. Final calculation of disturbance area of the street improvement identified and mitigation area calculation based on the size of the disturbance area within the NROD.
- b. All mitigation planting shall occur in Tract B.
- c. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area
- d. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
- e. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
- f. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.

- g. Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
- h. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.
- i. Any invasive species shall be removed from Tract B.

17.49.190 Alternative Mitigation Standards

Finding: Not Applicable. The applicant is proposing to dedicate the fully delineated NROF buffer into a tract. No additional mitigation is required for this application.

17.49.200. Adjustment from Standards

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

Finding: Not Applicable. The applicant is proposing to dedicate the fully delineated NROD buffer into a tract. No additional mitigation is required for this application.

17.49.200.A. *There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;*

17.49.200.B. *The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;*

17.49.200.C. *The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*

17.49.200.D. *Fish and wildlife passage will not be impeded;*

17.49.200.E. *With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and*

17.49.200.F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Finding: Not Applicable. The applicant is proposing to dedicate the fully delineated NROD buffer into a tract. No additional mitigation is required for this application. There are no suitable habitats or known occurrences of ESA-listed species within the project action area. Furthermore, there are no significant wildlife or fish corridors for which passage would be impeded.

17.49.210 Type II Development Permit Application

Finding: Complies as proposed. The applicant has proposed a Type II application.

17.49.220 Required Site Plans

Site plans showing the following required items shall be part of the application:

A. *For the entire subject property (NROD and non-NROD areas):*

1. *The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
2. *100 year floodplain and floodway boundary (if determined by FEMA);*
3. *Creeks and other waterbodies;*
4. *Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
5. *Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
6. *Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*

7. Extent of the required Vegetated Corridor required by Table 17.49.110.

B. Within the NROD area of the subject property:

1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;
4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.

C. A construction management plan including:

1. Location of site access and egress that construction equipment will use;
2. Equipment and material staging and stockpile areas;
3. Erosion control measures that conform to City of Oregon City erosion control standards;
4. Measures to protect trees and other vegetation located outside the disturbance area.

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:

1. Dams, weirs or other in-water features;
2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
3. Distribution, species composition, size, and spacing of shrubs to be planted;
4. Location, species and size of each tree to be planted;
5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
6. Water bodies or wetlands to be created, including depth;
7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

Finding: Complies as proposed. The applicant's submittal materials were evaluated during the completeness review.

17.49.230 Mitigation Plan Report

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
- D. Construction timetables;
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.

Finding: Complies as Conditioned A mitigation plan is required for this application. See findings in 17.49.180 - Mitigation standards for more information.

17.49.240 Density Transfer

The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.

For lots of record that are located within the NROD, additional density transfer credits are allowed, subject to the following provisions:

Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;

- A. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, 1/3 of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.
- B. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to (B) above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD.

The permissible reductions are specified in Tables 17.49.240(C-D).

- C. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in B above that is used to transfer density may be included in the calculation of the average minimum lot size.
- D. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the areas of the NROD Tract.

Table 17.49.240 A
Lot Size Reduction

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.49.240 B

Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000-9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000-7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000-5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800-3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.49.240 C

Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500-7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800-3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*0 foot setback is only allowed on single-family attached units

- E. Transfers for properties zoned Commercial, Institutional, Industrial or Multi-Family uses the transfer credit is 10,000 sq. ft. per acre of land within the NROD;
- F. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- G. The owner of the transferring property shall execute a covenant with the City that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
- H. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

Finding: Complies as Proposed: As allowed under 17.49.240(B) one third of the square footage of the NROD area (975 SF) is being transferred to the non-NROD portion of the site. The modifications to the residential dimensional standards are being met, by allowing the average lot size to be less than 8,000 SF (7614 SF). The minimum lot width of Lot 3 is proposed to be 50 feet wide as is allowed under Table 17.49.240A- Lot Size Reduction, a reduction from the minimum per the base zone requirement.

17.49.250 Verification of NROD Boundary

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional

values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

Finding: Complied as proposed. The development proposal included a Verification of the NROD boundary. The Wetland Consultant requested the following concurrence.

1. We ask for a concurrence that Stream "A" is the only protected feature on or near the property having NROD buffers that would affect the property.
2. We ask for concurrence that the NROD buffer for Stream "A" is 15ft per Oregon City Municipal Code.

Staff has reviewed the report and concurs with its findings and revised delineation which will be placed in a tract as part of the platting of the subdivision.

17.49.260. Type II Verification

Finding: complies as submitted. The development proposal includes a Type II Verification request.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Finding: Applicable. The proposed development includes a Subdivision, therefore this section applies.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.

Finding: Applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

17.41.040 - Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Finding: Not Applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.

Finding: Complies as Conditioned. Trees located on the project site were inventoried and evaluated by a professional certified arborist. Since all the trees that will be lost will be in the construction zone, along Hiram Avenue, the number of trees required for replacement is 3 for the 20" and 23" diameter trees and 1 for the 8" tree. Therefore, a total of 7 replacement trees are required are planned to be planted per Option 1 or cash-in-lieu of planting paid per Option 4. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1

13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in [Chapter 17.04](#)).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Finding: Complies as Conditioned. Trees located on the project site were inventoried and evaluated by a professional certified arborist. Since all the trees that will be lost will be in the construction zone, along Hiram Avenue, the number of trees required for replacement is 3 for the 20" and 23" diameter trees and 1 for the 8" tree. Therefore, a total of 7 replacement trees are required are planned to be planted per Option 1 or cash-in-lieu of planting paid per Option 4. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. First Priority. Replanting on the development site.

B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Finding: Complies as Conditioned. The applicant indicated that the trees will be planted within this subdivision or within other subdivisions being developed by the applicant and the final mitigation plan would be submitted with the construction plans. The applicant shall have an approved mitigation planting plan prior to issuance of a permit associated with the proposed development. The mitigation plan may incorporate any of the options in Chapter 17.41 in addition to planting mitigation trees on private property (with an associated covenant) or increasing the size of trees onsite or within the right-of-way. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree mitigation plan in accordance with Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190.

Finding: Not Applicable. The applicant has not proposed alternative mitigation plan.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.
C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- 1. Private open space held by the owner or a homeowners association; or*
- 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or*
- 3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or*
- 4. Any other ownership proposed by the owner and approved by the community development director.*

Finding: Not Applicable. The applicant has not chosen this option.

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

- 1. Provide a map showing the net buildable area of the tree protection tract;*
- 2. Provide calculations justifying the requested dimensional adjustments;*
- 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to [Section 17.41.080](#);*
- 4. Demonstrate that, with the exception of the tree protection tract created pursuant to [Section 17.41.080](#), no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*
- 5. Meet all other standards of the base zone except as modified in [section 17.41.100](#).*

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Not Applicable. The applicant has not chosen this option.

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to [section 17.41.080](#) may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Finding: Finding: Not Applicable. The applicant has not chosen this option.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to [Section 17.41.080](#) above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Finding: Not Applicable. The applicant has not chosen this option.

17.41.120 - Permitted adjustments (Option 3 Only).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Not Applicable. The applicant has not chosen this option.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Finding: Complies as Conditioned. Mitigation trees are planned to be planted on or off-site and/or cash-in-lieu of planting is to be paid in accordance with this Chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after

completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.

4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.

7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies as Proposed. Tree protection measures for those trees to remain on the project site have been outlined in the project's Arborist Report and shown on the preliminary plans in accordance with the criteria of this standard. Grading and/or construction activity will not commence prior to the installation of planned tree protection.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The proposed Subdivision Natural Resource Overlay and Planning Commission Variance application is being reviewed pursuant to the Type II process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

17.50.050 Preapplication Conference

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may

affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B.A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies as Proposed. The applicant held a pre-application conference (file PA 17-61) on October 30, 2017. The land use application was submitted within 6 months of the pre-application conference on October 30, 2018. The community development director chose waive the preapplication requirement as it was within 1 year. The application was deemed incomplete on November 30, 2018 and after the submittal of additional information the application was deemed complete on February 8, 2019

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant's representatives attended Park Place Neighborhood Association meeting in January 2019 to present conceptual plans for the proposed office development.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. The application was deemed incomplete on February 8, 2019 . The City has until June 8, 2019 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. The application was deemed incomplete on February 8, 2019

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

17.50.140 - Performance guarantees.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Applicable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows.

1. *After Final Approved Design by The City:* A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. *Before Complete Design Approval And Established Engineered Cost Estimate:* A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Complies as Conditioned. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.54.100 - FENCES

Finding: Not Applicable. The applicant indicated that no fences or walls are proposed with the private development. Fences built for Tract A must be in compliance with the Oregon City adopted stormwater standards.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Subdivision located at 16362 Hiram Ave, Oregon City OR 97045 and identified as Clackamas County Assessor Parcel Number (APN): 2-2E-28BC-01000 Staff recommends approval of file GLUA 18-00038 (SUB-18-00001: Subdivision , NROD-18-00012: Natural Resource Overlay District, VAR-18-00003: Variance – Planning Commission Type III with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Revised Narrative
3. Applicant's Submittal
4. Proposed Plans
5. Traffic Analysis Letter
6. April 9, 2019 Letter from John Replinger

Oregon City GIS Map

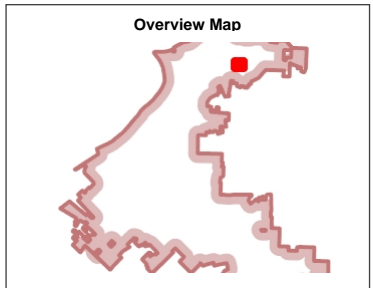


Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

*Lemons Subdivision
GLUA 18-000038*



0 100 200 Feet

1: 1,200



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 2/25/2019

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org



**TYPE II NATURAL RESOURCE OVERLAY DISTRICT
and
SUBDIVISION APPLICATION
with
MODIFICATION REQUESTS FOR A CONSTRAINED STREET AND STREET CENTERLINE OFFSET
and
VARIANCE REQUEST FOR REDUCTION IN STREET SIDE YARD SETBACK
Applicant's Submittal
October 2018
Updated 2-3-19**

APPLICANT/OWNER: Jerry Lemon
19043 SE Sunnyside Road
Damascus, OR 97089

REPRESENTATIVE: Tom Sisul, Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

REQUEST: 5 Lot Subdivision with Natural Resource Overlay Impacts

LOCATION: 16362 Hiram Avenue
Map 2 2E 28BC, Tax Lots 900 and 1000

I. BACKGROUND:

1. Currently a single family home and outbuilding
2. New public street, 5 subdivision lots (including one for the existing home)
3. Contains a NROD area along its northerly property line.
4. Adjustments to lot dimensions as permitted under the NROD regulations will be used to achieve the maximum density.
5. Three existing trees will be lost along Hiram due to street frontage improvements and seven mitigation trees will be planted at the rear of the parcel as replacement.
6. A variance request for a street side yard setback reduction from 15 to 6 feet for the existing home relative to the new street.
7. Modification requests to allow a constrained street and to increase the intersection centerline offset distance to 24.9 feet.
8. A fee in lieu of is proposed for lower portion of the site that is too shallow to be treated under the City's BMP water quality requirements. The upper portion of the site will be treated.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.10 - "R-8" SINGLE-FAMILY DWELLING DISTRICT

17.10.040. A. Minimum lot area, eight thousand square feet;

Applicant's Response: The minimum lot size proposed will be 7007 SF. The lot sizes take advantage of the 80% flexible lot sizing as Permitted by 16.12.050 and lot sizing adjustments as permitted under Section 17.49.240.

17.10.040. B. Minimum lot width, sixty feet;

Applicant's Response: All lots will be at least 60 feet in width, except Lot 3 which is proposed to be 50 feet in width as is allowed under Section 17.49.240.

17.10.040. C. Minimum lot depth, seventy-five feet;

Applicant's Response: All lots will be at least 75 feet deep.

17.10.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet. If an existing structure is being retained.

Applicant's Response: The existing home on the that exists meets this standard, and it is expected all future homes will meet this standard, unless the code is modified at some future time.

17.10.040.E Setbacks if an existing structure is being retained.

1. Front yard: fifteen feet minimum depth.

Applicant's Response: The front yard setback will be met on all lots.

2. Front porch, ten feet minimum setback,

Applicant's Response: The front porch setback will be met on all lots.

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

Applicant's Response: No alleys are proposed the garage setbacks will be met on all lots.

4. Interior side yard, nine feet minimum setback for at least one side yard; seven feet minimum setback for the other side yard,

Applicant's Response: The interior side yard will be met on all lots.

5. Corner side yard, fifteen feet minimum setback,

Applicant's Response: Lot 2 will have required corner side yard setback. Lot 1, with the existing home, a variance to the street side yard setback will be requested.

6. Rear yard, twenty-foot minimum setback

Applicant's Response: The rear yard setback will be met on all lots.

7. Rear porch, fifteen-foot minimum setback.

Applicant's Response: The rear porch setback will be met on all lots.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area. If an existing structure is being retained.

Applicant's Response: Maximum footprint coverage will not be exceeded on all lots.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

16.08.030 - Preliminary subdivision plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,

Applicant's Response: An 8" water main exists in Hiram Avenue and is a part of a looped system and can provide adequate pressure and water supply. A new 8 inch line will be extended within the ROW of the new public street to several of the new lots.

2. Sanitary sewer,

Applicant's Response: A 12" sanitary sewer main exists in Hiram Avenue and is sufficient to serve the site. there is also an 8 inch line along the easterly side of the parcel that can serve lots. An 8 inch sanitary sewer will be extended in the new public street to serve Lot 3. Lots 4 and 5 will make sewer connections to the existing sewer lot along the rear of those proposed lots.

3. Storm sewer and stormwater drainage,

Applicant's Response: The easterly side of the parcel will be directed into a water quality and detention facility based on the City's BMP tool design requirements. The westerly portion of the site lies too low compared the available public drainage facilities to be able to be designed per the City's BMP tool and will a fee in lieu will need to be paid to account for the portion of the site that cannot drain to such.

4. Parks and recreation,

Applicant's Response: There is adequate parks to serve the proposed 4 additional lots as Park Place Park lies 2 blocks to the north of the site on Hiram Avenue.

5. Traffic and transportation,

Applicant's Response: The traffic impacts from the proposed subdivision will result in approximately 40 additional trips per day. The City's street capacity will be able to handle the additional trips.

6. Schools,

Applicant's Response: It could be expected that approximately 8 additional children, could be added to the school system. There is adequate capacity for such students.

7. Fire and police services;

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

Applicant's Response: City of Oregon City Police and Clackamas Fire District already serve the site. Therefore there is adequate capacity to serve the proposed subdivision.

D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Applicant's Response: Draft CC&R's will be developed at later time, when it is clearer what the need is for such.

E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

Applicant's Response: No phasing is proposed.

F. Overall density of the subdivision and the density by dwelling type for each.

Applicant's Response: Five lots are proposed on 62,045 site. Gross density would be 3.5 units per acre. Net density, based on the subtraction of new ROW areas and the storm water tract, but including one third the area of NROD area (not the tract which will contain it) which is 2696 SF and the remaining portion of Tract B outside the NROD area which is another 1272 SF. The 5 proposed lots themselves are 38,091 SF therefore the net density is 42,039 SF divided by 8,000 SF or 5.25 lots or simply 5 lots.

16.08.045 - Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Applicant's Response: A minimum of 20 feet of frontage for each lot will be created and thus this standard will be met.

16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.

Applicant's Response: No flag lots are proposed.

B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.

Applicant's Response: No flag lots are proposed.

C. The pole portion of the flag lot shall connect to a public street.

Applicant's Response: No flag lots are proposed.

D. The pole shall be at least 8 feet wide for the entire length.

Applicant's Response: No flag lots are proposed.

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Applicant's Response: No flag lots are proposed.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS^[3]

16.12.020 - Blocks—Generally.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Applicant's Response: A natural resource corridor and as this is an infill development, with existing development on some adjoining parcels with no existing street or pedestrian connectivity, limit where blocks can be created.

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Applicant's Response: Because this is an infill project of limited parent parcel depth, there is in adequate depth to develop a new street, as Engineering desires, and create two tiers of lots between Hiram and the new street, without backing up the new street to existing developed parcels that have access from elsewhere.

16.12.045 - Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

Applicant's Response: The net developable area of the site after subtracting for ROW areas and 2/3 rds of the water resource areas (1/3rd of the water resource area is allowed to be counted towards the density) and including the portion of Tract B outside the NROD area is 42,039 SF. The maximum density is therefore 5 lots and minimum density would be 4 lots. Five lots is proposed.

16.12.050 - Calculations of lot area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Applicant's Response: The parcel is zoned R-8 or for 8,000 SF lots. The minimum lot size for any lot would be 80% of the that figure or 6,400 SF. The minimum lot size proposed is 7,007 SF, therefore this standard is met.

16.12.055 - Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Applicant's Response: Lot 1 as proposed would be a lot with streets on 3 sides. However, such cannot be avoided without the loss of density, and placing the proposed street next to existing parcels that are flag lots with access to Hunter St. As an infill site it is most practical for orderly development for Lot 1 to a through lot.

16.12.060 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Applicant's Response: To the most extent practicable all lots line will be either at right angles to the street or radial to the curve, and still allow for relatively rectangular lots.

16.12.070 - Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

Applicant's Response: All the existing and proposed streets within or adjacent to the subject site will be local streets, this is not applicable.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

Applicant's Response: This is not applicable to this subdivision site.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

Applicant's Response: The existing home faces towards Hiram. It is unknown for sure which way the home on Lot 2 will be faced by the future home builder.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

Applicant's Response: This is not applicable.

16.12.075 - Building site—Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Applicant's Response: No further redivision will be possible under current code and zoning regulations that pertain to this site.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Applicant's Response: Utility easements is expected will be needed in some locations within the proposed subdivision. We have shown those easements we expect will be needed.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any

necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Applicant's Response: Tracts and easements have been shown as is thought would be required on the preliminary application maps.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Applicant's Response: No easements for vehicular access will be needed.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Applicant's Response: Street frontage improvements on Hiram is expected to be required and is shown on the application plans.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

Applicant's Response: The storm drainage improvements, including a water quality facility to serve the site to the extent possible is shown on the application plans.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Applicant's Response: A sanitary sewer extension to serve the proposed site's parcels is shown.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Applicant's Response: A water main extension along the proposed new public street is shown on the application maps.

G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Applicant's Response: Street signs and traffic control devices as may be needed will be installed if the subdivision is developed.

H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Applicant's Response: Street lights will be installed as may be needed.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

Applicant's Response: A bench mark will be located within the subdivision per these requirements if required by the City Engineer.

K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Applicant's Response: All franchise utilities within the proposed subdivision boundary will be placed underground.

L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

Applicant's Response: No oversizing of facilities is expected to be required with this development.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.050 Emergencies

Applicant's Response: The proposed development does not constitute an emergency.

17.49.060 Consistency and Relationship to Other Regulations

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater

protection of the resource shall govern.

Applicant's Response: It is not expected that regional, state or federal laws will be more restrictive than Oregon City ordinances with regards to the NROD area.

17.49.060.B. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Applicant's Response: No approvals from other agencies is expected to be required.

17.49.[0]70 - Prohibited uses.

Applicant's Response: No prohibited uses is proposed.

17.49.[0]80 –Uses allowed outright (Exempted).

Applicant's Response: Some allowed uses will be proposed within the NROD area, such a surveys, and the land division.

17.49.090 Uses Allowed Under Prescribed Conditions

Applicant's Response: Street widening of Hiram and associated utility improvements along Hiram are the only things that may possibly fall when the prescribed conditions of this section.

17.49.100 General Development Standards

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Applicant's Response: No native trees are proposed to be removed.

17.49.100.B. *The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*

Applicant's Response: It is not expected that landscaping will be required by the base zone, and thus this is not applicable.

17.49.100.C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;*

Applicant's Response: Any vegetation planted in the NROD area will be native.

17.49.100.E. *The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: The base zone setbacks will be met except for the existing home on Lot 1, which is entirely outside the NROD portion of the lot.

17.49.100.F. *Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: This will not be applicable to this proposed subdivision request.

17.49.100.G. *Fences are allowed only within the disturbance area;*

Applicant's Response: Fences will only be installed with the allowed disturbance area.

17.49.100.H. *Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;*

Applicant's Response: Such lighting exceeding the brightness of a 200 watt light bulb, will not shine directly onto the NROD area.

17.49.100.I. *If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and*

Applicant's Response: The site is not in the 100 year flood plain.

17.49.110 *Width of Vegetated Corridor.*

Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Applicant's Response: The minimum vegetated corridor width is 15 feet from the top of bank in accordance with the requirements for an intermittent stream with slopes of less than 25%.

17.49.120 *Maximum Disturbance Allowance for Highly Constrained Lots of Record*

Applicant's Response: This is not applicable to the proposed subdivision.

17.49.130 *Existing Development Standards*

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

A. The following alterations and additions to existing development are permitted subject to the following standards.

- 1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.*

2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

Applicant's Response: The application should be process as a Type II permit as less than 500 SF of area of the NROD will be disturbed.

17.49.130.B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

Applicant's Response: Mitigation is not expected to be required.

17.49.140 Standards for Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

Applicant's Response: The standards are noted and is not expected these standards will be applicable to the proposed subdivision.

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.

Applicant's Response: No pathway or road, outside a current public street ROW, is proposed to encroach into the NROD area.

17.49.150.B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;

Applicant's Response: No stream crossings are proposed.

17.49.150.C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

Applicant's Response: No fill or excavation is expected to be required for the proposed development.

17.49.150.D. *If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*

Applicant's Response: This is not expected to be applicable to this site.

17.49.150.E. *Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*

Applicant's Response: This is not expected to be applicable.

17.49.150.F. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: This is not expected to be applicable.

17.49.155 Standards for Stormwater Facilities

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

A. The forest canopy within the driplines of existing trees shall not be disturbed.

B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.

C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor.

E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.

F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

Applicant's Response: This is not expected to be required.

17.49.160 Standards for Land Divisions

Applicant's Response: The land division shall conform.

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

Applicant's Response: This will not be applicable to the proposed subdivision.

17.49.180. Mitigation Standards

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

Applicant's Response: Mitigation is not expected to be required.

17.49.180.A. *Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area.*

Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

Applicant's Response: Mitigation is not expected to be required.

17.49.180.B. *Mitigation shall occur on the site where the disturbance occurs, except as follows:*

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and

3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

Mitigation Planting Option 1.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2. Mitigation Planting Option 2.

17.49.180.E.2.a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.b Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.c Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.d Option 2 – Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.e Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said

annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.G. Covenant or Conservation Easement. *Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.*

Applicant's Response: Mitigation is not expected to be required.

17.49.180.H. Financial Guarantee. *A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.*

Applicant's Response: Mitigation is not expected to be required.

17.49.190 Alternative Mitigation Standards

Applicant's Response: Mitigation is not expected to be required.

17.49.200. Adjustment from Standards

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

Applicant's Response: An adjustment is not expected to be required.

17.49.200.A. *There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;*

Applicant's Response: An adjustment is not expected to be required.

17.49.200.B. *The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;*

Applicant's Response: An adjustment is not expected to be required.

17.49.200.C. *The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*

Applicant's Response: An adjustment is not expected to be required.

17.49.200.D. *Fish and wildlife passage will not be impeded;*

Applicant's Response: An adjustment is not expected to be required.

17.49.200.E. *With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and*

Applicant's Response: An adjustment is not expected to be required.

17.49.200.F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Applicant's Response: An adjustment is not expected to be required.

17.49.210 *Type II Development Permit Application*

Applicant's Response: A Type II permit is the process expected to be required.

17.49.220 *Required Site Plans*

Site plans showing the following required items shall be part of the application:

A. For the entire subject property (NROD and non-NROD areas):

- 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
- 2. 100 year floodplain and floodway boundary (if determined by FEMA);*
- 3. Creeks and other waterbodies;*
- 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
- 5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
- 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
- 7. Extent of the required Vegetated Corridor required by Table 17.49.110.*

Applicant's Response: The NROD boundary area shown based on being 15 feet from the top of bank for an intermittent drainageway with slopes less than 25%.

B. Within the NROD area of the subject property:

- 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;*
- 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
- 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;*
- 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.*

Applicant's Response: No grading is proposed in the NROD area, that is currently outside existing street ROW.

C. A construction management plan including:

- 1. Location of site access and egress that construction equipment will use;*
- 2. Equipment and material staging and stockpile areas;*
- 3. Erosion control measures that conform to City of Oregon City erosion control standards;*
- 4. Measures to protect trees and other vegetation located outside the disturbance area.*

Applicant's Response: Sediment fencing along the NROD boundary is noted on the plans.

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:

- 1. Dams, weirs or other in-water features;*
- 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
- 3. Distribution, species composition, size, and spacing of shrubs to be planted;*
- 4. Location, species and size of each tree to be planted;*
- 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
- 6. Water bodies or wetlands to be created, including depth;*
- 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

Applicant's Response: Mitigation is not expected to be required.

17.49.230 Mitigation Plan Report

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;*
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;*
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);*
- D. Construction timetables;*
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.*

Applicant's Response: Mitigation is not expected to be required.

17.49.240 Density Transfer

Applicant's Response: As allowed under 17.49.240(B) one third of the square footage of the NROD area (975 SF) is being transferred to the non-NROD portion of the site. The modifications to the residential dimensional standards are being met, by allowing the average lot size to be less than 8,000 SF (7614 SF). The minimum lot width of Lot 3 is proposed to be 50 feet wide as is allowed under Table 17.49.240A- Lot Size Reduction, a reduction from the minimum per the base zone requirement.

17.49.250 Verification of NROD Boundary

Applicant's Response: A NROD verification report has been prepared by John McConnaughey of Environmental Technology Consultants and is included with this application.

17.49.255 Type I Verification

Applicant's Response: A Type I verification is not applicable to this site.

17.49.260. Type II Verification

Applicant's Response: A Type II verification is applicable to this site and information appropriate for such an application is submitted as a part of the application process.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

- 1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.

Applicant's Response: The application shall comply with the City code.

17.41.040 - Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Applicant's Response: No trees are proposed to be removed except for the three lie within a right-of-way or a public utility easement of some sort. Exceptions are not expected to be applicable to this site.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Applicant's Response: Mitigation will be addressed through Option #1, replacement by replanting. The 7 mitigation trees will be planted near the easterly property line of the site.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

- 1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*

2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Applicant's Response: Since all the trees that will be lost will be in the construction zone, along Hiram Avenue, the number of trees required for replacement is 3 for the 20" and 23" diameter trees and 1 for the 8" tree. Therefore, a total of 7 replacement trees are required.

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. First Priority. Replanting on the development site.

B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Applicant's Response: The mitigation trees will be planted the on-site, either in an area of a tract, outside the NROD zone or in the rear of a proposed lots, as shown on the proposed development plans.

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190.

Applicant's Response: This will not be applicable to this application.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41.100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- 1. Private open space held by the owner or a homeowners association; or*
- 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or*
- 3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or*
- 4. Any other ownership proposed by the owner and approved by the community development director.*

Applicant's Response: There will not be dedicated tracts for trees as a part of this application and thus this is not applicable.

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

- 1. Provide a map showing the net buildable area of the tree protection tract;*
- 2. Provide calculations justifying the requested dimensional adjustments;*
- 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080;*
- 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*
- 5. Meet all other standards of the base zone except as modified in section 17.41.100.*

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Applicant's Response: This will not be applicable to this site.

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C
Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%

1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%
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**0 foot setback is only allowed on single-family attached units*

Applicant's Response: Modifications to dimensional for tree preservation purposes, will not be required for this subdivision site.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Applicant's Response: Protected trees on lots will be covered by a restrictive covenant as may be required.

17.41.120 - Permitted adjustments (Option 3 Only).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Applicant's Response: Adjustments to setbacks for tree purposes, will not be requested as a part of this application.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Applicant's Response: This option will not be applicable to this site.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Applicant's Response: Regulated trees that are intended to be saved will be protected during construction.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

- 1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
- 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.*
- 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.*
- 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
- 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
- 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.*
- 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
- 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
- 9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
- 10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*

Applicant's Response: **Trees that are required to be protected will be protected by the minimum standards, unless noted other wise and approved by an arborist.**

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Applicant's Response: **Soil compaction around trees will be avoided to the extent possible.**

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. 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;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. 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*

5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Applicant's Response: More than 10 CY will be excavated and therefore a grading permit will be required.

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 Public Works 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 Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 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 fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works 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 Public Works 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 three feet high and less than twenty 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 Public Works 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.

Applicant's Response: An engineered grading plan will be required. At this point it is not anticipated that a geotechnical report will be required.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Applicant's Response: An erosion control plan will be required, and a preliminary EC plan is a part of the grading plan. It is also anticipated that the site could require a 1200-C permit application as the total disturbance area could exceed one acre.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Applicant's Response: Because of the proposed subdivision it is expected frontage improvements will be a required of the land use decision.

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Applicant's Response: All streets will be City of Oregon City public rights-of-way.

12.04.007 - Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

Two Modifications are being requested.

- 1. A modification request is being made to allow the use of a constrained street section.**
- 2. A modification request is being made to allow a street centerline off-set of 24.9 feet.**

(Also see the transportation analysis by Ard Engineering for more detailed explanations.)

A. The modification meets the intent of the standard;

Applicant's Response:

- 1. The constrained street request will meet the intent of the standard by provide vehicular and pedestrian access to the proposed subdivision site and will be able to be extended in the future.**

2. The off-set intersections, while generally prohibited between 5 feet and 150 feet, will meet the intent of the standard, as the intersection spacing cannot be placed any closer than 24.9 feet due to an existing house that prevents a straighter alignment. A variance request to street side yard setback is also being requested to allow the 24.9 foot off-set intersection.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Applicant's Response:

1. Because the proposed constrained street will be a local street, use by freight is not an issue, but the constrained street will not hinder pedestrians, motor vehicles or bicyclists from using the proposed street as intended. While allowing for reasonable size lots and allowing for one additional infill lot than would be otherwise achievable.
2. All three streets that involved with this design are local streets, (Hiram, Gains and the new proposed street). All three streets are or will be short in length, (Four blocks maximum). The modification request should not have any significant effect of the efficient movement of pedestrians, bicyclists or motor vehicles.

C. The modification is consistent with an adopted plan; and

Applicant's Response:

1. As a local street the street itself is not specifically noted in the Master Transportation Plan, but the intent of providing connectivity through to underdeveloped adjoining parcels is achieved.
2. There is no specific adopted plan for the new proposed street.

D. The modification is complementary with a surrounding street design; or, in the alternative;

Applicant's Response:

1. The requested modification will allow for a public street extension and for the project as a whole to be financially feasible.
2. In the Park Place neighborhood, there are a number of intersections off-set by similar distances, such as Gains at Front and Cleveland at Front.

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Applicant's Response: The request is not made for constitutional reasons.

12.04.010 - Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Applicant's Response: Construction of the curb and sidewalk along Hiram will be constructed in accordance with the required public work standards.

12.04.020 - Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Applicant's Response: There is not an unimproved street, but a new street will be constructed in accordance with City standards.

12.04.025 - Street design—Driveway curb cuts.

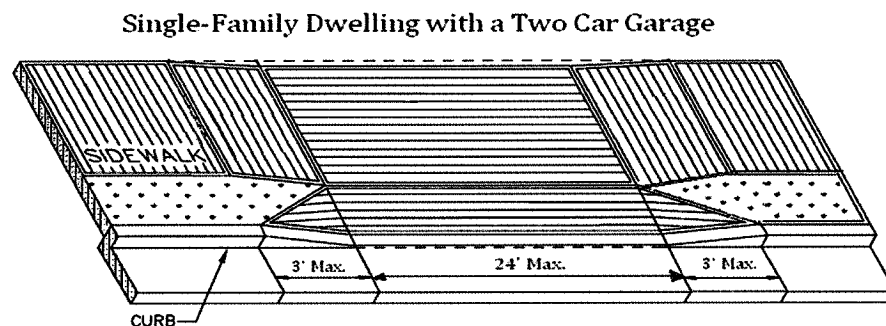
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
Single or two-family dwelling with one car garage/parking space	10 feet	12 feet
Single or two-family dwelling with two car garage/parking space	12 feet	24 feet
Single or two-family dwelling with three or more car garages/parking space	18 feet	30 feet
Nonresidential or multi-family residential driveway access	15 feet	40 feet

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Figure 12.04.025: Example Driveway Curb Cut



Applicant's Response: Driveway widths will be accordance the requirements of this standard.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

Applicant's Response: Curb cuts will be installed in accordance with City Standards.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the

lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Applicant's Response: Driveways will be constructed in accordance with City standards.

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.

Applicant's Response: It is not expected that the standards will have to be waived by the Public Works Director.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Applicant's Response: All work will be performed in accordance with City permitting requirements.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Applicant's Response: Excavations in street rights-of-way will be accordance with City requirements, including those limiting the number of days permitted for the excavation to be performed.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Applicant's Response: Restoration of street surfacing will done in accordance with City requirements.

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

a. Site plan showing right-of-way, utilities, driveways as directed by staff;

b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;

c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

d. Alternative routes if necessary;

e. Minimizing obstruction area; and

f. Hold harmless/maintenance agreement.

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.

2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:

- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
- c. No alternative locations are available that would not require use of the public right-of-way; and
- d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Applicant's Response: If a temporary obstruction is needed for some reason a proper permit will be applied for.

12.04.160 - Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Applicant's Response: No street vacation will be required.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Applicant's Response: A constrained street section is being requested, but otherwise utilities created will be per standard requirements.

12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Applicant's Response: No street stubs are currently at the edge of this parcel. A street stub to the south property line will be created so that it can be extended in the future.

12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
Road Classification	Comprehensive Plan Designation	Right-of-Way	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median

		Width								
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
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Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lane s	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Space		Shared	N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Space		Shared	N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Applicant's Response: A constrained street has been requested through the Modification section of this code. A street section of a 40 foot ROW, with a 28 foot curb to curb width, curb and 5 foot sidewalks on each side.

12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Applicant's Response: An access control strip may be needed at the end of the proposed street stub.

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Applicant's Response: A modification of this standard has been made per 12.04.007, to allow an centerline intersection off-set of 24.9 feet.

12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Applicant's Response: The new street will comply with this standard.

12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards			
Street Classification	Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Applicant's Response: The driveways will meet the standards for driveways for local streets.

12.04.199 - Pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Applicant's Response: There is not a Pedestrian and bicycle accessway proposed, therefore this is not applicable.

B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.

Applicant's Response: This not applicable to proposed subdivision.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Applicant's Response: This not applicable to proposed subdivision.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Applicant's Response: This not applicable to proposed subdivision.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Applicant's Response: This not applicable to proposed subdivision.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;

3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Applicant's Response: This not applicable to proposed subdivision.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Applicant's Response: This not applicable to proposed subdivision.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

Applicant's Response: This not applicable to proposed subdivision.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

Applicant's Response: This not applicable to proposed subdivision.

J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

Applicant's Response: This not applicable to proposed subdivision.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Applicant's Response: This not applicable to proposed subdivision.

12.04.205 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other

provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Applicant's Response: It is expected that for the new unsignalized intersection the movements during the peak hour will not exceed 20 vehicles per hour.

12.04.210 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Applicant's Response: The intersection of the new street with Hiram will be at a right angle to Hiram.

12.04.215 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Applicant's Response: No off-site street improvements are expected to be warranted by the development of the 4 new additional lots.

12.04.220 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Moratorium Pavement Cut Standard" or as approved by the city engineer.

Applicant's Response: A half street is not proposed.

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads

shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Applicant's Response: While the proposed development itself does not end with a cul-de-sac, via the future street plan, it is expected that a cul-de-sac will eventually end the proposed street stub. Because of existing development patterns, and the fact that Rock Street ROW is very narrow and cannot easily be widened, without significant redevelopment in the area, a cul-de-sac is the most reasonable way to provide a public street for this small infill area.

12.04.230 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

Applicant's Response: A street name has not been decided upon, but it shall meet the City standards.

12.04.235 - Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.

Applicant's Response: The grades and centerline radius will meet the City standards, with a street knuckle being used to make the development most efficient for lots, on what will be a relatively short street.

12.04.240 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Applicant's Response: This is not applicable to this subdivision.

12.04.245 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.

Applicant's Response: Special curb extensions for pedestrian and bicycle safety is not expected to be needed for the proposed intersection due to the low volume of vehicles.

12.04.255 - Street design—Alleys.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Applicant's Response: No alley is proposed.

12.04.260 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Applicant's Response: The site is not on a transit street.

12.04.265 - Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Applicant's Response: Because a constrained street is proposed, planter strips will not be created.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Applicant's Response: The improvements will meet the construction standards of the City and related construction standards, as may be applicable.

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Applicant's Response: Trees will be planted in the front or street side yard behind the sidewalk.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an

alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Applicant's Response: A street per every 35 feet will be planted to the fullest extent possible, while meeting other code requirements, as noted below.

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Applicant's Response: These standards will be met.

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Applicant's Response: This standard will be met.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Applicant's Response: This is not applicable to this site.

12.08.020 - Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Applicant's Response: We are not aware of any specific requirements for a particular street tree.

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees

	19" to 24"	4 Trees
	25" to 30"	5 Trees
	31" and over	8 Trees

Applicant's Response: No existing trees in existing right-of-way areas will have to be removed for this development.

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.

2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
<i>Quercus garryana</i>	Oregon white oak	8"
<i>Pseudotsuga menziesii</i>	Douglas-fir	18"
<i>Thuja plicata</i>	Western red cedar	12"
<i>Pinus ponderosa</i>	Ponderosa pine	12"
<i>Taxus brevifolia</i>	Western yew	6"
Other deciduous and horticultural tree species		20"
Other evergreen and conifer trees		18"

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

- The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
- It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
- It is a rare species, or provides a habitat for rare species of plants, animals or birds; and
- The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- View obstruction;
- Routine pruning, leaf raking and other maintenance activities; and
- Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

Applicant's Response: There is no heritage trees involved on this, to the best of our knowledge.

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Applicant's Response: It is not expected this will be applicable to the site.

Chapter 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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. Those exempted facilities shall be reviewed by the building official.

Applicant's Response: This requirement is applicable to the site.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand 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 five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.

Applicant's Response: This standard is applicable to the proposed development.

C. *Exemptions. The following exemptions to subsection B of this section apply:*

1. *An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the city.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. *Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. *Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
 - f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. *Maintenance or repair of existing utilities.*

Applicant's Response: The exceptions permitted are not applicable to this site.

D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
4. *Exterior storage of bulk construction materials;*
5. *Material transfer areas and loading docks;*
6. *Equipment and/or vehicle washing facilities;*
7. *Development on land with suspected or known contamination;*
8. *Covered vehicle parking for commercial or industrial uses;*
9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Applicant's Response: The additional management practices are not applicable to this site.

13.12.080 - Submittal requirements.

- A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

B. 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.

Applicant's Response: Engineered plans will be submitted for permitting once the subdivision land use request has been conditionally approved.

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 facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.

C. 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.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

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

Applicant's Response: These requirements will be met.

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 Public Works 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 intent 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.

Applicant's Response: Alternative materials or design or construction methods are not expected to be required.

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, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Applicant's Response: The construction of the required stormwater improvements will meet the City standards or other applicable standard as may be the case.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication Conference

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations,

requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Applicant's Response: A pre-application conference was held on October 31, 2017

17.50.055 Neighborhood Association Meeting

The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Applicant's Response: A presentation about the proposed subdivision was made in front of the Park Place Neighborhood Association Steering Committee on 1-28-19, Tom Sisul of Sisul Engineering. Minutes and the attendance list of the meeting is included as part of the additional application materials.

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

Applicant's Response: The variance request is being made by the applicant.

B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.

Applicant's Response: The application fee has been paid.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.

Applicant's Response: It is expected a planning commission hearing will be required.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

Applicant's Response: It is not expected this will be a minor variance.

E. For the purposes of this section, minor variances shall be defined as follows:

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

Applicant's Response: The setback reduction request will exceed 25%.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Applicant's Response: The variance request will not create damage to adjacent properties, by reducing light, air, or safe access or other necessary qualities. The existing home on which this variance is being requested for already has an existing driveway as close or closer to the house than where the proposed curb line would be.

B. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: There at least 3 competing requirements at play with this request. One is requested variance of the right-of-way to the house; another is the street centerline intersection off-set which is hoped to be reduced to the minimum possible; and finally, is having a reasonable width lot on the opposite side of the street next to the NROD area. The reduced street side yard is requested to reduce the centerline off-set and to allow for a wider lot on the opposite side of the street.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Applicant's Response: The proposed variance is a balance of different competing regulations as noted in B above. The proposed variance will overall provide a reasonable compromise, of competing requirements.

D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: Fencing along the ROW line could be installed, or vegetation screen could be planted although we note that side of the existing home as no windows or doors.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: No practical alternatives that would not impact the centerline off-set are possible.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response: The variance allows for a reasonable adjustment to allow an infill development in a constrained area, to be served with a public street, as is desired by the City.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☒ Subdivision (4+ lots)
- ☐ Minor Variance
- ☒ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): PA 17-61

Proposed Land Use or Activity: 5 lot subdivision

Project Name: Lemon Subdivision **Number of Lots Proposed (If Applicable):** 5

Physical Address of Site: 16362 Hiram Avenue

Clackamas County Map and Tax Lot Number(s): Map 2 2E 28BC TLs 900, 1000

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Jerry Lemon **Date:** 10-26-18

Mailing Address: 19043 SE Sunnyside Road, Damascus, OR 97089

Phone: 971-219-9430 **Fax:** _____ **Email:** jerrylemon@comcast.net

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Jerry Lemon **Date:** 10-26-18

Mailing Address: 19043 SE Sunnyside Road, Damascus, OR 97089

Phone: 971-219-9430 **Fax:** _____ **Email:** jerrylemon@comcast.net

Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Tom Sisul **Date:** 10-29-2018

Mailing Address: 375 Portland Avenue, Gladstone, OR 97027

Phone: 503-657-1088 **Fax:** 503-657-5779 **Email:** tomsisul@sisulengineering.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

**TYPE II NATURAL RESOURCE OVERLAY DISTRICT
and
SUBDIVISION APPLICATION
with
MODIFICATION REQUESTS FOR A CONSTRAINED STREET AND STREET CENTERLINE OFFSET
and
VARIANCE REQUEST FOR REDUCTION IN STREET SIDE YARD SETBACK
Applicant's Submittal
October 2018
Updated 2-3-19**

APPLICANT/OWNER: Jerry Lemon
19043 SE Sunnyside Road
Damascus, OR 97089

REPRESENTATIVE: Tom Sisul, Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

REQUEST: 5 Lot Subdivision with Natural Resource Overlay Impacts

LOCATION: 16362 Hiram Avenue
Map 2 2E 28BC, Tax Lots 900 and 1000

I. BACKGROUND:

1. Currently a single family home and outbuilding
2. New public street, 5 subdivision lots (including one for the existing home)
3. Contains a NROD area along its northerly property line.
4. Adjustments to lot dimensions as permitted under the NROD regulations will be used to achieve the maximum density.
5. Three existing trees will be lost along Hiram due to street frontage improvements and seven mitigation trees will be planted at the rear of the parcel as replacement.
6. A variance request for a street side yard setback reduction from 15 to 6 feet for the existing home relative to the new street.
7. Modification requests to allow a constrained street and to increase the intersection centerline offset distance to 24.9 feet.
8. A fee in lieu of is proposed for lower portion of the site that is too shallow to be treated under the City's BMP water quality requirements. The upper portion of the site will be treated.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.10 - "R-8" SINGLE-FAMILY DWELLING DISTRICT

17.10.040. A. Minimum lot area, eight thousand square feet;

Applicant's Response: The minimum lot size proposed will be 7007 SF. The lot sizes take advantage of the 80% flexible lot sizing as Permitted by 16.12.050 and lot sizing adjustments as permitted under Section 17.49.240.

17.10.040. B. Minimum lot width, sixty feet;

Applicant's Response: All lots will be at least 60 feet in width, except Lot 3 which is proposed to be 50 feet in width as is allowed under Section 17.49.240.

17.10.040. C. Minimum lot depth, seventy-five feet;

Applicant's Response: All lots will be at least 75 feet deep.

17.10.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet. If an existing structure is being retained.

Applicant's Response: The existing home on the that exists meets this standard, and it is expected all future homes will meet this standard, unless the code is modified at some future time.

17.10.040.E Setbacks if an existing structure is being retained.

1. Front yard: fifteen feet minimum depth.

Applicant's Response: The front yard setback will be met on all lots.

2. Front porch, ten feet minimum setback,

Applicant's Response: The front porch setback will be met on all lots.

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

Applicant's Response: No alleys are proposed the garage setbacks will be met on all lots.

4. Interior side yard, nine feet minimum setback for at least one side yard; seven feet minimum setback for the other side yard,

Applicant's Response: The interior side yard will be met on all lots.

5. Corner side yard, fifteen feet minimum setback,

Applicant's Response: Lot 2 will have required corner side yard setback. Lot 1, with the existing home, a variance to the street side yard setback will be requested.

6. Rear yard, twenty-foot minimum setback

Applicant's Response: The rear yard setback will be met on all lots.

7. Rear porch, fifteen-foot minimum setback.

Applicant's Response: The rear porch setback will be met on all lots.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area. If an existing structure is being retained.

Applicant's Response: Maximum footprint coverage will not be exceeded on all lots.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

16.08.030 - Preliminary subdivision plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,

Applicant's Response: An 8" water main exists in Hiram Avenue and is a part of a looped system and can provide adequate pressure and water supply. A new 8 inch line will be extended within the ROW of the new public street to several of the new lots.

2. Sanitary sewer,

Applicant's Response: A 12" sanitary sewer main exists in Hiram Avenue and is sufficient to serve the site. there is also an 8 inch line along the easterly side of the parcel that can serve lots. An 8 inch sanitary sewer will be extended in the new public street to serve Lot 3. Lots 4 and 5 will make sewer connections to the existing sewer lot along the rear of those proposed lots.

3. Storm sewer and stormwater drainage,

Applicant's Response: The easterly side of the parcel will be directed into a water quality and detention facility based on the City's BMP tool design requirements. The westerly portion of the site lies too low compared the available public drainage facilities to be able to be designed per the City's BMP tool and will a fee in lieu will need to be paid to account for the portion of the site that cannot drain to such.

4. Parks and recreation,

Applicant's Response: There is adequate parks to serve the proposed 4 additional lots as Park Place Park lies 2 blocks to the north of the site on Hiram Avenue.

5. Traffic and transportation,

Applicant's Response: The traffic impacts from the proposed subdivision will result in approximately 40 additional trips per day. The City's street capacity will be able to handle the additional trips.

6. Schools,

Applicant's Response: It could be expected that approximately 8 additional children, could be added to the school system. There is adequate capacity for such students.

7. Fire and police services;

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

Applicant's Response: City of Oregon City Police and Clackamas Fire District already serve the site. Therefore there is adequate capacity to serve the proposed subdivision.

D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Applicant's Response: Draft CC&R's will be developed at later time, when it is clearer what the need is for such.

E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

Applicant's Response: No phasing is proposed.

F. Overall density of the subdivision and the density by dwelling type for each.

Applicant's Response: Five lots are proposed on 62,045 site. Gross density would be 3.5 units per acre. Net density, based on the subtraction of new ROW areas and the storm water tract, but including one third the area of NROD area (not the tract which will contain it) which is 2696 SF and the remaining portion of Tract B outside the NROD area which is another 1272 SF. The 5 proposed lots themselves are 38,091 SF therefore the net density is 42,039 SF divided by 8,000 SF or 5.25 lots or simply 5 lots.

16.08.045 - Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Applicant's Response: A minimum of 20 feet of frontage for each lot will be created and thus this standard will be met.

16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.

Applicant's Response: No flag lots are proposed.

B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.

Applicant's Response: No flag lots are proposed.

C. The pole portion of the flag lot shall connect to a public street.

Applicant's Response: No flag lots are proposed.

D. The pole shall be at least 8 feet wide for the entire length.

Applicant's Response: No flag lots are proposed.

E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Applicant's Response: No flag lots are proposed.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS^[3]

16.12.020 - Blocks—Generally.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Applicant's Response: A natural resource corridor and as this is an infill development, with existing development on some adjoining parcels with no existing street or pedestrian connectivity, limit where blocks can be created.

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Applicant's Response: Because this is an infill project of limited parent parcel depth, there is in adequate depth to develop a new street, as Engineering desires, and create two tiers of lots between Hiram and the new street, without backing up the new street to existing developed parcels that have access from elsewhere.

16.12.045 - Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

Applicant's Response: The net developable area of the site after subtracting for ROW areas and 2/3 rds of the water resource areas (1/3rd of the water resource area is allowed to be counted towards the density) and including the portion of Tract B outside the NROD area is 42,039 SF. The maximum density is therefore 5 lots and minimum density would be 4 lots. Five lots is proposed.

16.12.050 - Calculations of lot area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Applicant's Response: The parcel is zoned R-8 or for 8,000 SF lots. The minimum lot size for any lot would be 80% of the that figure or 6,400 SF. The minimum lot size proposed is 7,007 SF, therefore this standard is met.

16.12.055 - Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Applicant's Response: Lot 1 as proposed would be a lot with streets on 3 sides. However, such cannot be avoided without the loss of density, and placing the proposed street next to existing parcels that are flag lots with access to Hunter St. As an infill site it is most practical for orderly development for Lot 1 to a through lot.

16.12.060 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Applicant's Response: To the most extent practicable all lots line will be either at right angles to the street or radial to the curve, and still allow for relatively rectangular lots.

16.12.070 - Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

Applicant's Response: All the existing and proposed streets within or adjacent to the subject site will be local streets, this is not applicable.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

Applicant's Response: This is not applicable to this subdivision site.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

Applicant's Response: The existing home faces towards Hiram. It is unknown for sure which way the home on Lot 2 will be faced by the future home builder.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

Applicant's Response: This is not applicable.

16.12.075 - Building site—Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Applicant's Response: No further redivision will be possible under current code and zoning regulations that pertain to this site.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Applicant's Response: Utility easements is expected will be needed in some locations within the proposed subdivision. We have shown those easements we expect will be needed.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any

necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Applicant's Response: Tracts and easements have been shown as is thought would be required on the preliminary application maps.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Applicant's Response: No easements for vehicular access will be needed.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Applicant's Response: Street frontage improvements on Hiram is expected to be required and is shown on the application plans.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

Applicant's Response: The storm drainage improvements, including a water quality facility to serve the site to the extent possible is shown on the application plans.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Applicant's Response: A sanitary sewer extension to serve the proposed site's parcels is shown.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Applicant's Response: A water main extension along the proposed new public street is shown on the application maps.

G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Applicant's Response: Street signs and traffic control devices as may be needed will be installed if the subdivision is developed.

H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Applicant's Response: Street lights will be installed as may be needed.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

Applicant's Response: A bench mark will be located within the subdivision per these requirements if required by the City Engineer.

K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Applicant's Response: All franchise utilities within the proposed subdivision boundary will be placed underground.

L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

M. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

Applicant's Response: No oversizing of facilities is expected to be required with this development.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.050 Emergencies

Applicant's Response: The proposed development does not constitute an emergency.

17.49.060 Consistency and Relationship to Other Regulations

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater

protection of the resource shall govern.

Applicant's Response: It is not expected that regional, state or federal laws will be more restrictive than Oregon City ordinances with regards to the NROD area.

17.49.060.B. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Applicant's Response: No approvals from other agencies is expected to be required.

17.49.[0]70 - Prohibited uses.

Applicant's Response: No prohibited uses is proposed.

17.49.[0]80 –Uses allowed outright (Exempted).

Applicant's Response: Some allowed uses will be proposed within the NROD area, such a surveys, and the land division.

17.49.090 Uses Allowed Under Prescribed Conditions

Applicant's Response: Street widening of Hiram and associated utility improvements along Hiram are the only things that may possibly fall when the prescribed conditions of this section.

17.49.100 General Development Standards

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

A. Native trees may be removed only if they occur within 10 feet of any proposed structures or within 5 feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Applicant's Response: No native trees are proposed to be removed.

17.49.100.B. *The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*

Applicant's Response: It is not expected that landscaping will be required by the base zone, and thus this is not applicable.

17.49.100.C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;*

Applicant's Response: Any vegetation planted in the NROD area will be native.

17.49.100.E. *The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: The base zone setbacks will be met except for the existing home on Lot 1, which is entirely outside the NROD portion of the lot.

17.49.100.F. *Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*

Applicant's Response: This will not be applicable to this proposed subdivision request.

17.49.100.G. *Fences are allowed only within the disturbance area;*

Applicant's Response: Fences will only be installed with the allowed disturbance area.

17.49.100.H. *Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;*

Applicant's Response: Such lighting exceeding the brightness of a 200 watt light bulb, will not shine directly onto the NROD area.

17.49.100.I. *If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and*

Applicant's Response: The site is not in the 100 year flood plain.

17.49.110 *Width of Vegetated Corridor.*

Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Applicant's Response: The minimum vegetated corridor width is 15 feet from the top of bank in accordance with the requirements for an intermittent stream with slopes of less than 25%.

17.49.120 *Maximum Disturbance Allowance for Highly Constrained Lots of Record*

Applicant's Response: This is not applicable to the proposed subdivision.

17.49.130 *Existing Development Standards*

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

A. The following alterations and additions to existing development are permitted subject to the following standards.

- 1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 1/2 of the distance of the regulated NROD buffer.*

2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 1/2 of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

Applicant's Response: The application should be process as a Type II permit as less than 500 SF of area of the NROD will be disturbed.

17.49.130.B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

Applicant's Response: Mitigation is not expected to be required.

17.49.140 Standards for Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

Applicant's Response: The standards are noted and is not expected these standards will be applicable to the proposed subdivision.

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.

Applicant's Response: No pathway or road, outside a current public street ROW, is proposed to encroach into the NROD area.

17.49.150.B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;

Applicant's Response: No stream crossings are proposed.

17.49.150.C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

Applicant's Response: No fill or excavation is expected to be required for the proposed development.

17.49.150.D. *If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*

Applicant's Response: This is not expected to be applicable to this site.

17.49.150.E. *Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*

Applicant's Response: This is not expected to be applicable.

17.49.150.F. *Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: This is not expected to be applicable.

17.49.155 Standards for Stormwater Facilities

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

A. The forest canopy within the driplines of existing trees shall not be disturbed.

B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.

C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

D. The storm water facility may encroach up to 1/2 the distance of the NROD corridor.

E. The stormwater facility shall not impact more than 1,000 square feet of the NROD. Impacts greater than 1,000 square feet shall be process as a Type III application.

F.. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

Applicant's Response: This is not expected to be required.

17.49.160 Standards for Land Divisions

Applicant's Response: The land division shall conform.

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

Applicant's Response: This will not be applicable to the proposed subdivision.

17.49.180. Mitigation Standards

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

Applicant's Response: Mitigation is not expected to be required.

17.49.180.A. *Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area.*

Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

Applicant's Response: Mitigation is not expected to be required.

17.49.180.B. *Mitigation shall occur on the site where the disturbance occurs, except as follows:*

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and

3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

Mitigation Planting Option 1.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2. Mitigation Planting Option 2.

17.49.180.E.2.a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.b Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.c Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.d Option 2 – Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.E.2.e Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said

annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.

Applicant's Response: Mitigation is not expected to be required.

17.49.180.H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

Applicant's Response: Mitigation is not expected to be required.

17.49.190 Alternative Mitigation Standards

Applicant's Response: Mitigation is not expected to be required.

17.49.200. Adjustment from Standards

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

Applicant's Response: An adjustment is not expected to be required.

17.49.200.A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;

Applicant's Response: An adjustment is not expected to be required.

17.49.200.B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;

Applicant's Response: An adjustment is not expected to be required.

17.49.200.C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;

Applicant's Response: An adjustment is not expected to be required.

17.49.200.D. Fish and wildlife passage will not be impeded;

Applicant's Response: An adjustment is not expected to be required.

17.49.200.E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and

Applicant's Response: An adjustment is not expected to be required.

17.49.200.F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Applicant's Response: An adjustment is not expected to be required.

17.49.210 *Type II Development Permit Application*

Applicant's Response: A Type II permit is the process expected to be required.

17.49.220 *Required Site Plans*

Site plans showing the following required items shall be part of the application:

A. For the entire subject property (NROD and non-NROD areas):

- 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
- 2. 100 year floodplain and floodway boundary (if determined by FEMA);*
- 3. Creeks and other waterbodies;*
- 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
- 5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;*
- 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
- 7. Extent of the required Vegetated Corridor required by Table 17.49.110.*

Applicant's Response: The NROD boundary area shown based on being 15 feet from the top of bank for an intermittent drainageway with slopes less than 25%.

B. Within the NROD area of the subject property:

- 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;*
- 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
- 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;*
- 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.*

Applicant's Response: No grading is proposed in the NROD area, that is currently outside existing street ROW.

C. A construction management plan including:

- 1. Location of site access and egress that construction equipment will use;*
- 2. Equipment and material staging and stockpile areas;*
- 3. Erosion control measures that conform to City of Oregon City erosion control standards;*
- 4. Measures to protect trees and other vegetation located outside the disturbance area.*

Applicant's Response: Sediment fencing along the NROD boundary is noted on the plans.

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:

- 1. Dams, weirs or other in-water features;*
- 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
- 3. Distribution, species composition, size, and spacing of shrubs to be planted;*
- 4. Location, species and size of each tree to be planted;*
- 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
- 6. Water bodies or wetlands to be created, including depth;*
- 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

Applicant's Response: Mitigation is not expected to be required.

17.49.230 Mitigation Plan Report

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;*
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;*
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);*
- D. Construction timetables;*
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.*

Applicant's Response: Mitigation is not expected to be required.

17.49.240 Density Transfer

Applicant's Response: As allowed under 17.49.240(B) one third of the square footage of the NROD area (975 SF) is being transferred to the non-NROD portion of the site. The modifications to the residential dimensional standards are being met, by allowing the average lot size to be less than 8,000 SF (7614 SF). The minimum lot width of Lot 3 is proposed to be 50 feet wide as is allowed under Table 17.49.240A- Lot Size Reduction, a reduction from the minimum per the base zone requirement.

17.49.250 Verification of NROD Boundary

Applicant's Response: A NROD verification report has been prepared by John McConnaughey of Environmental Technology Consultants and is included with this application.

17.49.255 Type I Verification

Applicant's Response: A Type I verification is not applicable to this site.

17.49.260. Type II Verification

Applicant's Response: A Type II verification is applicable to this site and information appropriate for such an application is submitted as a part of the application process.

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

- 1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.*

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.

Applicant's Response: The application shall comply with the City code.

17.41.040 - Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Applicant's Response: No trees are proposed to be removed except for the three lie within a right-of-way or a public utility easement of some sort. Exceptions are not expected to be applicable to this site.

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or*
- 2. Preclude meeting minimum connectivity requirements for subdivisions.*

Applicant's Response: Mitigation will be addressed through Option #1, replacement by replanting. The 7 mitigation trees will be planted near the easterly property line of the site.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

- 1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*

2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Applicant's Response: Since all the trees that will be lost will be in the construction zone, along Hiram Avenue, the number of trees required for replacement is 3 for the 20" and 23" diameter trees and 1 for the 8" tree. Therefore, a total of 7 replacement trees are required.

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

A. First Priority. Replanting on the development site.

B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Applicant's Response: The mitigation trees will be planted the on-site, either in an area of a tract, outside the NROD zone or in the rear of a proposed lots, as shown on the proposed development plans.

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190.

Applicant's Response: This will not be applicable to this application.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- 1. Private open space held by the owner or a homeowners association; or*
- 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or*
- 3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or*
- 4. Any other ownership proposed by the owner and approved by the community development director.*

Applicant's Response: There will not be dedicated tracts for trees as a part of this application and thus this is not applicable.

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

- 1. Provide a map showing the net buildable area of the tree protection tract;*
- 2. Provide calculations justifying the requested dimensional adjustments;*
- 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080;*
- 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*
- 5. Meet all other standards of the base zone except as modified in section 17.41.100.*

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Applicant's Response: This will not be applicable to this site.

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C
Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%

1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%
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**0 foot setback is only allowed on single-family attached units*

Applicant's Response: Modifications to dimensional for tree preservation purposes, will not be required for this subdivision site.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Applicant's Response: Protected trees on lots will be covered by a restrictive covenant as may be required.

17.41.120 - Permitted adjustments (Option 3 Only).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Applicant's Response: Adjustments to setbacks for tree purposes, will not be requested as a part of this application.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Applicant's Response: This option will not be applicable to this site.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Applicant's Response: Regulated trees that are intended to be saved will be protected during construction.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

- 1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
- 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.*
- 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.*
- 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
- 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
- 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.*
- 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
- 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
- 9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
- 10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*

Applicant's Response: Trees that are required to be protected will be protected by the minimum standards, unless noted other wise and approved by an arborist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Applicant's Response: Soil compaction around trees will be avoided to the extent possible.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. 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;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. 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*

5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Applicant's Response: More than 10 CY will be excavated and therefore a grading permit will be required.

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 Public Works 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 Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 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 fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works 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 Public Works 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 three feet high and less than twenty 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 Public Works 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.

Applicant's Response: An engineered grading plan will be required. At this point it is not anticipated that a geotechnical report will be required.

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.070 Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

Applicant's Response: An erosion control plan will be required, and a preliminary EC plan is a part of the grading plan. It is also anticipated that the site could require a 1200-C permit application as the total disturbance area could exceed one acre.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Applicant's Response: Because of the proposed subdivision it is expected frontage improvements will be a required of the land use decision.

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Applicant's Response: All streets will be City of Oregon City public rights-of-way.

12.04.007 - Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

Two Modifications are being requested.

- 1. A modification request is being made to allow the use of a constrained street section.**
- 2. A modification request is being made to allow a street centerline off-set of 24.9 feet.**

(Also see the transportation analysis by Ard Engineering for more detailed explanations.)

A. The modification meets the intent of the standard;

Applicant's Response:

- 1. The constrained street request will meet the intent of the standard by provide vehicular and pedestrian access to the proposed subdivision site and will be able to be extended in the future.**

2. The off-set intersections, while generally prohibited between 5 feet and 150 feet, will meet the intent of the standard, as the intersection spacing cannot be placed any closer than 24.9 feet due to an existing house that prevents a straighter alignment. A variance request to street side yard setback is also being requested to allow the 24.9 foot off-set intersection.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Applicant's Response:

1. Because the proposed constrained street will be a local street, use by freight is not an issue, but the constrained street will not hinder pedestrians, motor vehicles or bicyclists from using the proposed street as intended. While allowing for reasonable size lots and allowing for one additional infill lot than would be otherwise achievable.
2. All three streets that involved with this design are local streets, (Hiram, Gains and the new proposed street). All three streets are or will be short in length, (Four blocks maximum). The modification request should not have any significant effect of the efficient movement of pedestrians, bicyclists or motor vehicles.

C. The modification is consistent with an adopted plan; and

Applicant's Response:

1. As a local street the street itself is not specifically noted in the Master Transportation Plan, but the intent of providing connectivity through to underdeveloped adjoining parcels is achieved.
2. There is no specific adopted plan for the new proposed street.

D. The modification is complementary with a surrounding street design; or, in the alternative;

Applicant's Response:

1. The requested modification will allow for a public street extension and for the project as a whole to be financially feasible.
2. In the Park Place neighborhood, there are a number of intersections off-set by similar distances, such as Gains at Front and Cleveland at Front.

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Applicant's Response: The request is not made for constitutional reasons.

12.04.010 - Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Applicant's Response: Construction of the curb and sidewalk along Hiram will be constructed in accordance with the required public work standards.

12.04.020 - Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Applicant's Response: There is not an unimproved street, but a new street will be constructed in accordance with City standards.

12.04.025 - Street design—Driveway curb cuts.

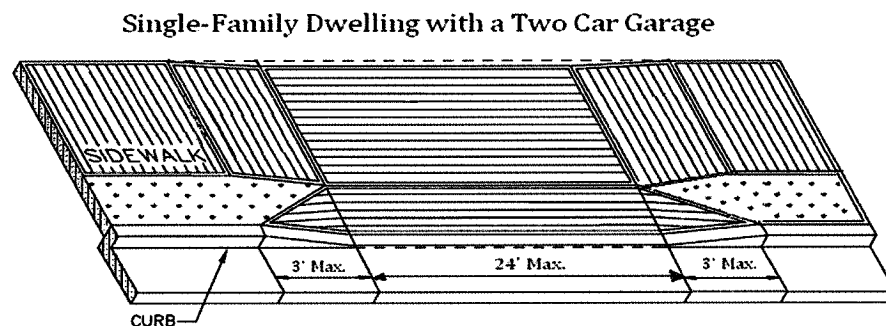
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Property Use	Minimum Driveway Width at sidewalk or property line	Maximum Driveway Width at sidewalk or property line
Single or two-family dwelling with one car garage/parking space	10 feet	12 feet
Single or two-family dwelling with two car garage/parking space	12 feet	24 feet
Single or two-family dwelling with three or more car garages/parking space	18 feet	30 feet
Nonresidential or multi-family residential driveway access	15 feet	40 feet

The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).

Figure 12.04.025: Example Driveway Curb Cut



Applicant's Response: Driveway widths will be accordance the requirements of this standard.

C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.
 - b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

Applicant's Response: Curb cuts will be installed in accordance with City Standards.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the

lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Applicant's Response: Driveways will be constructed in accordance with City standards.

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.

Applicant's Response: It is not expected that the standards will have to be waived by the Public Works Director.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Applicant's Response: All work will be performed in accordance with City permitting requirements.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Applicant's Response: Excavations in street rights-of-way will be accordance with City requirements, including those limiting the number of days permitted for the excavation to be performed.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Applicant's Response: Restoration of street surfacing will done in accordance with City requirements.

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

a. Site plan showing right-of-way, utilities, driveways as directed by staff;

b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;

c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

d. Alternative routes if necessary;

e. Minimizing obstruction area; and

f. Hold harmless/maintenance agreement.

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.

2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:

- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
- c. No alternative locations are available that would not require use of the public right-of-way; and
- d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

Applicant's Response: If a temporary obstruction is needed for some reason a proper permit will be applied for.

12.04.160 - Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Applicant's Response: No street vacation will be required.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Applicant's Response: A constrained street section is being requested, but otherwise utilities created will be per standard requirements.

12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

Applicant's Response: No street stubs are currently at the edge of this parcel. A street stub to the south property line will be created so that it can be extended in the future.

12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
Road Classification	Comprehensive Plan Designation	Right-of-Way	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median

		Width								
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
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Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lane s	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Space		Shared	N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Space		Shared	N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

Applicant's Response: A constrained street has been requested through the Modification section of this code. A street section of a 40 foot ROW, with a 28 foot curb to curb width, curb and 5 foot sidewalks on each side.

12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Applicant's Response: An access control strip may be needed at the end of the proposed street stub.

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Applicant's Response: A modification of this standard has been made per 12.04.007, to allow an centerline intersection off-set of 24.9 feet.

12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Applicant's Response: The new street will comply with this standard.

12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards			
Street Classification	Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Minor Streets	Arterial	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets		Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Applicant's Response: The driveways will meet the standards for driveways for local streets.

12.04.199 - Pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Applicant's Response: There is not a Pedestrian and bicycle accessway proposed, therefore this is not applicable.

B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a fifteen-foot-wide right-of-way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.

Applicant's Response: This not applicable to proposed subdivision.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Applicant's Response: This not applicable to proposed subdivision.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Applicant's Response: This not applicable to proposed subdivision.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Applicant's Response: This not applicable to proposed subdivision.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;

3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Applicant's Response: This not applicable to proposed subdivision.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Applicant's Response: This not applicable to proposed subdivision.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

Applicant's Response: This not applicable to proposed subdivision.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

Applicant's Response: This not applicable to proposed subdivision.

J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

Applicant's Response: This not applicable to proposed subdivision.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Applicant's Response: This not applicable to proposed subdivision.

12.04.205 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other

provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Applicant's Response: It is expected that for the new unsignalized intersection the movements during the peak hour will not exceed 20 vehicles per hour.

12.04.210 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Applicant's Response: The intersection of the new street with Hiram will be at a right angle to Hiram.

12.04.215 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Applicant's Response: No off-site street improvements are expected to be warranted by the development of the 4 new additional lots.

12.04.220 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is made it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Moratorium Pavement Cut Standard" or as approved by the city engineer.

Applicant's Response: A half street is not proposed.

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads

shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Applicant's Response: While the proposed development itself does not end with a cul-de-sac, via the future street plan, it is expected that a cul-de-sac will eventually end the proposed street stub. Because of existing development patterns, and the fact that Rock Street ROW is very narrow and cannot easily be widened, without significant redevelopment in the area, a cul-de-sac is the most reasonable way to provide a public street for this small infill area.

12.04.230 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

Applicant's Response: A street name has not been decided upon, but it shall meet the City standards.

12.04.235 - Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.

Applicant's Response: The grades and centerline radius will meet the City standards, with a street knuckle being used to make the development most efficient for lots, on what will be a relatively short street.

12.04.240 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Applicant's Response: This is not applicable to this subdivision.

12.04.245 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.

Applicant's Response: Special curb extensions for pedestrian and bicycle safety is not expected to be needed for the proposed intersection due to the low volume of vehicles.

12.04.255 - Street design—Alleys.

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.

Applicant's Response: No alley is proposed.

12.04.260 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Applicant's Response: The site is not on a transit street.

12.04.265 - Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Applicant's Response: Because a constrained street is proposed, planter strips will not be created.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Applicant's Response: The improvements will meet the construction standards of the City and related construction standards, as may be applicable.

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

Applicant's Response: Trees will be planted in the front or street side yard behind the sidewalk.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an

alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Applicant's Response: A street per every 35 feet will be planted to the fullest extent possible, while meeting other code requirements, as noted below.

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Applicant's Response: These standards will be met.

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Applicant's Response: This standard will be met.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Applicant's Response: This is not applicable to this site.

12.08.020 - Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Applicant's Response: We are not aware of any specific requirements for a particular street tree.

12.08.035 - Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees

	19" to 24"	4 Trees
	25" to 30"	5 Trees
	31" and over	8 Trees

Applicant's Response: No existing trees in existing right-of-way areas will have to be removed for this development.

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.

2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

<i>Species</i>	<i>Common Name</i>	<i>Size (d.b.h)</i>
<i>Quercus garryana</i>	<i>Oregon white oak</i>	<i>8"</i>
<i>Pseudotsuga menziesii</i>	<i>Douglas-fir</i>	<i>18"</i>
<i>Thuja plicata</i>	<i>Western red cedar</i>	<i>12"</i>
<i>Pinus ponderosa</i>	<i>Ponderosa pine</i>	<i>12"</i>
<i>Taxus brevifolia</i>	<i>Western yew</i>	<i>6"</i>
<i>Other deciduous and horticultural tree species</i>		<i>20"</i>
<i>Other evergreen and conifer trees</i>		<i>18"</i>

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

- a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or*
- b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or*
- c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and*
- d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;*

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;*
- b. Routine pruning, leaf raking and other maintenance activities; and*
- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.*

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

Applicant's Response: There is no heritage trees involved on this, to the best of our knowledge.

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Applicant's Response: It is not expected this will be applicable to the site.

Chapter 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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. Those exempted facilities shall be reviewed by the building official.

Applicant's Response: This requirement is applicable to the site.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand 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 five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface per parcel or lot, cumulated over any given five-year period.

Applicant's Response: This standard is applicable to the proposed development.

C. *Exemptions. The following exemptions to subsection B of this section apply:*

1. *An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the city.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. *Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. *Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
 - f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. *Maintenance or repair of existing utilities.*

Applicant's Response: The exceptions permitted are not applicable to this site.

D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*

1. *Bulk petroleum storage facilities;*
2. *Above ground storage of liquid materials;*
3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
4. *Exterior storage of bulk construction materials;*
5. *Material transfer areas and loading docks;*
6. *Equipment and/or vehicle washing facilities;*
7. *Development on land with suspected or known contamination;*
8. *Covered vehicle parking for commercial or industrial uses;*
9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Applicant's Response: The additional management practices are not applicable to this site.

13.12.080 - Submittal requirements.

- A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

B. 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.

Applicant's Response: Engineered plans will be submitted for permitting once the subdivision land use request has been conditionally approved.

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 facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.

C. 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.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

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

Applicant's Response: These requirements will be met.

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 Public Works 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 intent 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.

Applicant's Response: Alternative materials or design or construction methods are not expected to be required.

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, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Applicant's Response: The construction of the required stormwater improvements will meet the City standards or other applicable standard as may be the case.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication Conference

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations,

requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Applicant's Response: A pre-application conference was held on October 31, 2017

17.50.055 Neighborhood Association Meeting

The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Applicant's Response: A presentation about the proposed subdivision was made in front of the Park Place Neighborhood Association Steering Committee on 1-28-19, Tom Sisul of Sisul Engineering. Minutes and the attendance list of the meeting is included as part of the additional application materials.

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

Applicant's Response: The variance request is being made by the applicant.

B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.

Applicant's Response: The application fee has been paid.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.

Applicant's Response: It is expected a planning commission hearing will be required.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.

Applicant's Response: It is not expected this will be a minor variance.

E. For the purposes of this section, minor variances shall be defined as follows:

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

Applicant's Response: The setback reduction request will exceed 25%.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Applicant's Response: The variance request will not create damage to adjacent properties, by reducing light, air, or safe access or other necessary qualities. The existing home on which this variance is being requested for already has an existing driveway as close or closer to the house than where the proposed curb line would be.

B. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: There at least 3 competing requirements at play with this request. One is requested variance of the right-of-way to the house; another is the street centerline intersection off-set which is hoped to be reduced to the minimum possible; and finally, is having a reasonable width lot on the opposite side of the street next to the NROD area. The reduced street side yard is requested to reduce the centerline off-set and to allow for a wider lot on the opposite side of the street.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Applicant's Response: The proposed variance is a balance of different competing regulations as noted in B above. The proposed variance will overall provide a reasonable compromise, of competing requirements.

D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: Fencing along the ROW line could be installed, or vegetation screen could be planted although we note that side of the existing home as no windows or doors.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: No practical alternatives that would not impact the centerline off-set are possible.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

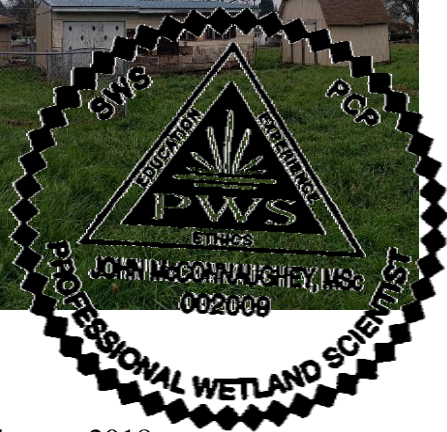
Applicant's Response: The variance allows for a reasonable adjustment to allow an infill development in a constrained area, to be served with a public street, as is desired by the City.

Verification of NROD Boundary Type-II With No Proposed Impacts

For PA17-61

16362 Hiram Ave, Oregon City, OR

Parcels 2-2E-28BC-00900 and 2-2E-28BC-01000



Evaluated by:

John McConnaughey
John McConnaughey, PWS

February 2018
ETC Job EVA17021

Prepared for Jerry Lemon
19043 SE Sunnyside
Damascus, OR 97089

	<p>Environmental Technology Consultants PO Box 821185 Vancouver, WA 98662 <i>A Division of Sisul Enterprises, Inc.</i> (360) 696-4403 Fax: (503) 657-5779 WA Landscape Contractors License #: ENVIRTCO23RB Web: www.etcEnvironmental.net Email: etc@etcEnvironmental.net</p>
<p><i>"Creating Tomorrow's Environment - Today"</i></p>	

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Photo 1, Cover page Photo – The back yard from data plot P4. A slight depression in the yard. This area of the yard had a shallow water table at 13” on the day of the site visit. Vegetation was substantially similar to the surrounding. Soils did not meet criteria, and the presence of a substantial amount of *Geranium robertianum* suggest the area does not experience wetland hydrology for most of the growing season.

INTRODUCTION

This report responds to the portions of the Pre-Application Conference Notes PA 17-61, dated October 31, 2017 that concern Oregon City's Chapter 17.49, the Natural Resources Overlay District. The relevant sections are quoted below:

- A portion of the site is within the Natural Resource Overlay District (NROD), including a mapped stream, wetland, and vegetated corridor.
- The applicant is responsible for meeting the code in [Chapter 17.49 - NATURAL RESOURCE OVERLAY DISTRICT](#). The applicant may accept the mapped boundary or conduct an on-site survey of the Water Resource to determine its condition and the extent of the associated vegetated corridor width required.
- **17.49.110 - Width of vegetated corridor.**
 - A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.
- All studies and reports shall be conducted by a certified professional.
- Native trees may be removed only if they occur within ten feet of any proposed structures or within five feet of new driveways or if deemed not wind-safe by a certified arborist.
- Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site – one third of the area may be transferred. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size. Dimensional standards and setbacks may be reduced per table 17.49.240.A and B.
- Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract, which shall not be a part of any parcel used for construction of a dwelling unit.
- Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - Private open space held by the owner or a homeowners association; or
 - For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
 - Any other ownership proposed by the owner and approved by the city.
- Tracts shall be exempt from minimum frontage requirements.
- Disturbance must be mitigated on site, according to a mitigation plan provided by the applicant and written by an environmental professional per 17.49.230. Mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area.
- 5-year monitoring and maintenance reporting on the mitigation planting is required.

SUMMARY OF FINDINGS:

Oregon City maps showing a small ditched and straitened stream following the North property boundary are essentially correct. The surveyor's mapping of the stream centerline was close to the position shown on city maps, and ETC determined that it was likely a jurisdictional feature. A survey of the two lots found no additional jurisdictional features.

Further examination of the stream and surrounding topography found that it likely meets the definition of an intermittent stream draining less than 100 acres, and has side slopes of less than 25%. Corroborating information is found in Oregon City Water Resources Report WR 01-08 written for the Dalles subdivision on the west boundary of the subject parcels, (Partition Plat 2005-112). That report also determined the stream was intermittent and drained less than 100 acres.

The width of the vegetated corridor according to Table 17.49.110 is then 15'. City maps show an NROD vegetated buffer of about 60FT. The applicant therefore does not accept the mapped boundary, and instead proposes the 15FT boundary shown in this report.

PROPOSED USE AND IMPACT:

This project seeks to subdivide Oregon City tax parcels 2-2E-28BC-00900 and 2-2E-28BC-01000 into five lots. The existing house at 16362 Hiram Avenue will become Lot #1, and Lots 2 through 5 will become new lots to be developed as single-family homes.

DISCLAIMER:

This report documents the investigation, best professional judgment and conclusions of the investigators. It is correct and complete to the best of our knowledge. Wetland boundaries and buffers shown in this report should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the appropriate planning authority.

QUALIFICATIONS OF JOHN MCCONNAUGHEY

I earned a Bachelor of Science degree from the University of Oregon in 1978 and in 1984 I earned a Masters of Fisheries Science degree from the University of Alaska at Juneau, (since renamed the University of Alaska, Southeast). The Juneau curriculum specializes in the study of Pacific salmon. I held positions with agencies tasked with salmon research and management beginning with summer jobs in 1979 in Rogue River, the Oregon Dept of Fish and Wildlife, and then with the Alaska Department of Fish and Game in Ketchikan Alaska, in 1980. I worked on salmon projects with ADF&G in Anchorage and Juneau for 5 years before moving to American Samoa to serve as a fisheries projects leader for the Department of Marine and Wildlife Resources. Upon returning stateside, I worked for the Yakama/Klickitat Fisheries Project out of

Yakima Washington for 5 years leading four research projects studying aspects of salmon supplementation projects in the Yakima River.

I have been employed with Environmental Technology Consultants for the past 10 years. In 2010 I earned certification as a Professional Wetland Scientists, (PWS) from the Society of Wetlands Scientists, (SWS), and was renewed in 2015. No part of my compensation is dependent on the outcome of my investigations or conclusions I may draw from the observed data.

Landscape Setting and Land Use

Study Area

The study area included all portions of tax lots 2-2E-28BC-00900 and 2-2E-28BC-01000. In addition, neighboring lots 2-2E-28BC-00500 to the West, 2-2E-28BC-00800 to the North were investigated by foot as needed to assess the presence of wetlands or streams for NROD features that may affect the subject property. Lot 2-2E-28BC-01200 to the South was visually surveyed from the fence.

JURISDICTIONAL CONSIDERATIONS

- Oregon City, Oregon
- Clackamas County, Oregon
- Zoning is R8
- Watershed – Abernethy Creek/Willamette River.
- Not in a mapped FEMA floodway.
- Not in a 100-year FEMA flood zone.
- Stream mapped on the subject parcel.

17.10.040 Dimensional Standards. Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard fifteen feet minimum setback,
 - 2. Front porch, ten feet minimum setback,
 - 2. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
 - 3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard,
 - 4. Corner side yard, fifteen feet minimum setback,
 - 5. Rear yard, twenty feet minimum setback,
 - 6. Rear porch, fifteen feet minimum setback.
- F. Garage Standards: See Section 17.20 – Residential Design Standards.

G. Maximum Lot Coverage: The footprint of all structures 200 square feet or greater shall cover a maximum of 40 percent of the lot area.
--

LANDSCAPE SETTINGS

The property is a couple blocks south of Park Place Park in the Northern end of Oregon City, north of H-213. The property is gently sloping west to east averaging about a 4% slope. The land raises more steeply to the West and North.

The surrounding properties are all developed at varying densities. It looks like they were all 1 acre lots or larger originally, but have been subdivided over time into smaller lots. Older homes are predominantly small track homes on larger parcels, new homes tend to be larger two story homes on smaller lots. The area is serviced by a sanitary sewer system.

PREVIOUS AND CURRENT LAND USES, & SITE ALTERATIONS

Aerial photos from 1999 to the present suggest the vegetation, land and buildings are relatively unchanged in the past 18 years. There is a small older single family house, four sheds and a garage. Most of the property is cleared and maintained as a lawn, although it had not been mowed for a while on my visit. There are some scattered fruit trees, some European Hawthorn on the north side along the stream, and a large and two medium size deciduous trees on the south side inside a fenced yard in back of the house.

Lot 2-2E-28BC-00900 is developed with three sheds and most of the garage used by the house on lot 1000. The garage straddles the lot line between lot 900 and 1000, with most of the garage on lot 900, and the south wall on lot 1000.

Lot 2-2E-28BC-01000 is developed with an older single family home, a shed, and a portion of the garage.

Methods

Site Specific Methodology: All areas of the parcel were accessible by foot. We conducted a pedestrian survey to verify the location of water and other natural resources which form the basis of the NROD overlay. We also reviewed available maps and aerial photos to identify and map NROD features.

The stream on the North boundary was an obvious stream feature, and it had been recently surveyed by Centerline Concepts prior to ETC's involvement. We did not flag or map it further. We established four Wetland Determination data plots, two to characterize the stream and bank, and two others in areas we suspected may have wetland hydrology.

Previous Studies

We are not aware of any previous wetland investigation or NROD surveys on the subject parcels. The Department of State Lands was contacted to see if there were recorded delineations on the surrounding properties. No delineations were found.

One previous NROD study was found, for the Dalles subdivision which borders the west property boundary. The water resources report is #WR 01-08, authored by David Waterman and Rich Bublitz who used to work for Environmental Technology Consultants prior to my employment with this firm.

A wetland determination and delineation study was conducted in accordance to USACE criteria. Four data plots were established to characterize the site. The data plots were located in areas suspected of having wetland hydrology based on their position in the landscape, vegetation, and other criteria. The results are included below, no report was written in the format required for DSL, as no requirement for concurrence by DSL in PA-17-61.

Mapping was done by Centerline Concepts in October, 2017. I used a cloth tape and cell phone GPS to estimate the locations of the four wetland data plots shown in the figures. Though this method does not provide the 3FT accuracy required by the Corps to map wetland boundaries, I was not mapping wetland boundaries, only data plot locations.

The upstream basin was estimated using Oregon City's GIS system showing topography and catchment basins.

Results

Data plot P1, located in the bottom of a ditch, was the only plot determined to meet all criteria for determining wetland hydrology.



Photo 2. Data plots P1 (ditch bottom), and P2, (Top of Bank). Looking west down the ditch. Trees line the north bank of the ditch, mostly birch and hawthorn. ETC Photo 12/22/2017.



Photo 3. Data Plot P3 looking SW. An area in the west portion of the property most suspected for having wetland hydrology. Until recently the area had been maintained as mowed lawn with some scattered fruit trees. ETC Photo 12/22/2017.



Photo 4. Fenced portion of back yard of 16362 Hiram Ave. Large trees with a grass understory. Buildings from left to right are: 1) small brick shed, 2) single family house, and 3) garage. The yard looks to be recovering after a past use that involved heavy traffic on the yard, perhaps kids or dogs.



Photo 5. Front of house from Hiram Avenue. ETC Photo 12/22/2017.

My investigations found only one jurisdictional feature, described as Stream “A”, which has been ditched and straightened from its historical path.

NROD Existing Conditions

The NROD buffer meets the definition of a degraded vegetated corridor, due to the historic maintenance of the area as a lawn of European grasses and scattered trees. A portion of the west end also has blackberries that overhang from the neighboring properties.

Description of All Wetlands and Other Non-Wetland Waters

The Property is in the Park Place drainage basin. One small stream was found which has been ditched and channelized. No other streams or wetlands were found on the property. The stream is unnamed on all maps we examined, and so following the nomenclature used by Waterman and Bublitz in WS-01-08 we are calling it “Stream A”.

Stream “A”: Stream “A” where it flows on the subject property has been straightened from its historic course into a ditch flowing along the North property boundary. The ditch is approximately 2ft deep and vegetated with grasses, mostly Reed Canary Grass. The stream comes down from the West and crosses the West property boundary about 40FT from the NW property corner. The ditch then makes a nearly 90° to the North, toward the NW property corner, where it makes another 90° to the East, and then flows about 309FT to a catch basin at Hiram Avenue. The stream is piped under the street, daylights again and continues down the hill alternating between piped and free running sections. At La Rae Road, the stream turns South, enters some wetland areas, and eventually joins Abernethy Stream near the intersection of Redland Road and Abernethy Road.

This is a natural water body following a small drainage, though the stream does not appear on most maps. In our opinion the Department of State Lands and the USACE would consider Stream “A” to be a jurisdictional water body and subject to regulation under the Clean Water Act.

Using the Oregon City GIS with topography and drainage basin layers, I estimate the upstream drainage basin to be 44.8 acres. This is close to the 51 acres estimated by Waterman and Bublitz.

The side slopes measured at points 15, 25, and 50ft from the stream are well under 25%. The maximum slope perpendicular to the stream is at the west end of the property on a short section of the stream where it runs south along the west boundary. The slope there is about 6%, approximately the slope of the property overall.

There was a small trickle of water in the stream on my visit in December 2017. Waterman and Bublitz also reported a small trickle of water when they observed the stream in February 2001. They concluded the stream was ephemeral, and I concur with that assessment. Observations during the dry season would need to be conducted to prove absolutely that the stream lacks perennial flows.

The stream is not known to have fish, and does not appear on StreamNet.ORG, an BPA funded interagency project to provide aquatic related data and data related services. In my opinion it is unlikely to have fish in this reach due to its small size, low flows, and lack of habitat. It flows approximately 7,150 feet before joining Abernethy Creek, a salmon bearing stream.

NROD Buffers per Chapter 17.49.110

Per Table 17.49.110, Stream “A” is a protected feature, and the vegetated corridor width is for an intermittent stream with slopes less than 25% and which drain less than 100 acres. The width of the vegetated corridor is 15 feet.

Table 1. Existing Lot size and NROD areas				
AREAS	Lot Size (By property description, Acres)	Lot Size (By survey SQFT)	NROD Area	% outside NROD
2-2E-28BC-00900	0.94	41,362	7,657	81.5%
2-2E-28BC-01000	0.47	20,681	0	100%
TOTAL	1.41	62,043	7,657	87.6%
Note that the Lot Size in Acres is taken from the property descriptions available from the Oregon city GIS website, and the Lot Size in Square Feet is per the survey by Centerline Concepts. They are close but not exactly the same.				

NROD Development Standards Per 17.49

Lot 900 has an area of 33,705 SQFT, 81.5%, laying outside the NROD boundaries. Lot 1000 has no NROD areas. They therefore do not meet the criteria of a “Highly Constrained Lot of Record” per 17.49.090.B.

The proposed subdivision will have the areas shown in Table 2, (below):

Table 2. Proposed subdivision areas, (Square Feet)			
AREAS	Lot Size	NROD Area	% outside NROD
Total Area lots 900 & 1000	62,043		
Lot 1, existing home	8,793	0	100%
Lot 2, new	7,996	676	92%
Lot 3, new	10,188	1,423	86%
Lot 4, new	7,007	0	100%
Lot 5, new	7,564	0	100%
Total New Lots	41,548	2,099	95%
Stormwater Track “A”	2,542	194	92%
NROD Track “B”	5,199	5,199	0%
Street ROW	12,754	217	98%
Total Other Than Lots	20,495	5,610	73%

None of new lots proposed will meet the constrained lot of records definition. The development standard will then follow Chapter 17.49.100:

17.49.100 General development standards.

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

- A. Native trees may be removed only if they occur within ten feet of any proposed structures or within five feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
- B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences are allowed only within the disturbance area;

- | | |
|----|--|
| H. | Incandescent lights exceeding two hundred watts (or other light types exceeding the brightness of a two hundred watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas; |
| I. | If development will occur within the one hundred-year floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and |
| J. | Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190 |

PROPOSED NROD IMPACTS

This project does not directly impact any wetland or stream areas, with the exception that the storm water detention facility will be discharged via a pipe to the same storm water inlet that Stream “A” drains into. NROD areas will become part of residential lots in order for the subdivision development to meet the minimum lot size requirements of R8. No ground or vegetation disturbances are proposed within the NROD area.

REQUESTED ACTIONS

1. We ask for a concurrence that Stream “A” is the only protected feature on or near the property having NROD buffers that would affect the property.
2. We ask for concurrence that the NROD buffer for Stream “A” is 15ft per Oregon City Municipal Code.

APPENDIX A) Figures

Figure 1 – Site Vicinity Map

Figure 2 – Verification of NROD Boundary.

Figure 3 – NROD Zone with Surveyor's Topographic Survey and Wetland Determination Data Points.

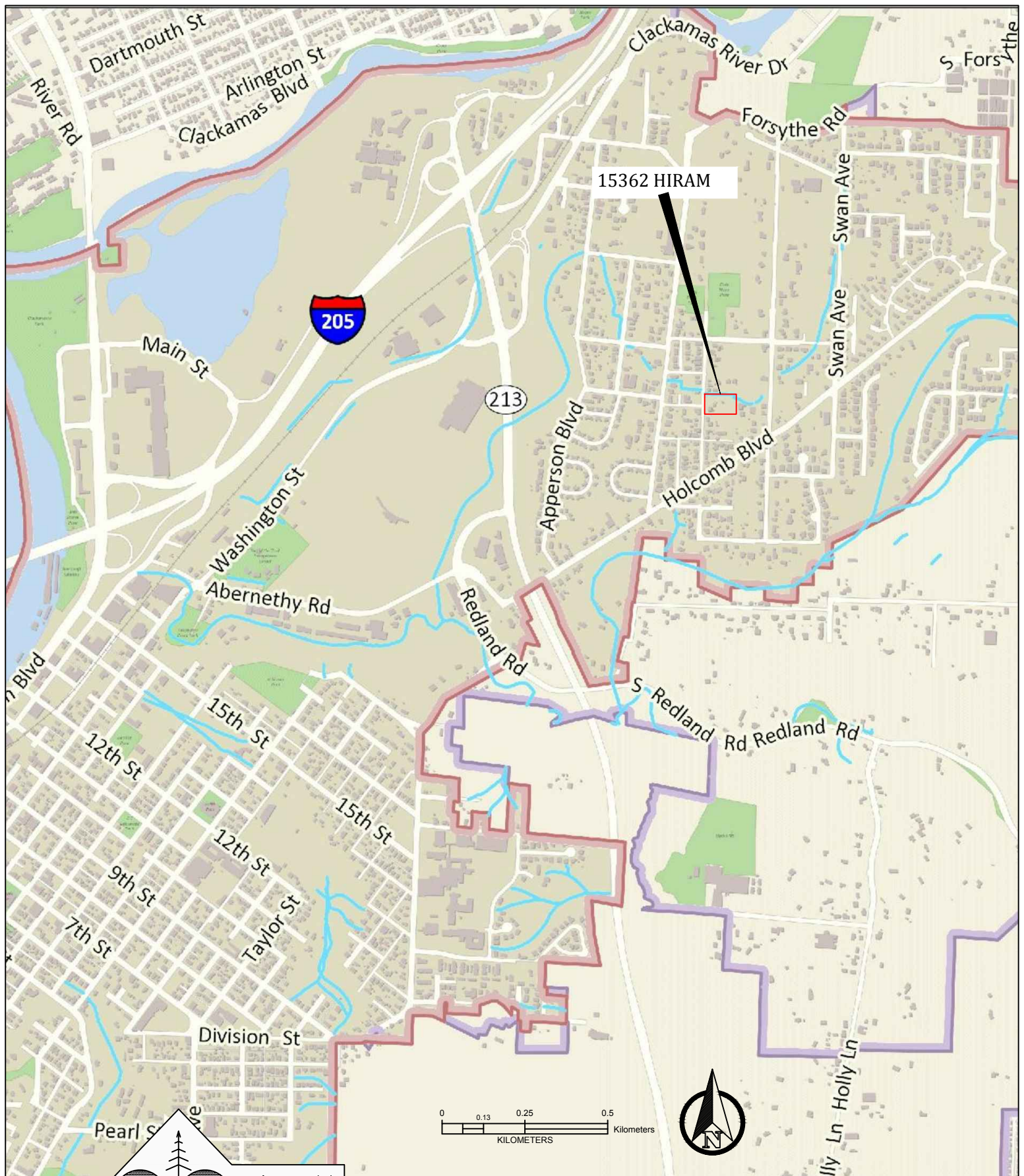
Figure 4 – 1855 Map of Oregon City showing Stream “A”

Figure 5 – NRCS Soils Map

Figure 6 – Map of Drainage Basin

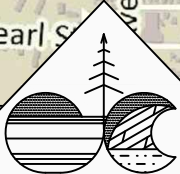
Figure 7 – NROD Existing Conditions & Recent aerial Photo.

Figure 8 – Proposed Subdivision



Jan 23, 2018

SHEET
1

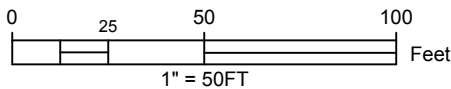
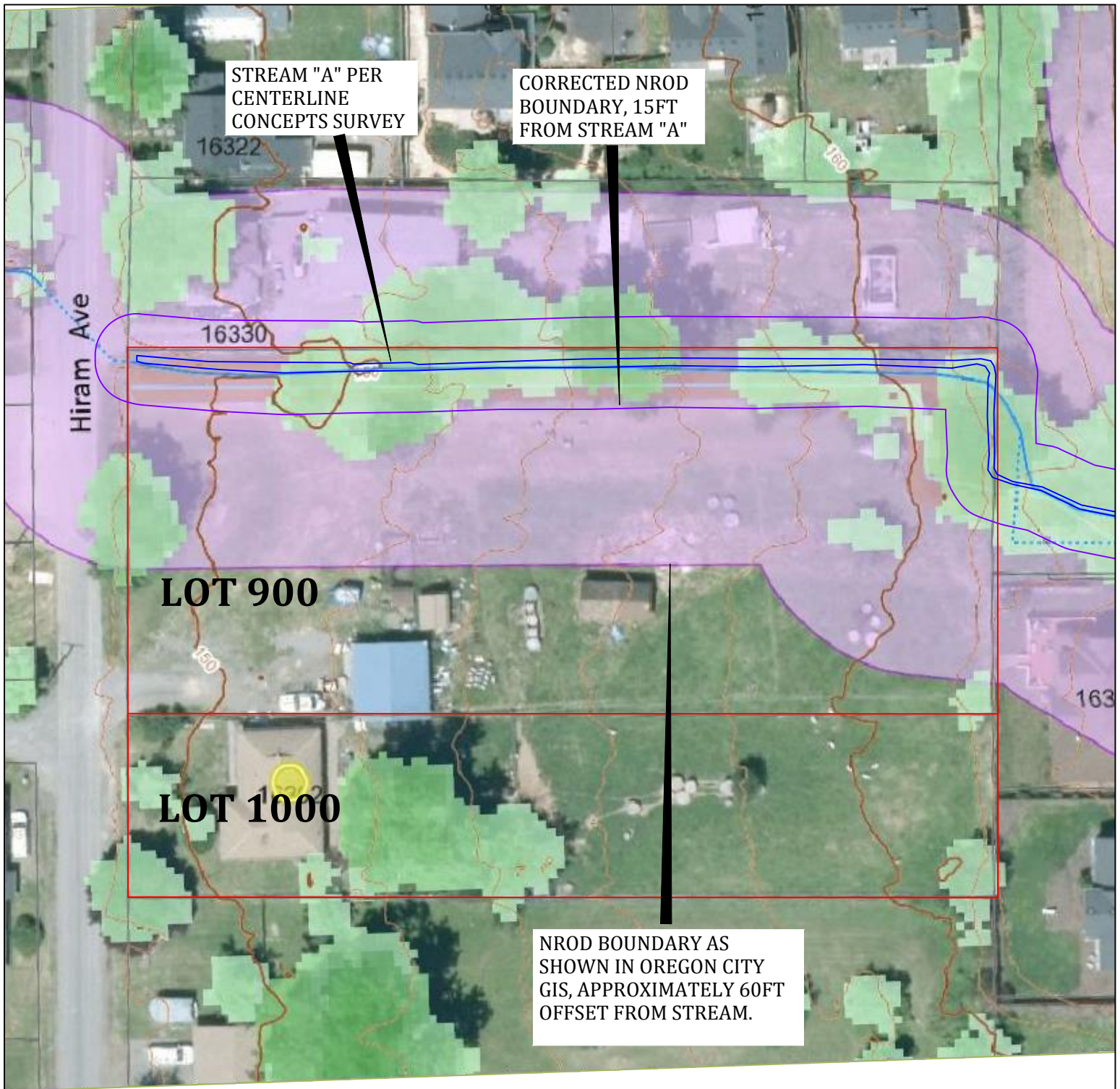


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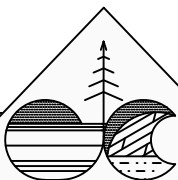
PO Box 821185
Vancouver, WA 98682
360-696-4403

SITE VICINITY
OREGON CITY GIS

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420



THE NATURAL RESOURCES SURVEY CONDUCTED BY ENVIRONMENTAL TECHNOLOGY CONSULTANTS HAS DETERMINED THE PROTECTED FEATURE FROM WHICH NROD BOUNDARIES PROJECT MEETS THE DEFINITION OF AN INTERMITTENT STREAM WITH SIDE SLOPES OF LESS THAN 25%. THE NROD BUFFERS PER TABLE 17.49.110 ARE 15 FEET.



environmental
technology
consultants

PO Box 821185
Vancouver, WA 98682
360-696-4403

VERIFICATION OF NROD BOUNDARY
PER OMC 17.49.250

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420

Jan 23, 2018

SHEET

2

STREAM "A" PER
CENTERLINE
CONCEPTS SURVEY

NROD AREA, 15FT
OFFSET FROM
STREAM "A"

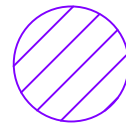
MAX SLOPE
PERPENDICULAR
TO STREAM "A", 6%

LOT 900

LOT 1000

HIRAM AVENUE

LEGEND



NROD AREA



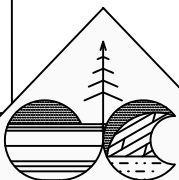
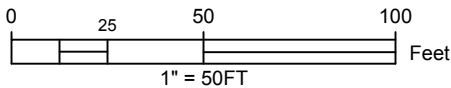
ETC PHOTO
LOCATION



ETC DATA PLOT
AND NUMBER



EXISTING TREES
AND BUILDINGS



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NROD AREA WITH SURVEYORS TOPO
AND ETC WETLAND DATA POINTS

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19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420

Jan 23, 2018

3

SHEET



16362
HIRAM
(APPROX)

0 500 1000 2000
Feet
APPROXIMATE SCALE

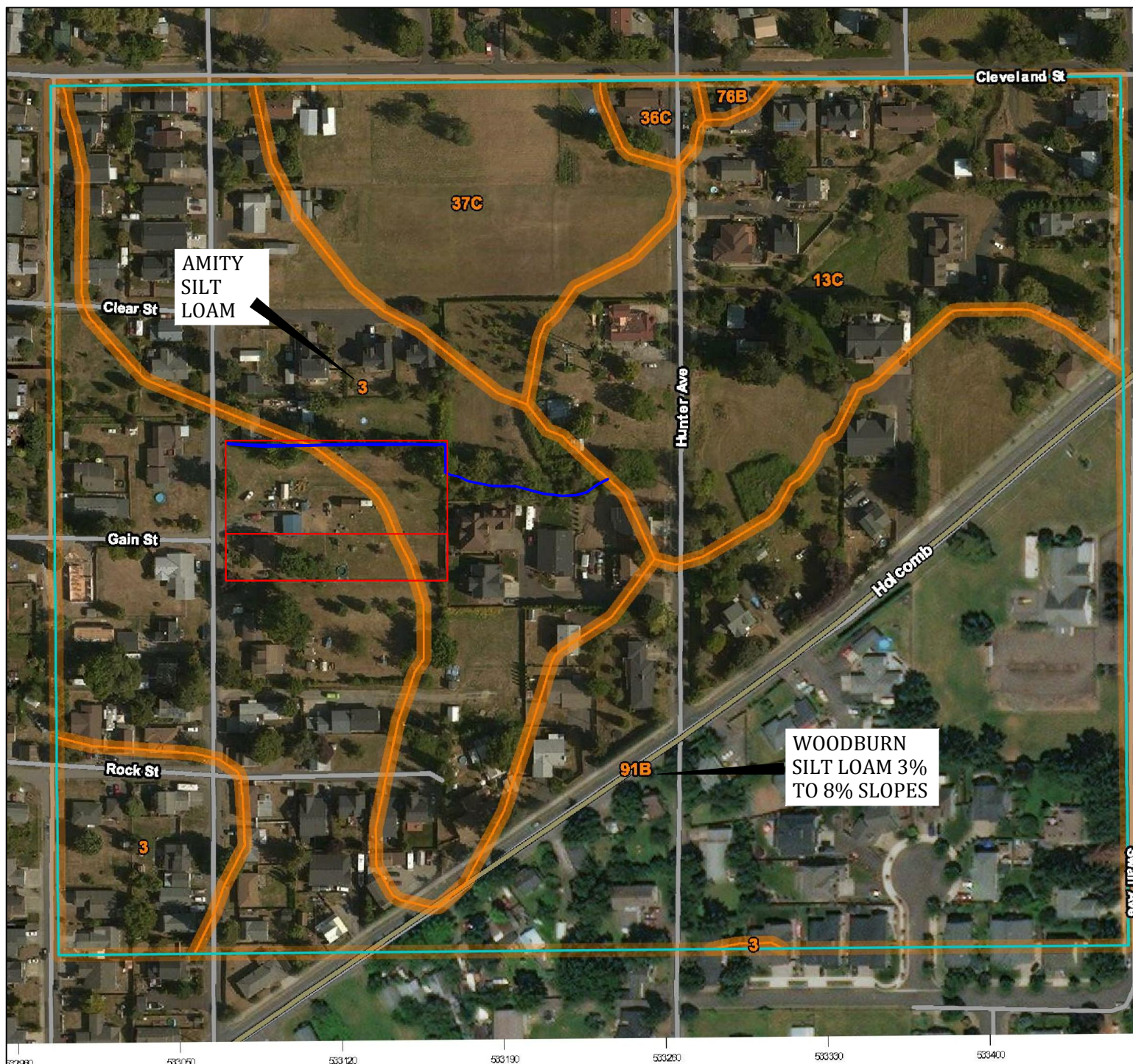


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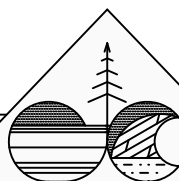
PO Box 821185
Vancouver, WA 98682
360-696-4403

1855 OREGON CITY MAP SHOWING
APPROXIMATE HISTORIC LOCATIONS
OF STREAMS

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420



SOIL MAP SHOWS TWO MAPPED SOILS ON THE SUBJECT PROPERTY. AMITY SILT LOAM IS A SOMEWHAT POORLY DRAINED NON-HYDRIC SOIL WITH A WATER TABLE 6" TO 18" DEEP. WOODBURN SILT LOAM IS NON-HYDRIC, MODERATELY WELL DRAINED, AND DEPTH TO WATER TABLE IS 25 TO 32 INCHES.



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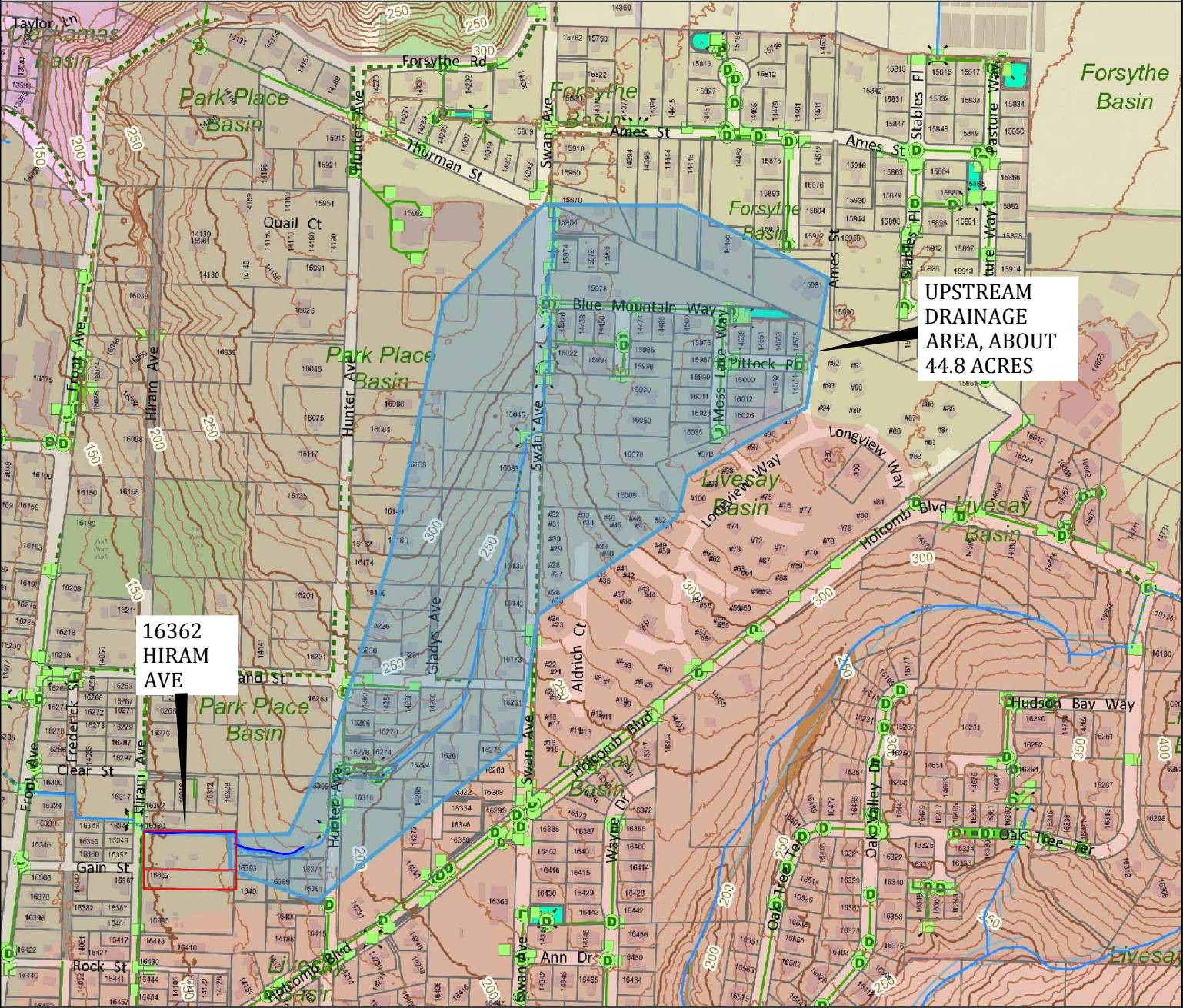
NRCS SOILS MAP

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420

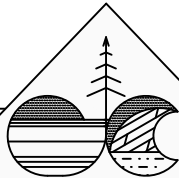
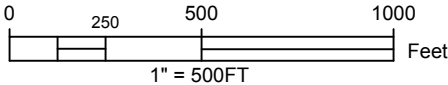
Jan 23, 2018

5

SHEET



UPSTREAM DRAINAGE BASIN WAS ESTIMATED USING OREGON CITY MAPS SHOWING DRAINAGE BASINS AND TOPOGRAPHY. THE SUBJECT PROPERTY IS IN THE PARK PLACE BASIN.

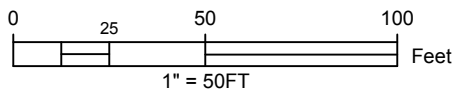


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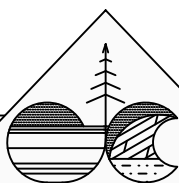
UPSLOPE DRAINAGE AREA

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420



THE NROD AREA ON THE SUBJECT PROPERTY IS CHARACTERIZED AS AN IRREGULARLY MOWED LAWN THAT TREES ALONG THE PROPERTY BOUNDARY OVERHANG. THE TREES ARE MOSTLY DECIDUOUS, BIRCH, MAPLE, AND EUROPEAN HAWTHORN.

GOOGLE EARTH PHOTO MAY 22, 2017.



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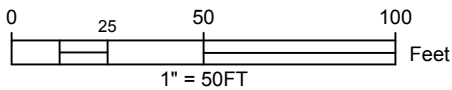
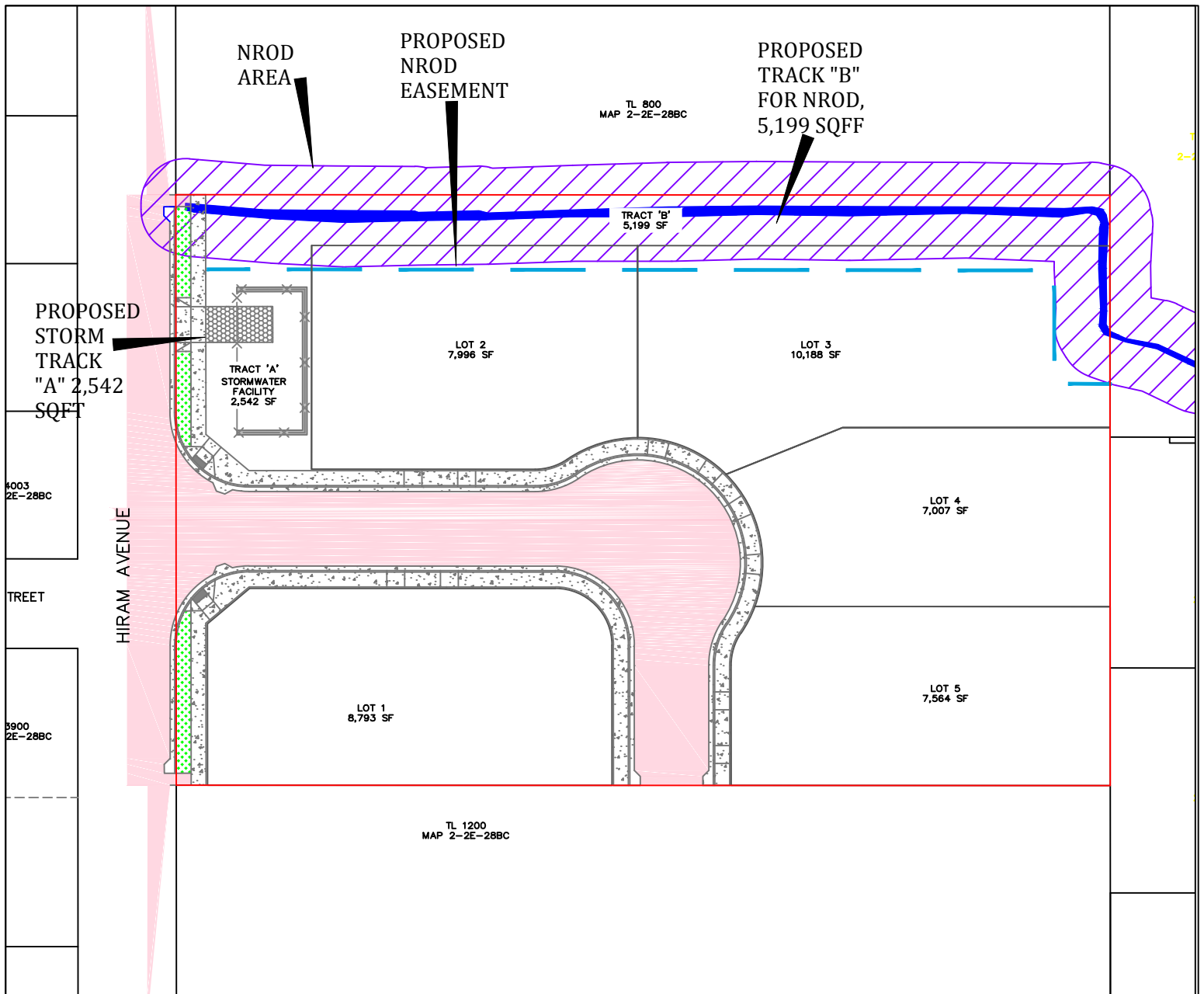
NROD EXISTING CONDITIONS

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420

Jan 23, 2018

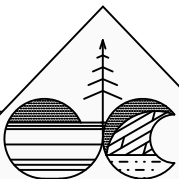
SHEET

7



THE PROPOSED NEW LOTS EXTEND INTO THE NROD IN ORDER TO MEET OREGON CITY REQUIREMENTS FOR LOT SIZE AND DEPTH. AN EASEMENT WILL BE ESTABLISHED PROTECTING THE NROD FROM ANY DEVELOPMENT, AND THIS WILL BE MARKED WITH FENCING AND SIGNAGE.

NO GROUND OR VEGETATION DISTURBANCES IN THE NROD ARE PROPOSED.



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PROPOSED SUBDIVISION
DEVELOPMENT

LEMON SUBDIVISION
JERRY LEMON
19043 SE SUNNYSIDE
DAMASCUS, OR 97089
971-219-9420

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APPENDIX B) Data Forms

Wetland Determination Data Forms

Four forms (8 pages) follow this page.

- P1 - Ditch, Stream "A" - Wetland
- P2 - Top of Bank Stream "A" - Upland
- P3 - West portion of property - Upland
- P4 - Slight depression in yard – Upland

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WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: LEMON City/County: _____ Sampling Date: 12/22/17
 Applicant/Owner: _____ State: _____ Sampling Point: P1
 Investigator(s): John McConnaughey, PWS #2009 Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): LRR A Western Mtns Valleys & Coast Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: pitch

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	
Remarks: <u>middle of ditch</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>3x30</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
_____ = Total % Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>3x30</u>) 1. _____ 2. <u>Blackberry</u> 3. _____ 4. _____ 5. _____				
_____ = Total % Cover				
Herb Stratum (Plot size: <u>3x30</u>) 1. _____ 2. <u>PYR</u> 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____ 11. _____				
_____ = Total % Cover				
Woody Vine Stratum (Plot size: _____) 1. <u>Hedera helix</u> 2. <u>Clematis ligusticifolia</u> _____ = Total % Cover				Hydrophytic Vegetation Indicators: ___ 1-Rapid Test for Hydrophytic Vegetation ___ 2-Dominance Test is >50% ___ 3-Prevalence Index is ≤3.0 ¹ ___ 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5-Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
% Bare Ground in Herb Stratum <u>0</u> % _____ = Total % Cover				
Hydrophytic Vegetation Present? Yes _____ No _____				
Remarks: <u>Veg samples taken both only</u>				

SOIL

Sampling Point: **P1**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR2/1	100					slippy mud	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) |

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☒ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: none

Depth (inches): _____

Hydric Soil Present? Yes ☒ No ☐

Remarks:

* Soil was too wet and slippy to see redox features if present

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Surface Water (A1) | <input checked="" type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) |
| <input checked="" type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) |
| <input checked="" type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) |
| <input checked="" type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) |
| <input checked="" type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input checked="" type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | |

Secondary Indicators (2 or more required)

- ☒ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☒ No ☐ Depth (inches): 2

Water Table Present? Yes ☒ No ☐ Depth (inches): _____

Saturation Present? Yes ☒ No ☐ Depth (inches): _____

(Includes capillary fringe)

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

pitch, flowing water
seasonal change

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: LEMON City/County: _____ Sampling Date: 11/22/17
 Applicant/Owner: _____ State: _____ Sampling Point: P2
 Investigator(s): John McConnaughey, PWS #2009 Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): LRR A Western Mtns Valleys & Coast Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: NOT A WETLAND

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: <u>TOP OF BANK</u>	

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: <u>30' to SOUTH</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
= Total % Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>30' to SOUTH</u>)				
1. _____				
2. <u>BIRCH BERRY</u>	<u>5</u>			
3. _____				
4. _____				
5. _____				
= Total % Cover				Hydrophytic Vegetation Indicators: ___ 1-Rapid Test for Hydrophytic Vegetation ___ 2-Dominance Test is >50% ___ 3-Prevalence Index is ≤3.0 ¹ ___ 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5-Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Herb Stratum (Plot size: <u>30' to SOUTH</u>)				
1. _____				
2. <u>Kentucky Blue Grass</u>	<u>20</u>			
3. <u>TAI FESCUE</u>	<u>30</u>			
4. <u>AGROSTIS</u>	<u>20</u>			
5. <u>PIANTAIN NARROW</u>	<u>15</u>			
6. <u>CDT'S BEAR DAM</u>	<u>15</u>			
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
= Total % Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>Hedera helix</u>			FACU	
2. <u>Clematis ligusticifolia</u>			FAC	
% Bare Ground in Herb Stratum _____ % = Total % Cover				

Remarks: MOWER GRASS ~ 6" TALL

SOIL

Sampling Point: **P2**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	7.5YR 3/3	100						Silt clay 10AM
14-20	7.5YR 3/1	98	5YR 3/3	2	C	M		Silt clay 10AM

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No ☒ Depth (inches): _____

Water Table Present? Yes ☒ No ☐ Depth (inches): 20"

Saturation Present? Yes ☒ No ☐ Depth (inches): 20"

(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

No indicators

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: _____ City/County: _____ Sampling Date: 12/22/17
 Applicant/Owner: _____ State: _____ Sampling Point: P3
 Investigator(s): John McConnaughey, PWS #2009 Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): LRR A Western Mtns Valleys & Coast Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No _____	
Wetland Hydrology Present? Yes _____ No _____	
Remarks: <u>Area in 1A down that has a fair amount of removals. But suspect for wetland hydrology</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30' CIR</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
_____ = Total % Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>30' CIR</u>)				
1. _____				
2. <u>Black Berry</u>	<u>5%</u>			
3. _____				
4. _____				
5. _____				
_____ = Total % Cover				Hydrophytic Vegetation Indicators: ___ 1-Rapid Test for Hydrophytic Vegetation ___ 2-Dominance Test is >50% ___ 3-Prevalence Index is ≤3.0 ¹ ___ 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5-Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Herb Stratum (Plot size: <u>30' 5' CIR</u>)				
1. _____				
2. <u>All Fern</u>	<u>80</u>			
3. <u>Ranunculus Repens</u>	<u>20</u>			
4. <u>Abrus sp</u>	<u>5</u>			
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
_____ = Total % Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>Hedera helix</u>			FACU	
2. <u>Clematis ligusticifolia</u>			FAC	
_____ = Total % Cover				
% Bare Ground in Herb Stratum <u>0</u> % _____ = Total % Cover				

Hydrophytic Vegetation Present? Yes ☒ No _____

Remarks: US plot goes down only 10 FT to Black Bay Hedge

SOIL

Sampling Point: P3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features		Type ¹	Loc ²	Texture	Remarks
	Color (moist)	%	Color (moist)	%				
0-6	7.5YR3/3	80					Mixed moric	
	10YR4/1	20					silt loam	
6-18	7.5YR2/2	100	None				silt loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- ☐ Histosol (A1) ☐ Sandy Redox (S5)
☐ Histic Epipedon (A2) ☐ Stripped Matrix (S6)
☐ Black Histic (A3) ☐ Loamy Mucky Mineral (F1) (except MLRA 1)
☐ Hydrogen Sulfide (A4) ☐ Loamy Gleyed Matrix (F2)
☐ Depleted Below Dark Surface (A11) ☐ Depleted Matrix (F3)
☐ Thick Dark Surface (A12) ☐ Redox Dark Surface (F6)
☐ Sandy Mucky Mineral (S1) ☐ Depleted Dark Surface (F7)
☐ Sandy Gleyed Matrix (S4) ☐ Redox Depressions (F8)

- ☐ 2 cm Muck (A10)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

Upper soil layer likely disturbed, the 10YR4/1 was only present in vertical strips in a couple places, not layered at all, like someone poked a hole in the soil which filled up with light brown soil

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

- | | | |
|--|---|--|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) | <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> FAC-Neutral Test (D5) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) | <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Frost-Heave Hummocks (D7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | | |

Field Observations:

Surface Water Present? Yes _____ No ☒ Depth (inches): _____Water Table Present? Yes _____ No ☒ Depth (inches): _____Saturation Present? Yes _____ No ☒ Depth (inches): 218

(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: LEMAN City/County: _____ Sampling Date: 12/20/17
 Applicant/Owner: _____ State: _____ Sampling Point: P4
 Investigator(s): John McConnaughey, PWS #2009 Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): LRR A Western Mtns Valleys & Coast Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: <u>LOW SPOT in yard</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. <u> </u>				
2. <u> </u>				
3. <u> </u>				
4. <u> </u>				
				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
= Total % Cover				
Sapling/Shrub Stratum (Plot size: <u>30</u>)				
1. <u> </u>				
2. <u> </u>				
3. <u> </u>				
4. <u> </u>				
5. <u> </u>				
				Hydrophytic Vegetation Indicators: ___ 1-Rapid Test for Hydrophytic Vegetation ___ 2-Dominance Test is >50% ___ 3-Prevalence Index is ≤3.0 ¹ ___ 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5-Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
= Total % Cover				
Herb Stratum (Plot size: <u>10</u>)				
1. <u> </u>				
2. <u>Geranium mole</u>	<u>20</u>			
3. <u>GRASS ?</u>	<u>80</u>			
4. <u> </u>				
5. <u> </u>				
6. <u> </u>				
7. <u> </u>				
8. <u> </u>				
9. <u> </u>				
10. <u> </u>				
11. <u> </u>				
				Hydrophytic Vegetation Present? Yes _____ No _____
= Total % Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>Hedera helix</u>			FACU	
2. <u>Clematis ligusticifolia</u>			FAC	
% Bare Ground in Herb Stratum <u>0</u> % = Total % Cover				

Remarks:

SOIL

Sampling Point: P4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	7.5YR 3/3	100					Silt 10A-m	
12-14	10YR 4/3	90	5YR 4/4	10			Silt clay 10A-m	
14-18	10YR 4/1	90	5YR 4/6	10			Silt clay 10A-m	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) |

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No _____

Remarks:

LARGE tree root at 12" - odd as the nearest tree is ~ 60 FT away

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | |

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☒ No _____ Depth (inches): _____

Water Table Present? Yes ☒ No _____ Depth (inches): 13

Saturation Present? Yes ☒ No _____ Depth (inches): 13

(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

CLOSE to wetland hydrology

APPENDIX C)
Conservation Easement for NROD Area

To be provided – A conservation covenant for NROD areas in the proposed Track “A”, Track “B”, Lot 2 and Lot 3.

APPENDIX D)
Protective Tree Covenant

To be provided - A protective tree covenant as required by 17.49.100.A



**Oregon City Park Place Neighborhood Association
Steering Committee Meeting Minutes**

Date: January 28, 2019 6:30PM

Location: Oregon City View Manor Community Center, 280 S. Longview Way

Present: Greg Stone (Chair)
Raymond Renken (Treasurer)
Lisa Novak (Secretary)
Barbara Renken
Bob La Salle
Ryan Richards

Excused: Linda Vanhaverbeke, Steve Vanhaverbeke, Tom Geil

Several Park Place neighbors also attended

1. **Called to order:** 6:30PM
2. **Treasurer report:** Current balance = \$975.02
3. **Review of previous meeting minutes:**
Motion was passed to approve October, November, and December 2018 meeting minutes
4. **Discussion regarding active Oregon City changes affecting Park Place:**
 - a. The Cove
 - b. Code changes. City is requiring citizen and/or neighborhood comments to be made by March 6. City commission meeting is scheduled for March 20. PPNA intends to issue joint letter with neighborhood comments (draft prior to PPNA February 18 general meeting)
 - c. Future planning of Serres property for middle school
5. **Discussion regarding February 2019 PPNA general meeting agenda items:**
 - a. Presentation by Oregon City Parks Foundation – homeowner guidance on tree care and invasive plant removal
 - b. Oregon City Together – report to community regarding youth drug use
 - c. Disaster preparedness – homeowner guidance



6. Land Use Presentation –

- a. Tom Sisul, Sisul Engineering - 16362 Hiram Avenue

Preliminary site plan for Lemon subdivision was presented by Mr. Sisul. Project is currently under preliminary review and going through Oregon City land use review for four additional homes. The current home (Lot 1) will remain.

7. **Yard signs for announce general meetings** – PPNA approved a budget of \$150.00 to be taken out of general funds for Greg Stone to be able to purchase decals for yard signs.
8. **Member reports** – Transportation and Parks

Meeting Adjourned; 8:45PM

Next meeting; General Meeting, February 18, 2019

Respectfully submitted, Lisa Novak, PPNA Secretary

Sign In Sheet
Park Place Neighborhood Association
Steering Committee Meeting
Monday, January 28, 2019

Name	Address	Phone	Email
LISA NOVAK	FILE		
BARBARA RENKEN	FILE		
Ray Renken	on file		
Bob Labate	on file		
Janavay	on file		
Kim Gibson	on-file		
Ryan Richards	Pittslock Oregon City	503 741-1296	
Suzy Moore-Horvath	13822 Forsythe Rd OR	503-516-3503	Jonsseque@gmail.com
GREG STONE	FILE		
John Anderson	File		
Kirk Tolstrup	Liversay Rd.		kirktolstrup@gmail.com
Tom Sisu	375 Panama Ave	503-657-0106	TOMSIU@SIOUXLANDREELING.COM

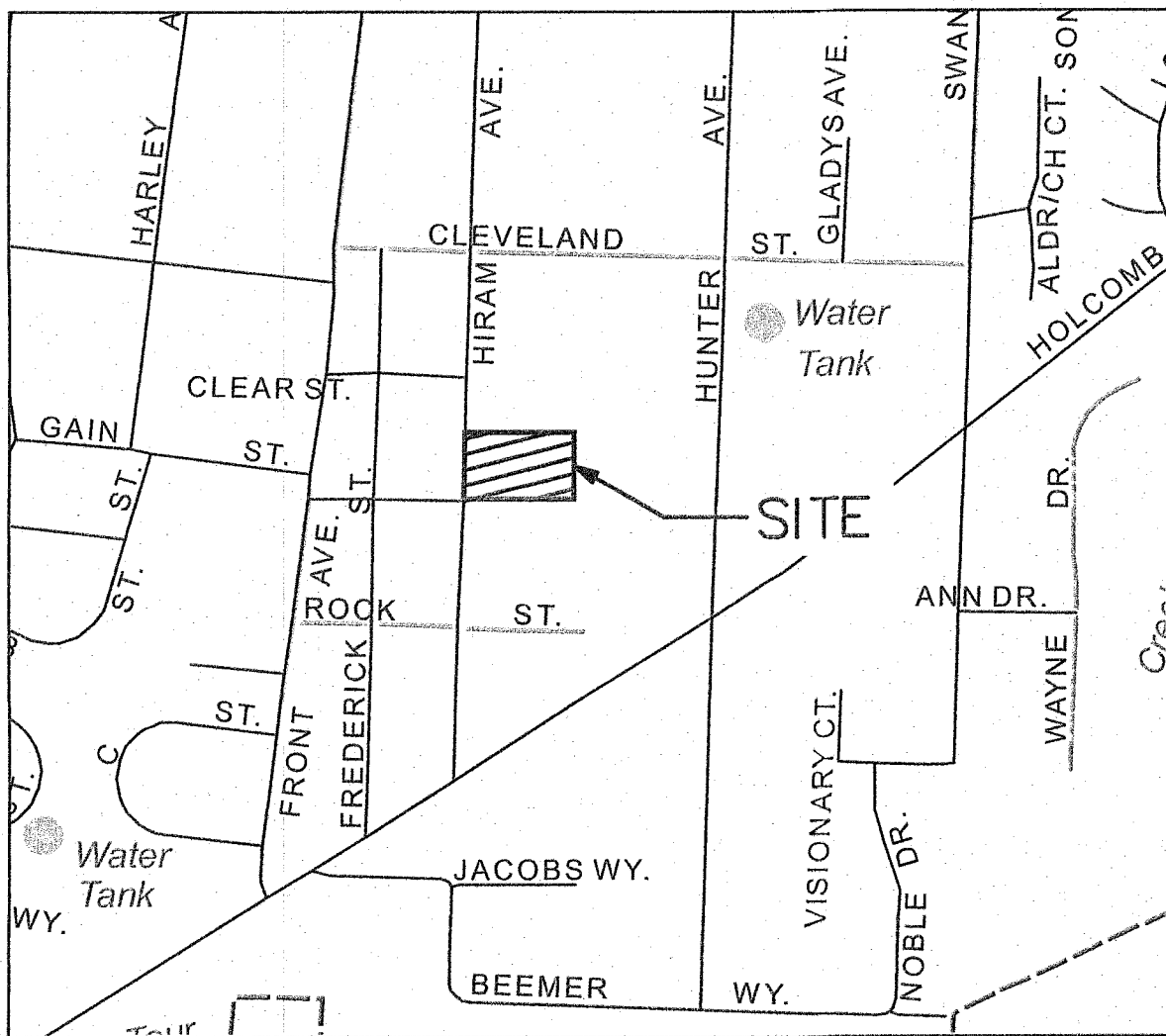
LEMON SUBDIVISION

PRELIMINARY APPLICATION
(PA 17-61)

OWNER:
JERRY LEMON
19043 SE SUNNYSIDE ROAD
DAMASCUS, OR. 97089
(971) 219-9430
CONTACT: JERRY LEMON
EMAIL: JERRYLEMON@COMCAST.NET

CIVIL ENGINEER:
SISUL ENGINEERING
375 PORTLAND AVE.
GLADSTONE, OR. 97027
(503) 657-0188
CONTACT: TOM SISUL
EMAIL: tomsisul@sisulengineering.com

SURVEYOR:
CENTERLINE CONCEPTS
729 MOLALLA AVENUE, SUITE 1 & 2
OREGON CITY, OR. 97045
(503) 650-0188
CONTACT: TOBY BOLDEN
EMAIL: tobyb@centerlineconcepts.com

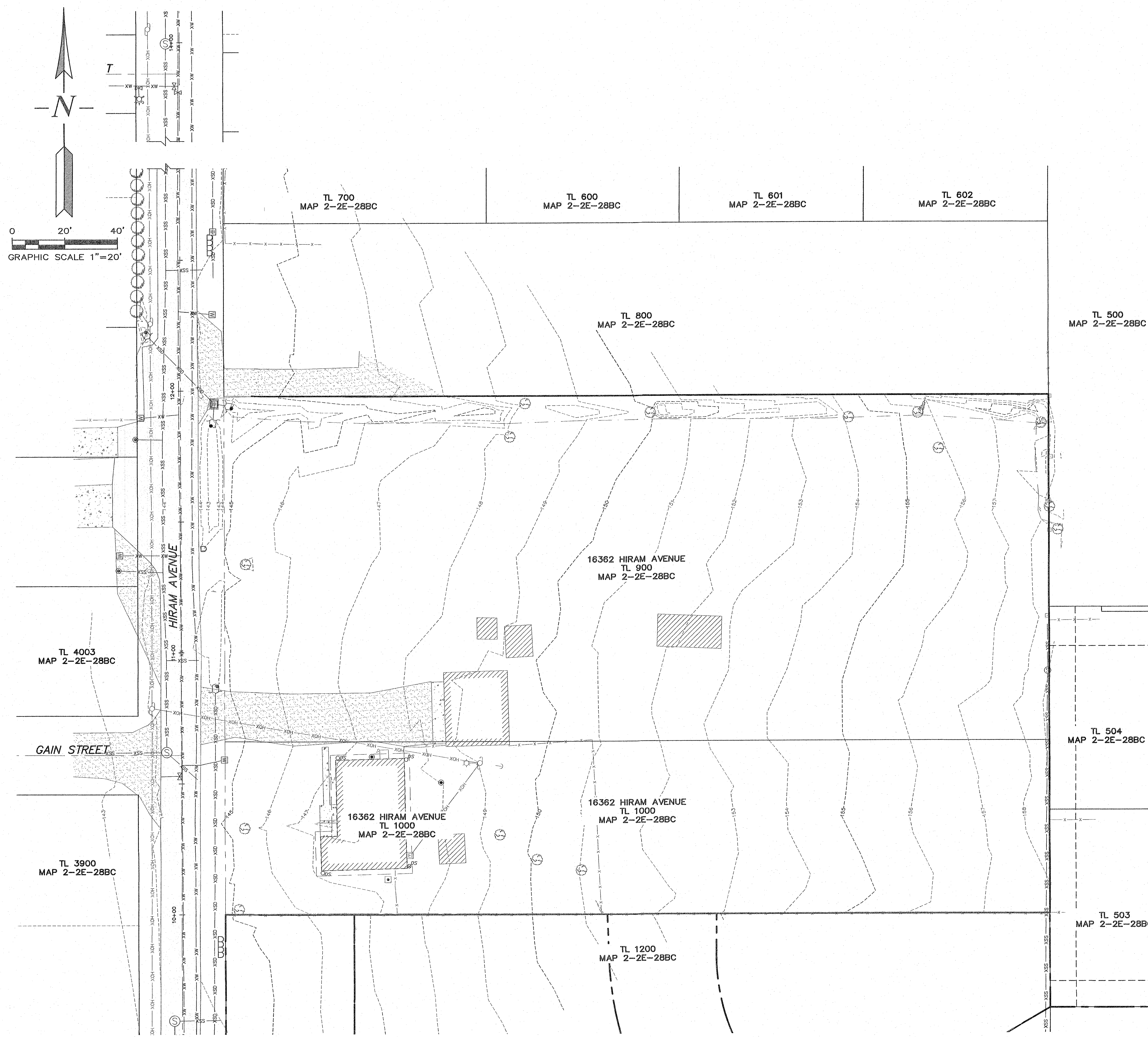


VICINITY MAP
N.T.S

ATTENTION EXCAVATORS: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES FROM THE CENTER BY CALLING 503-232-1987. IF YOU HAVE ANY QUESTIONS ABOUT THE RULES, YOU MAY CONTACT THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL 503-246-6699.

INDEX	
SHEET	DESCRIPTION
0	COVER SHEET
1	EXISTING CONDITIONS PLAN
2	SITE PLAN
3	SITE DIMENSIONS PLAN
4	UTILITY PLAN
5	GRADING AND EROSION AND SEDIMENT CONTROL PLAN
6	NEIGHBORHOOD CIRCULATION PLAN

JANUARY 2018



LEGEND:

- = PROPERTY LINE
- XSS — = EXISTING SANITARY
- XSD — = EXISTING STORM
- XW — = EXISTING WATER
- XOH — = EXISTING OVERHEAD UTILITIES
- 450--- = EXISTING MAJOR CONTOUR
- 451--- = EXISTING MINOR CONTOUR
- = EXISTING EASEMENT
- = EXISTING CENTERLINE
- = EXISTING RIGHT-OF-WAY
- = EXISTING SIDEWALK
- ===== = EXISTING CURB
- = PROPOSED CENTERLINE
- = PROPOSED RIGHT-OF-WAY
- = PROPOSED LOT LINES
- S— = PROPOSED SANITARY
- SD— = PROPOSED STORM
- W— = PROPOSED WATER
- 450--- = PROPOSED MAJOR CONTOUR
- 451--- = PROPOSED MINOR CONTOUR
- = PROPOSED SETBACKS
- = PROPOSED SIDEWALK
- ===== = PROPOSED CURB
- = SAWCUT
- = SEDIMENT FENCE
- [] = INLET PROTECTION
- [X] = WATER VALVE
- [W] = EXISTING WATER METER
- [F] = EXISTING FIRE HYDRANT
- [] = PROPOSED WATER METER
- [] = BLOWOFF ASSEMBLY
- [] = PROPOSED FIRE HYDRANT
- [S] = SANITARY MANHOLE
- [C] = CLEANOUT
- [S] = SANITARY MANHOLE
- [] = EXISTING UTILITY POLE
- [] = EXISTING LIGHT POLE
- [X] = GAS VALVE
- [] = EXISTING CATCH BASIN
- [] = EXISTING STORM MANHOLE
- [] = EXISTING CULVERT
- [] = DOWNSPOUT
- [] = CURB INLET
- [] = STORM MANHOLE
- [] = BEEHIVE OVERFLOW INLET
- [] = ELECTRICAL RISER
- [] = ELECTRICAL VAULT
- [] = ELECTRICAL POWER PEDESTAL
- [] = TRANSFORMER
- [] = GAS RISER
- [] = COMMUNICATION PEDESTAL
- [] = MAILBOX
- [] = SIGN POST
- [] = DIRECTION OF FLOW
- [] = EXISTING TREE
- [] = PROPOSED TREE
- [] = EXISTING TREE TO BE REMOVED
- [] = PROPOSED DRIVEWAY HATCH
- [] = ROADWAY HATCH
- [] = SIDEWALK HATCH
- [] = SAWCUT HATCH
- [] = PLANTER HATCH

PRELIMINARY

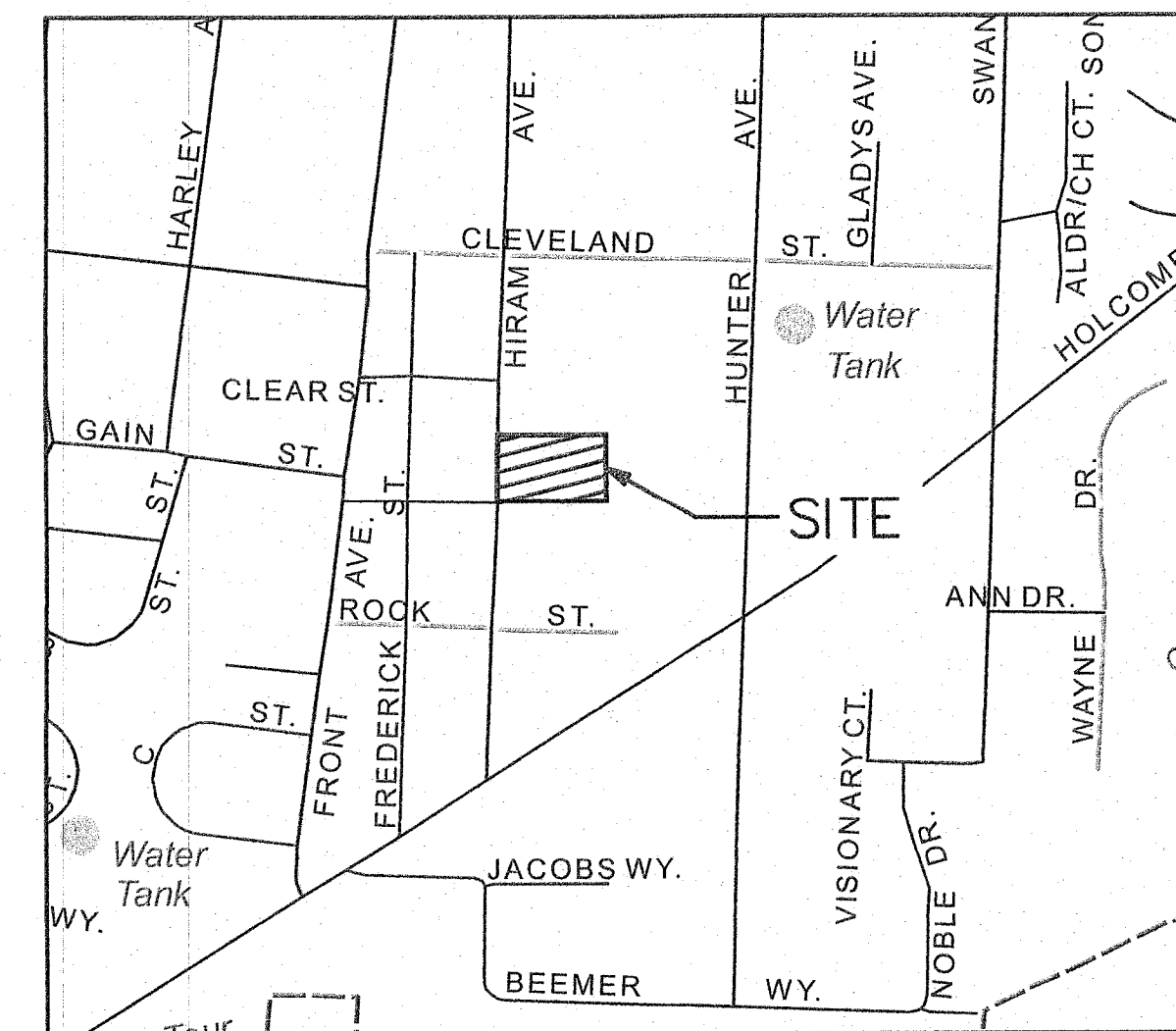
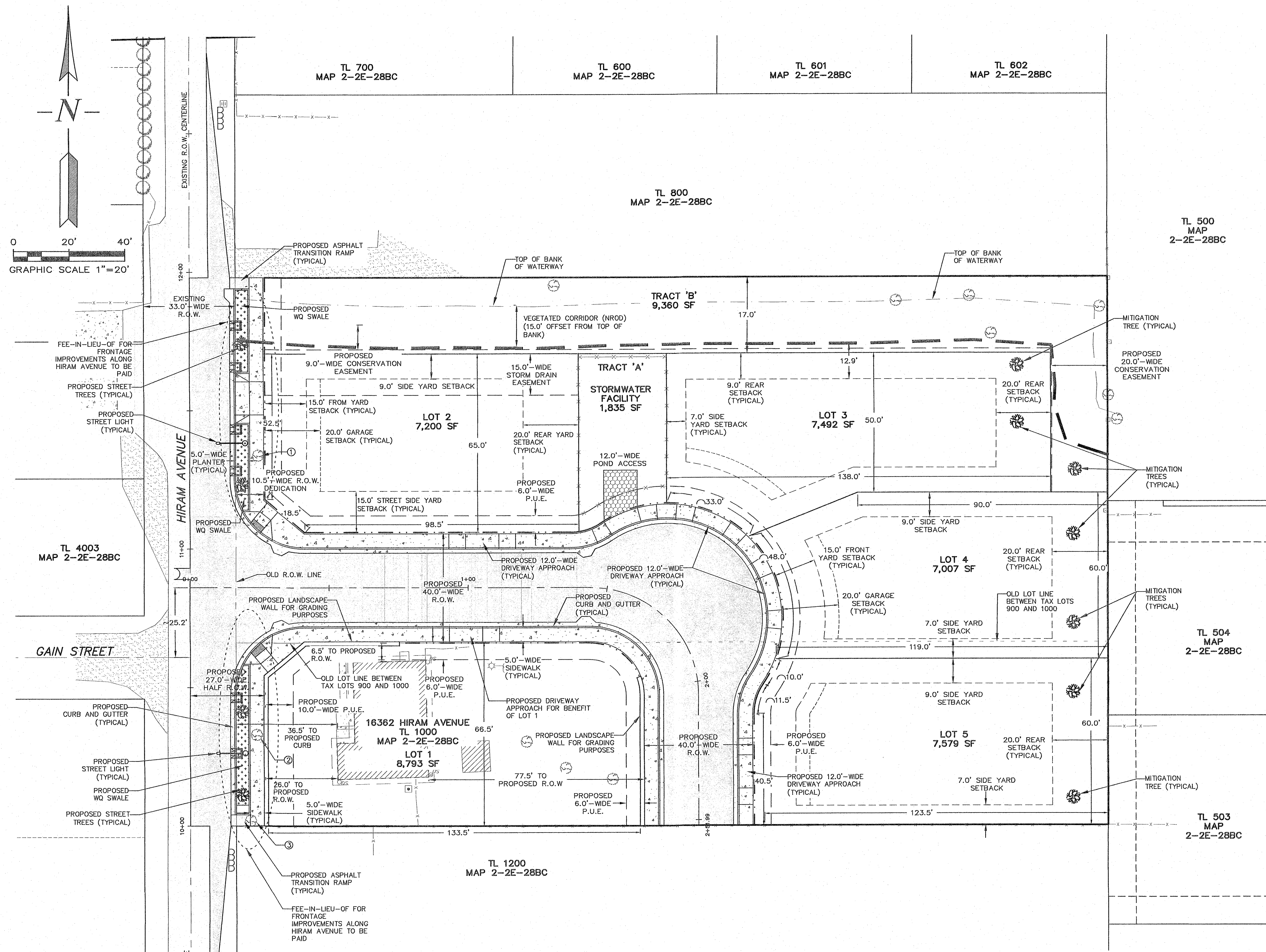
REVISIONS	BY

LEMON SUBDIVISION
JERRY LEMON

Existing Conditions Plan

SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188
DRAWING: z17-090 BASE.dwg

DATE	JAN. 2018
SCALE	NOTED
DRAWN	JDM
JOB	SGL17-090
SHEET	1
OF	6 SHEETS



SITE INFORMATION

ADDRESS: 16362 HIRAM AVENUE

LEGAL: MAP 2 2E 28BC, TAX LOTS 900 AND 1000

SITE AREA: 62,045 SF OR 1.42 ACRES

EXISTING PARCEL 1: 41,364 SF (0.95 ACRES)

EXISTING PARCEL 2: 20,681 SF (0.47 ACRES)

ZONING: R8

EXISTING USE: PARCEL 1 HAS EXISTING HOUSE WITH A GRAVEL DRIVEWAY TO THE NORTH ON PARCEL 2. PARCEL 2 HAS A FEW EXISTING SHEDS AND STRUCTURES. THE MAJORITY OF THE SITE IS GRASS AND VEGETATION.

PROPOSED USE: (5) LOT SUBDIVISION WITH NEW LOCAL STREET, PLANTERS, SIDEWALKS, ETC.

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NGVD 29, CONVERTED FROM NAVD 88 USING THE VERTCON TOOL.

LOT AREAS	
LOT 1	8,793 SQ. FT.
LOT 2	7,200 SQ. FT.
LOT 3	7,492 SQ. FT.
LOT 4	7,007 SQ. FT.
LOT 5	7,579 SQ. FT.

TREE REMOVAL	
TREE ID	TREE DIAMETER
①	20"
②	8"
③	23"

NRD AREA: 8,088 SQ. FT.
ROW DEDICATION AREA: 12,805 SQ. FT.
TRACT 'A' AREA: 1,835 SQ. FT.
TRACT 'B' AREA: 9,360 SQ. FT.

PRELIMINARY

REVISIONS	BY

LEMON SUBDIVISION
JERRY LEMON

Site Plan

ISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188
DRAWING: z17-090 BASE.dwg

DATE	JAN. 2018
SCALE	NOTED
DRAWN	JDM
JOB	SCL17-090
SHEET	2
OF 6	SHEETS

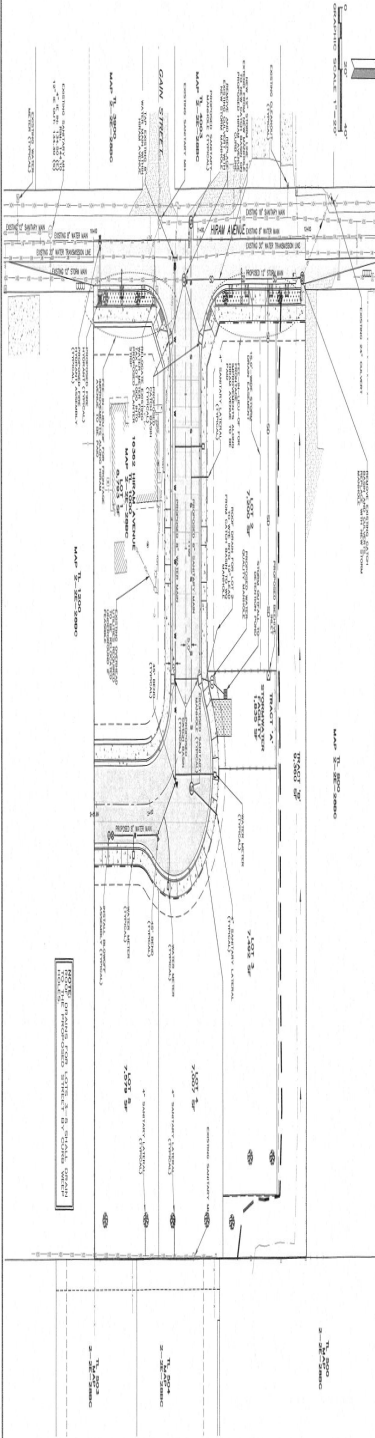
SECTION 30, T4S, R2E, S20E
 T4S, R2E, S20E
 T4S, R2E, S20E
 T4S, R2E, S20E

MAP T-200-20800

MAP T-200-20800

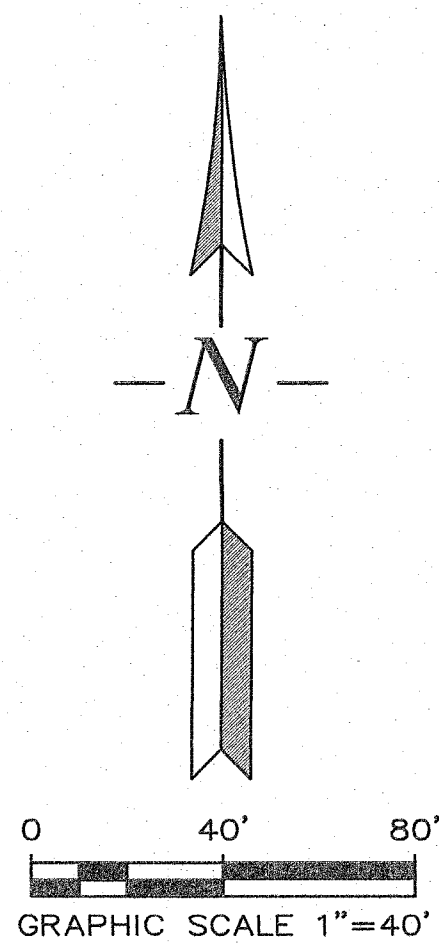
MAP T-200-20800

MAP T-200-20800



NOTES: DRAWS FROM LOTS 3 & 8 SHALL CONTAIN THE FOLLOWING PRE-CORRECTED STREET BY CORRECTION

PRELIMINARY



PRELIMINARY

REVISIONS	BY

LEMON SUBDIVISION
JERRY LEMON

Neighborhood Circulation
Plan

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 667-0186
DRAWING: z17-090 BASE.dwg

DATE	JAN. 2018
SCALE	NOTED
DRAWN	JDM
JOB	SCL17-090
SHEET	6
OF	6 SHEETS

Lemon Subdivision

Oregon City, OR

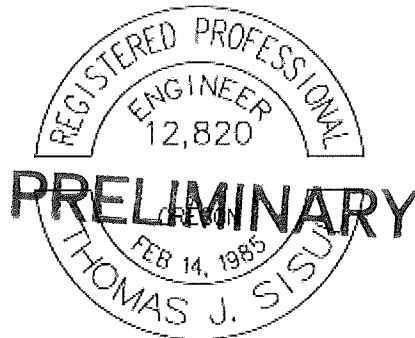
Developer: Jerry Lemon

J.O. SGL 17-090

January 23rd, 2018

Revised: October 29, 2018

PRELIMINARY STORM DRAIN DETENTION & WATER QUALITY CALCULATIONS



EXPIRES: 6/30/

SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

375 Portland Avenue

Gladstone, OR 97027

phone: (503) 657-0188

fax: (503) 657-5779

Narrative:

The site 16362 Hiram Avenue consists of two (2) tax lots (tax lots 900 and 1000). There is an existing home on tax lot 1000 with an existing gravel driveway and shed on the south side of tax lot 900. The majority of the site is grass/lawn and has a few trees intermittently throughout the site. The site is zoned R-8 and generally falls to the west at approximately 4%.

The site is located in the Livesay Drainage Basin.

The site is proposed to be developed into a 5-lot, R-8 subdivision. The existing house located at 16362 Hiram Avenue will be retained and is included in its own lot in the proposed subdivision layout. Stormwater detention facility for the majority of on-site street runoff will be provided by a detention pond to be located on the northwest side of the development along the frontage of Hiram Avenue. The remainder of the on-site street runoff not conveyed to the proposed detention pond will be directed to two (2) catch basins near the intersection at Hiram Avenue. The catch basins will convey the runoff to the proposed 12" storm main in Hiram Avenue which will tie into the existing storm system to the north.

The water quality requirement for the City of Oregon City is to treat the water quality design storm (1-inch over 24 hours). A Contech CDS water quality manhole will be used for water quality treatment. The aforementioned requirements will be met using a detention pond and the water quality manhole. Roof drainage will be piped to infiltration facilities on each individual lot. Soil data was obtained from the NRCS Web Soil Survey.

Detention Pond Sizing:

The WES BMP Sizing Tool was also used to show that the detention pond is sized adequately. The report can be seen below:

WES BMP Sizing Report

Project Information

Project Name	Lemon Subdivision
Project Type	Subdivision
Location	16362 Hiram Avenue
Stormwater Management Area	0
Project Applicant	
Jurisdiction	CCSD1NCSA

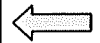
Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
Basin 'C'	27,875	Grass	Grass	C	Detention Pond

LID Facility Sizing Details

Pond Sizing Details

Pond ID	Design Criteria(1)	Facility Soil Type	Max Depth (ft)(2)	Top Area (sq-ft)	Side Slope (1:H)	Facility Vol. (cu-ft)(3)	Water Storage Vol. (cu-ft)(4)	Adequate Size?
Detention Pond	FCWQT	Lined	3.00	1,619.0	0	4,857.0	1,942.8	Yes



1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only

2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).

3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.

4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

Custom Pond Geometry Configuration

Pond ID: Detention Pond

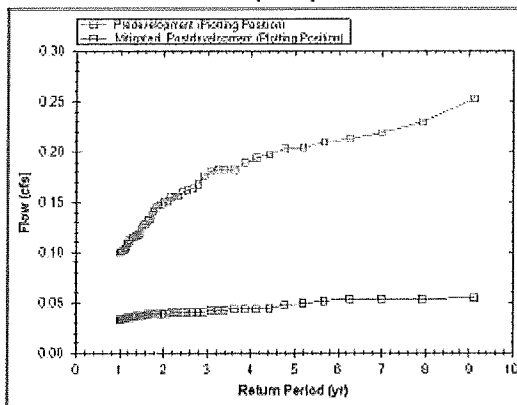
Design: FlowControlAndTreatment

Shape Curve

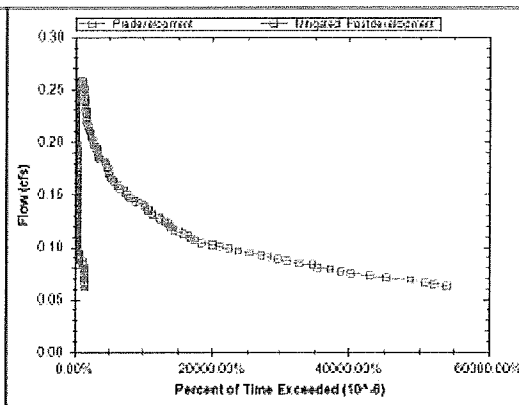
Depth (ft)	Area (sq ft)	Discharge (cfs)
.0	411.4	.0
.3	483.2	.0
.5	560.2	.0
.8	642.4	.0
1.0	730.1	.0
1.3	822.8	.0
1.5	921.0	.0
1.8	1,024.1	.1
2.0	1,132.7	.1
2.3	1,246.6	.2
2.5	1,365.5	.2
2.8	1,490.1	.2
3.0	1,619.3	.3

← The data input into the custom pond geometry configuration in the WES BMP Sizing Tool was obtained from the spreadsheet below used for routing.

Flow Frequency Chart



Flow Duration Chart



DETENTION POND ROUTING DATA

Lemon Subdivision (SGL17-090)

Proposed Detention Pond

Orifice #1 Diameter: 1 1/5 inches
 Orifice #1 Elevation: 0.00 feet
 Orifice #2 Diameter: 2 4/5 inches
 Orifice #2 Elevation: 2.00 feet
 Orifice #3 Diameter: 0 inches
 Orifice #3 Elevation: 0.00 feet
 Orifice #4 Diameter: 0 inches
 Orifice #4 Elevation: 0.00 feet
 Overflow Riser Dia: 12 inches
 Overflow elevation: 3.00 ft
 Infiltration Rate: 0.0 in/hr = 0.0000000 cfs

	B	C	D	E	F	G	H	I	J	K	
	Stage	Elevation	Surface Area	Storage Volume	Orifice #1 Discharge	Orifice #2 Discharge	Orifice #3 Discharge	Orifice #4 Discharge	Overflow Discharge	Actual Discharge	
		(ft)	(sq.ft)	(cu.ft.)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	
Detention Storage	1	0.00	411	0.00	0.000	0.000	0.000	0.000	0.000	0.000	<= Orifice Outflow
	2	0.25	483	111.82	0.020	0.000	0.000	0.000	0.000	0.020	
	3	0.50	560	242.23	0.028	0.000	0.000	0.000	0.000	0.028	
	4	0.75	642	392.55	0.034	0.000	0.000	0.000	0.000	0.034	
	5	1.00	730	564.10	0.039	0.000	0.000	0.000	0.000	0.039	
	6	1.25	823	758.22	0.044	0.000	0.000	0.000	0.000	0.044	
	7	1.50	921	976.19	0.048	0.000	0.000	0.000	0.000	0.048	
	8	1.75	1024	1219.33	0.052	0.000	0.000	0.000	0.000	0.052	
	9	2.00	1133	1488.93	0.055	0.000	0.000	0.000	0.000	0.055	
	10	2.25	1247	1786.35	0.059	0.106	0.000	0.000	0.000	0.165	
	11	2.50	1365	2112.86	0.062	0.150	0.000	0.000	0.000	0.212	
	12	2.75	1490	2469.80	0.065	0.184	0.000	0.000	0.000	0.249	
	13	3.00	1619	2858.48	0.068	0.213	0.000	0.000	0.000	0.280	

B Stage Number
 C Water Surface Elevation.
 D Water Surface Area @ given Elevation
 E Storage Volume = [(Average Area) x (d Elevation)] + Previous Volume

~~ORIFICE~~ Q = $0.62 \times (\text{area}) \times (2 \times g \times h)^{1/2}$
 F Q = Orifice Eq.
 G Q = Orifice Eq.
 H Q = Orifice Eq.
 I Q = Orifice Eq.
 J Overflow Riser as a Weir Q = $2.68 \times L \times H^{3/2}$
 L = $2 \times \pi \times r$
 K F+G+H+I+J

WES BMP Sizing Tool - Detention Summary:

Based on the above report generated from the WES BMP Sizing Tool for a custom pond geometry configuration, the proposed pond is adequately sized to detain and convey the runoff generated from Basin 'C' (see Figure 1 below).

Water Quality Analysis:

The water quality requirements will be met by a CDS water quality manhole structure for treatment of the water quality storm event of 1.0 inches over 24 hours.

Water Quality Storm Event:

***** S.C.S. TYPE-1A DISTRIBUTION *****
***** 1-YEAR 24-HOUR STORM ***** 1.00" TOTAL PRECIP. *****

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1
0.0000, 79, 0.2415, 98, 5

DATA PRINT-OUT:

AREA (ACRES)	PERVIOUS A CN	IMPERVIOUS A CN	TC (MINUTES)
.2	.0 79.0	.2 98.0	5.0

PEAK-Q (CFS)	T-PEAK (HRS)	VOL (CU-FT)
<u>.05</u>	7.67	693

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:
17090-1.wq

Water Quality Summary:

A Contech CDS2015-4-C water quality manhole shall be sufficient to treat the runoff from the development (See detail below).

Erosion Prevention and Sediment Control:

During construction, sediment fence will be placed surrounding the perimeter of the site to prevent any movement of soil or debris from on-site to neighboring properties.

Sediment fence will remain on-site for the entire duration of construction. In the catch basins on-site, silt sack inserts will be used to catch sediment that is transferred by storm runoff. Bio bags will be used on any existing catch basins from neighboring developments or at outfalls of culverts that neighbor the project site where potential runoff may flow to.

SOIL REPORTS

Engineering Properties

This table gives the engineering classifications and the range of engineering properties for the layers of each soil in the survey area.

Hydrologic soil group is a group of soils having similar runoff potential under similar storm and cover conditions. The criteria for determining Hydrologic soil group is found in the National Engineering Handbook, Chapter 7 issued May 2007 (<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Listing HSGs by soil map unit component and not by soil series is a new concept for the engineers. Past engineering references contained lists of HSGs by soil series. Soil series are continually being defined and redefined, and the list of soil series names changes so frequently as to make the task of maintaining a single national list virtually impossible. Therefore, the criteria is now used to calculate the HSG using the component soil properties and no such national series lists will be maintained. All such references are obsolete and their use should be discontinued. Soil properties that influence runoff potential are those that influence the minimum rate of infiltration for a bare soil after prolonged wetting and when not frozen. These properties are depth to a seasonal high water table, saturated hydraulic conductivity after prolonged wetting, and depth to a layer with a very slow water transmission rate. Changes in soil properties caused by land management or climate changes also cause the hydrologic soil group to change. The influence of ground cover is treated independently. There are four hydrologic soil groups, A, B, C, and D, and three dual groups, A/D, B/D, and C/D. In the dual groups, the first letter is for drained areas and the second letter is for undrained areas.

The four hydrologic soil groups are described in the following paragraphs:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Depth to the upper and lower boundaries of each layer is indicated.

Texture is given in the standard terms used by the U.S. Department of Agriculture. These terms are defined according to percentages of sand, silt, and clay in the fraction of the soil that is less than 2 millimeters in diameter. "Loam," for example, is soil that is 7 to 27 percent clay, 28 to 50 percent silt, and less than 52 percent sand. If the content of particles coarser than sand is 15 percent or more, an appropriate modifier is added, for example, "gravelly."

Classification of the soils is determined according to the Unified soil classification system (ASTM, 2005) and the system adopted by the American Association of State Highway and Transportation Officials (AASHTO, 2004).

The Unified system classifies soils according to properties that affect their use as construction material. Soils are classified according to particle-size distribution of the fraction less than 3 inches in diameter and according to plasticity index, liquid limit, and organic matter content. Sandy and gravelly soils are identified as GW, GP, GM, GC, SW, SP, SM, and SC; silty and clayey soils as ML, CL, OL, MH, CH, and OH; and highly organic soils as PT. Soils exhibiting engineering properties of two groups can have a dual classification, for example, CL-ML.

The AASHTO system classifies soils according to those properties that affect roadway construction and maintenance. In this system, the fraction of a mineral soil that is less than 3 inches in diameter is classified in one of seven groups from A-1 through A-7 on the basis of particle-size distribution, liquid limit, and plasticity index. Soils in group A-1 are coarse grained and low in content of fines (silt and clay). At the other extreme, soils in group A-7 are fine grained. Highly organic soils are classified in group A-8 on the basis of visual inspection.

If laboratory data are available, the A-1, A-2, and A-7 groups are further classified as A-1-a, A-1-b, A-2-4, A-2-5, A-2-6, A-2-7, A-7-5, or A-7-6. As an additional refinement, the suitability of a soil as subgrade material can be indicated by a group index number. Group index numbers range from 0 for the best subgrade material to 20 or higher for the poorest.

Percentage of rock fragments larger than 10 inches in diameter and 3 to 10 inches in diameter are indicated as a percentage of the total soil on a dry-weight basis. The percentages are estimates determined mainly by converting volume percentage in the field to weight percentage. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Percentage (of soil particles) passing designated sieves is the percentage of the soil fraction less than 3 inches in diameter based on an oven-dry weight. The sieves, numbers 4, 10, 40, and 200 (USA Standard Series), have openings of 4.76, 2.00, 0.420, and 0.074 millimeters, respectively. Estimates are based on laboratory tests of soils sampled in the survey area and in nearby areas and on estimates made in the field. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Liquid limit and plasticity index (Atterberg limits) indicate the plasticity characteristics of a soil. The estimates are based on test data from the survey area or from nearby areas and on field examination. Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

References:

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Report—Engineering Properties

Absence of an entry indicates that the data were not estimated. The asterisk "*" denotes the representative texture; other possible textures follow the dash. The criteria for determining the hydrologic soil group for individual soil components is found in the National Engineering Handbook, Chapter 7 issued May 2007 (<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>). Three values are provided to identify the expected Low (L), Representative Value (R), and High (H).

Engineering Properties—Clackamas County Area, Oregon														
Map unit symbol and soil name	Pct. of map unit	Hydrologic group	Depth	USDA texture	Classification		Pct Fragments		Percentage passing sieve number—				Liquid limit	Plasticity index
					Unified	AASHTO	>10 inches	3-10 inches	4	10	40	200		
			In				L-R-H	L-R-H	L-R-H	L-R-H	L-R-H	L-R-H	L-R-H	L-R-H
3—Amity silt loam														
Amity	85	C/D	0-22	Silt loam	ML	A-4	0-0-0	0-0-0	100-100-100	100-100-100	95-98-100	90-93-95	30-35-40	5-8-10
			22-62	Silty clay loam	CL	A-7	0-0-0	0-0-0	100-100-100	100-100-100	95-98-100	95-98-100	40-43-45	15-18-20
91B—Woodburn silt loam, 3 to 8 percent slopes														
Woodburn	90	C	0-16	Silt loam	ML	A-4	0-0-0	0-0-0	100-100-100	95-98-100	85-90-95	70-78-85	25-28-30	NP-3-5
			16-38	Silty clay loam, silt loam	CL	A-6	0-0-0	0-0-0	100-100-100	100-100-100	85-98-100	85-90-95	30-35-40	10-15-20
			38-60	Silt loam, silty clay loam	CL-ML, ML, CL	A-4	0-0-0	0-0-0	100-100-100	100-100-100	95-98-100	80-85-90	25-30-35	5-8-10

Data Source Information

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 12, Sep 19, 2017

Soil Map—Clackamas County Area, Oregon



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

1/5/2018
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)		Spoil Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		Water Features
Blowout		Streams and Canals
Borrow Pit		Transportation
Clay Spot		Rails
Closed Depression		Interstate Highways
Gravel Pit		US Routes
Gravelly Spot		Major Roads
Landfill		Local Roads
Lava Flow		Background
Marsh or swamp		Aerial Photography
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 12, Sep 19, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 26, 2014—Sep 5, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Amity silt loam	0.4	31.0%
21B	Woodburn silt loam, 3 to 8 percent slopes	1.0	69.0%
Totals for Area of Interest		1.4	100.0%

January 30, 2018

sisul-18-1-gi

Sisul Engineering
tomsisul@sisulengineering.com

GEOTECHNICAL ENGINEERING SERVICES Infiltration Evaluation 16362 Hiram Lane – Oregon City

As authorized, herein we present our report of geotechnical engineering services for infiltration for the proposed storm pond at the proposed development located on two tax lots at 16362 Hiram Lane in Oregon City, Oregon. Our review of aerial photos indicates an existing residence and a relatively level, accessible grass covered parcel that is cross fenced. The purpose of our work was to evaluate relevant shallow subsurface conditions and determine an infiltration rate for possible shallow storm water infiltration in the pond area. Specifically, our scope of work included the following:

- Provide principal level project management including management of field services, report writing, analyses, and invoicing.
- Review geologic maps and vicinity geotechnical information as indicators of subsurface conditions.
- Complete a site reconnaissance to observe surface features relevant to geotechnical issues, such as topography, vegetation, presence and condition of springs, exposed soils, evidence of previous grading, and an evaluation of slope stability.
- Explore subsurface conditions by completing explorations with a hand auger in two accessible locations to depths of up to 8 feet or refusal.
- Classify and sample the materials encountered and maintain a detailed log of the explorations.
- Determine the moisture content of selected samples obtained from the explorations, and conduct soil classification testing as necessary.
- Complete infiltration testing in each exploration with cased falling head methods.
- Provide a written report summarizing the results of our geotechnical evaluation.

SITE OBSERVATIONS AND CONDITIONS

Surface Conditions

The site is relatively flat and slopes slightly down to the southwest. The site is bordered by existing residential properties. Hiram Lane abuts the parcel, and a residence is present in the southern portion, along with outbuildings near the property center. A shallow swale is present along the northern boundary. The storm pond is planned for the northwest portion of the site near Hiram, and is currently vegetated with grass with an oak tree present near Hiram.

Subsurface Conditions

The site was explored on January 26, 2018 by boring two hand augers to depths of up to 8 feet. Approximate exploration locations are shown on the attached **Site Plan**.

In general, subsurface conditions at the site consist of silt with trace clay. A topsoil zone of 5 to 8 inches was present at the surface. The silt was generally medium stiff. This is consistent with the mapped Willamette Silt unit. Fine grained Troutdale Formation is mapped at depth under the silt.

Groundwater – The Geologic Hazard Map of the Canby and Oregon City Quadrangles (Bulletin 99, DOGAMI) indicates that the site is in an area of high ground seasonal ground water where the ground water is as shallow as 1.5 feet in the wet season. We encountered groundwater seepage in the southern hand auger at a depth of roughly 3 feet, and in the northern hand auger at a depth of roughly 6 feet. Moisture contents of site soils were 29-33% in five samples tested.

CONCLUSIONS AND RECOMMENDATIONS

We completed cased hole, double ring configuration, falling head infiltration testing at a depth of 2.5 feet in each boring. Each boring and casing were filled and allowed to saturate. After pre-wetting, no measurable infiltration was noted, for a rate less than $0.05 \text{ in}^3/\text{hr}/\text{in}^2$ (the tolerance of the measurements). Due to this low rate and shallow seasonal groundwater, we do not recommend use of infiltration at this site.

LIMITATIONS AND OBSERVATION DURING CONSTRUCTION

We have prepared this report for use by Sisul Engineering and their design and construction teams for this project only. The information herein could be used for bidding or estimating purposes but should not be construed as a warranty of subsurface conditions. We have made observations only at the aforementioned locations and only to the stated depths. These observations do not reflect soil types, strata thicknesses, water levels or seepage that may exist between observations. We should be consulted to observe all foundation bearing surfaces, installation of structural fill, and subsurface drainage. We should be consulted to review final design and specifications in order to see that our recommendations are suitably followed. If any changes are made to the anticipated locations, loads, configurations, or construction timing, our recommendations may not be applicable, and we should be consulted. The preceding recommendations should be considered preliminary, as actual soil conditions may vary. In order for our recommendations to be final, we must be retained to observe actual subsurface conditions encountered. Our observations will allow us to interpret actual conditions and adapt our recommendations if needed.

Within the limitations of scope, schedule and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty, expressed or implied, is given.

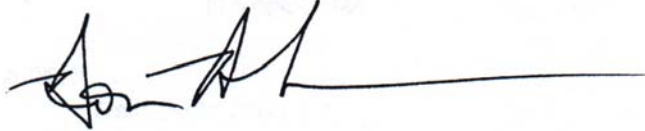
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January 30, 2018

sisul-18-1-gi

We appreciate the opportunity to work with you on this project and look forward to our continued involvement. If you have any questions, please contact us.

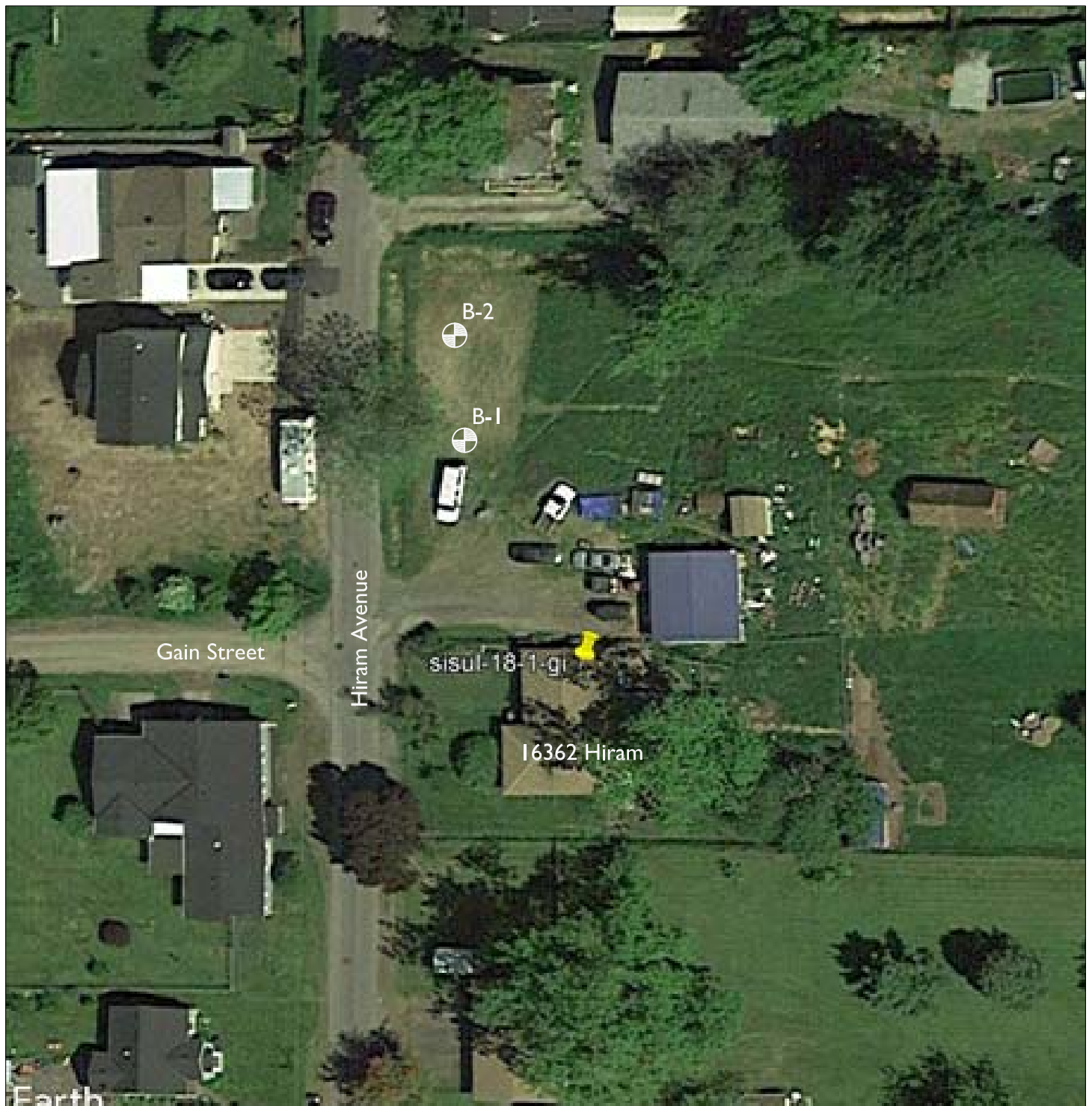
Sincerely,



Don Rondema, MS, PE, GE
Principal



Attachments – Site Plan, Soil Classification, Logs, Moisture Contents.



NOT TO SCALE

BASE PHOTO FROM GOOGLE EARTH 2017 AERIAL

Geotech
Solutions Inc.

SITE PLAN
sisul-18-1-gi

<u>Test Pit #</u>	<u>Depth (ft)</u>	<u>Soil Description</u>
--------------------------	--------------------------	--------------------------------

Explorations completed on January 26, 2018 with a hand auger

B-1

Location: South pond area

Surface conditions: Medium grass

0 – 0.5 Soft, brown SILT, with trace to some roots; moist. (topsoil)

0.5 – 4 Medium stiff brown silt with trace clay; moist.

4 feet becomes wet with slow seepage.

Infiltration test at 2.5 feet.

B-2

Location: North pond area

Surface conditions: Medium grass

0 – 0.7 Soft, brown SILT, with trace to some roots; moist. (topsoil)

0.7 – 8 Medium stiff brown silt with trace clay; moist.

6 feet becomes wet with slow seepage.

Infiltration test at 2.5 feet.

Exploration	Depth, ft	Moisture Content
B-1	2.0	33%
B-1	4.0	29%
B-2	2.0	30%
B-2	4.0	30%
B-2	6.0	33%



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: Tom Sisul, Sisul Engineering
From: Michael Ard, PE
Date: January 25, 2019
Re: 16362 Hiram Avenue – Transportation Analysis Letter

EXPIRES: 12/31/19

This memorandum is written to provide information related to a proposed five-lot residential development to be located at 16362 Hiram Avenue in Oregon City, Oregon. Based on the nature and scale of the development the city requires a Transportation Analysis Letter (TAL). The required contents of the letter are described in the city's *Guidelines for Transportation Impact Analyses*, Section 5.0. Each of the required elements is addressed herein.

SITE LOCATION AND PROJECT DESCRIPTION

The subject property is on the east side of Hiram Avenue opposite Gain Street in Oregon City. The site is currently developed with one single-family home, which will remain in place. The existing home currently takes access via a driveway on Hiram Avenue. Under the proposed development plan, the existing driveway will be closed and all five lots within the site will take access via a new roadway intersecting Hiram Avenue and dividing the subject property.

Hiram Avenue is classified by Oregon City as a Local Street. It accommodates two-way traffic with no centerline striping and has a statutory residential speed limit of 25 mph. There are currently no curbs, gutters or sidewalks on either side of the roadway. Some on-street parking is available where sufficient shoulder width is provided.

Gain Street is also classified by Oregon City as a Local Street. It has a gravel surface that accommodates two-way traffic and has a statutory residential speed limit of 25 mph.

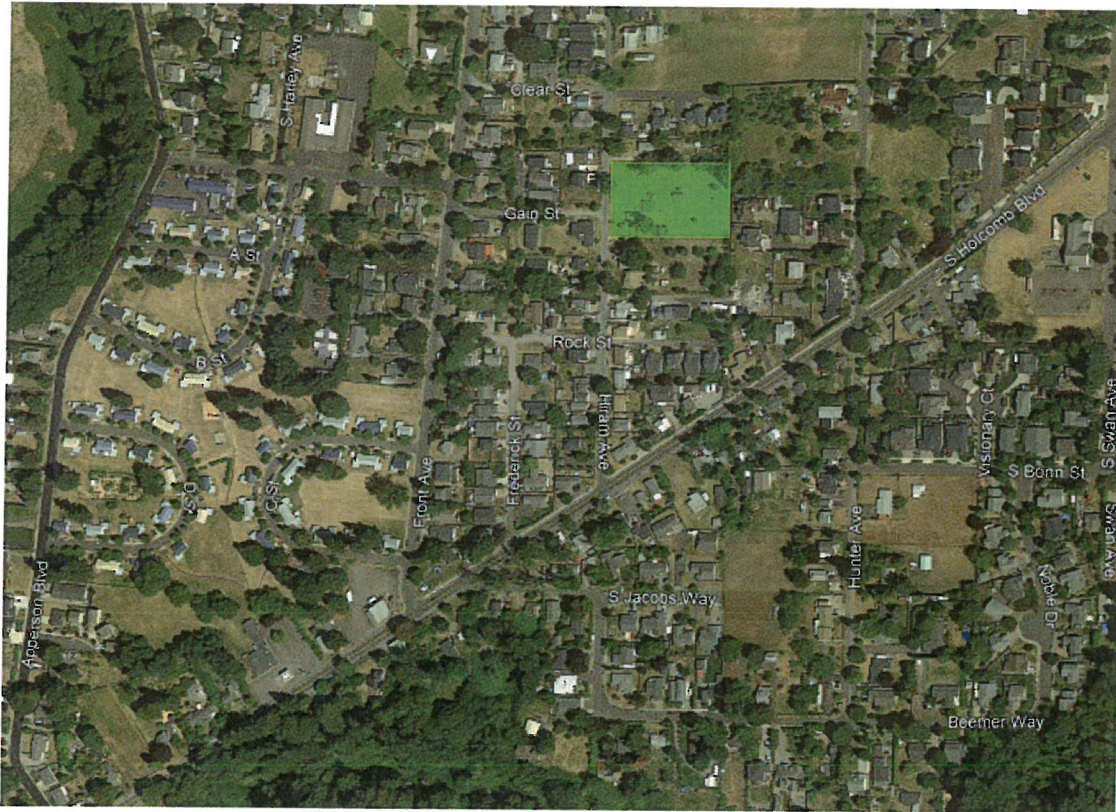
The proposed development will include four new lots for single-family homes. The existing single-family home located in the southwest corner of the site will remain in place. An aerial image showing the site location is provide on the following page. A site plan showing the proposed development as well as the locations of proposed site access is included in the attached technical appendix.



16362 Hiram Avenue

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Aerial view of project site (image from Google Earth)

TRIP GENERATION

The trip generation estimate for the proposed use was prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. Trip generation was calculated using the published trip rates for ITE land use code 210, *Single-Family Detached Housing*. The calculations are based on the number of dwelling units.

Based on the analysis, the proposed residential development is projected to generate 3 new trips during the morning peak hour, 4 trips during the evening peak hour, and 38 new daily trips.

A summary of the trip generation calculations is provided in the table on the following page. A detailed trip generation calculation worksheet is also included in the attached technical appendix.



16362 Hiram Avenue

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16362 Hiram Avenue: Trip Generation Calculation Summary

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
4 Additional Single-Family Homes	1	2	3	3	1	4	38

DRIVEWAY WIDTH STANDARDS

Oregon City Municipal Code Section 12.04.025 requires that driveways serving single or two-family dwellings with a one-car garage/parking space must have a width of at least 10 feet and no more than 12 feet. Driveways serving a two-car garage/parking space must have a width of at least 12 feet and no more than 24 feet. Driveways serving a three-car garage/parking space must have a width of at least 18 feet and no more than 30 feet.

The proposed driveways on the new street will each have a paved width of 12 feet. The proposed driveways are therefore appropriately sized to serve either one or two garage/parking spaced per lot.

INTERSECTION AND DRIVEWAY SPACING STANDARDS

For local streets such as the proposed new street, Oregon City Municipal Code Section 12.04.190 requires that public streets be either aligned with existing streets or offset from the centerline by no more than 5 feet provided that the offset will not pose a safety hazard in the judgment of the City Engineer. In this instance, due to a significant conflict between the existing home on the subject property and the existing alignment of Gain Street, as well as the need for the new roadway to efficiently serve the lots within the development and the city's desire to serve future connectivity for lots beyond the subject parcel, it is necessary to seek a modification to this standard to allow an offset of approximately 25 feet. A more detailed explanation of the reasons for this request as well as an examination of the potential safety and operational impacts of approval of the requested modification is provided in the "Proposed Modifications" section on page 6.

Additionally, a minimum spacing of 25 feet is required along the new roadway between Hiram Avenue and any private driveway serving a use other than a one- or two-family dwelling. In this instance, all driveways on the new local street will serve single-family homes. Accordingly, there is no applicable minimum spacing between driveways. Since all proposed driveways are spaced more than 25 feet from Hiram Avenue, the proposed points of access meet the applicable Oregon City spacing standards.



16362 Hiram Avenue

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INTERSECTION SIGHT DISTANCE

The proposed development includes a new street which will intersect Hiram Avenue. In order to verify that the resulting new intersection on Hiram Avenue can operate safely, intersection sight distance was evaluated for the proposed access location. Based on the statutory residential speed limit of 25 mph on Hiram Avenue, a minimum of 280 feet of intersection sight distance is required in each direction.

In accordance with the methods described in *A Policy on Geometric Design of Highways and Streets, 6th Edition*, published by the American Association of State Highway and Transportation Officials (AASHTO), intersection sight distance was measured from a position 15 feet behind the edge of the roadway at an elevation 3.5 feet above the proposed driveway surface to an oncoming driver's eye position 3.5 feet above the surface of the oncoming driver's lane. Based on the measurements, the available intersection sight distance in each direction will be in excess of 300 feet at the proposed access location. Accordingly, adequate intersection sight distance is available, and no sight distance mitigations are necessary or recommended.

SAFETY

In addition to ensuring that adequate sight lines are available for safe and efficient operation of motor vehicles, the proposed site plan and surrounding infrastructure were examined to determine whether they are capable of safely accommodating pedestrian and bicycle traffic.

The proposed development includes construction of sidewalks along the site frontage on Hiram Avenue as well as on both sides of the proposed new street serving the property. Traffic volumes and speeds on the new roadway are projected to be very low due to the short length of the roadway, the presence of a 90-degree turn, and the low number of residential units accessed via the roadway. Based on these factors, no safety concerns were identified in conjunction with the proposed new street.

Hiram Avenue is an existing narrow, local residential street without sidewalks or bike lanes. It has a statutory residential speed limit of 25 mph, no centerline striping, and carries relatively low volumes of traffic at low speeds. It also has a relatively short length, providing a connection between Holcomb Boulevard and S Cleveland Street, a distance of approximately one quarter mile. Under existing conditions, pedestrians and people riding bicycles must share the roadway with motorized vehicle traffic. Due to the low volume of traffic on the roadway, people are able to walk or bicycle within the paved roadway surface while occasional vehicles traveling along the roadway can cross to the other side as needed to avoid conflicts with other road users. An alternative walking route is also available along Front Avenue, approximately 400 feet west of Hiram Avenue, where sidewalks are in place along the west side of the roadway.



16362 Hiram Avenue

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For the subject property's frontage on Hiram Avenue, the new sidewalks will provide a safe travel path for pedestrians in the form of a sidewalk that is physically separated from Hiram Avenue by a curb and vegetated swale with street trees. This improvement will benefit both the proposed development and the existing users of the roadway. For the remainder of the length of Hiram Avenue, it is anticipated that all modes will continue to share the roadway.

In addition to examination of the existing and proposed facilities for all modes, crash history was examined for the existing segment of Hiram Avenue between Holcomb Boulevard and S Cleveland Street. The crash data was obtained from the Oregon Department of Transportation's Crash Analysis and Reporting Unit for the most recent five years for which data is available. Based on the data, there was only one reported crash during the five-year analysis period. The crash actually occurred on Holcomb Boulevard as a driver that stopped to make an eastbound left-turn onto Hiram Avenue was struck by a following vehicle. The crash resulted in a "possible injury/complaint of pain" to one person. There were no reported incidents involving motor vehicle traffic, pedestrians or people riding bicycles along Hiram Avenue itself.

Based on the safety analysis, no significant safety concerns were identified, and no specific mitigations are recommended.

TRANSPORTATION SYSTEM PLAN COMPLIANCE

The city's Transportation System Plan includes references to two planned projects in the site vicinity. Neither of the two projects is currently included in the "likely to be funded" project list. The projects are as follows:

- FF2 – Front Avenue Family Friendly Route – Add sidewalks on both sides of the street from Forsythe Road to Holcomb Boulevard
- FF3 – Cleveland Street Family Friendly Route – Add sidewalks on both sides of the street from Apperson Boulevard to Swan Avenue

Although these future projects may improve pedestrian connectivity in the site vicinity, neither will have impacts directly on Hiram Avenue, and neither will directly abut the proposed development site.

The city's standard cross-section for Local streets such as Hiram Avenue includes a 32-foot paved roadway within a 54-foot right-of-way width. On each side of the roadway, it requires 16 feet of pavement, 5.5 feet of curb and tree well, a 5-foot sidewalk, and a 6-inch wide public access strip. The proposed development includes public improvements that match the required cross-section for the half



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street. As such, the proposed cross-section on Hiram Avenue complies with the requirements of Oregon City's Transportation System Plan.

The proposed cross-section for the new street serving the proposed subdivision has a 40-foot right-of-way with five-foot curb-tight sidewalks on each side of the roadway. This proposed "skinny street" design results primarily from the city's request that the primary site access, which was previously envisioned as a private access serving multiple residences, be converted to a public street to allow for a future public connection to adjacent properties.

PROPOSED MODIFICATIONS

The proposed development includes two design elements that will require modifications to the city's design standards. Both relate to the design of the new public street which will serve as the point of access for the homes within the subject property.

As originally conceived, a shared, private access driveway serving the five lots within the site would have been required to have a minimum access spacing of 25 feet from public intersections or other driveways that serve more than two homes. This minimum spacing was achievable while maintaining the existing home on a lot within the subject property. The private driveway could also be constructed with a narrower cross-section than the one required for public streets under Oregon City Municipal Code Section 12.04.180.

Based on conversations with city staff, this original vision for the site was modified to facilitate the broader goals of the city. Specifically, the city desired a public street connection that would allow for future connection to future lots south of the subject property, as shown in the preliminary Neighborhood Circulation Plan included in the attached technical appendix. However, upon conversion of the private driveway to a public street the additional standards for roadway alignment and cross-section design become significant concerns for site development. If the existing alignment of Gain Street west of Hiram Avenue were extended into the site, the new public street would pass through the existing home on the property, resulting in significant impacts and costs. In order to meet the connectivity goals of the city while preserving the existing home on the subject property and providing appropriate access for the new proposed lots, an alternative design was prepared which includes an offset of slightly over 25 feet from the existing Gain Street alignment and a narrower public street within a 40-foot right-of-way.

Generally, narrow streets can safely and efficiently serve low volumes of local street traffic, particularly where they will operate as dead-end streets. The State of Oregon even prepared a handbook entitled "*Neighborhood Street Design Guidelines – An Oregon Guide to Reducing Street Widths*" to promote narrower residential street cross-sections due to the operational, safety and livability benefits of skinny streets. Accordingly, there are no significant safety or operational concerns anticipated upon approval of the narrowed street. However, since offset intersections may result in operational and safety impacts as compared to aligned streets, a detailed examination was undertaken for the proposed site plan.



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Offset Intersection Safety

In general, transportation engineers typically seek to limit the number of points of conflict along roadways. Such limitations are most critical for high-volume and high-speed facilities, which are typically designated as Arterial streets. This limitation serves to promote mobility, while restricting access to properties. At the other end of the street classification spectrum, Local streets are primarily intended to provide access to individual properties, at the expense of mobility. Accordingly, restricting the number of points of access is far less critical on these roadways. In this instance, all roadways impacted by the proposed modification to the intersection spacing standard are low-speed, low-volume local streets. As such, limitation of the number of points of access is far less critical at this location than it would be within a different neighborhood context.

Although reducing the number of intersections along a roadway generally results in reducing the number of points of conflict, an exception occurs when examining the difference between conflicts at aligned four-way intersections and offset T-intersections. A typical aligned four-way intersection has 32 conflict points, including 16 merging/diverging conflicts and 16 crossing conflicts. A typical pair of T-intersections has just 18 conflict points, with 12 merging/diverging conflicts and 6 crossing conflicts. Accordingly, a pair of closely-spaced T-intersections actually reduces the number of conflict points on a roadway as compared to an aligned intersection. This reduction in conflict points is also reflected in crash data, where closely-spaced T-intersections generally are found to have lower crash rates than comparable four-way intersections. The potential safety benefits of offset T-intersections can only be fully realized at locations where sight lines between potentially conflicting approaches are favorable, and the intersection alignments do not give rise to significant operational concerns that may precipitate unexpected conflicts. In this instance, the sight lines from the proposed new roadway along Hiram Avenue and to the offset approach of Gain Street are very favorable, so sight lines are not projected to become a safety concern. Operation of the proposed offset intersections is discussed in detail below.

Offset Intersection Operations

In addition to consideration of the potential safety impacts of offset T-intersections, it is appropriate to consider how the intersections will function, and whether conflicts between closely-spaced intersections may lead to undesirable conflicts.

The primary operational concern that can arise at closely-spaced T-intersections is one of “binding”. This can occur when two vehicles approach simultaneously on the opposing major (through) street approaches, with both intending to turn left onto the minor streets. If the paths of these left-turning vehicles cross, it can create a conflict in which each vehicle is obstructed either by the opposing turning vehicle or by vehicles queuing behind the turning vehicle while waiting for it to complete its turn. This type of conflict only arises at intersections where the offset would require a through vehicle traveling on the minor street to turn right, then left in order to continue traveling along the minor street after crossing the through street.



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Notably, the proposed intersection alignment is in the opposite direction and cannot result in this type of conflict. Also notable is that this type of conflict is typically not severe in very low volume environments where simultaneous left turns do not regularly occur. The existing offset T-intersection at Front Avenue and Gain Street is an example of an offset T-intersection with the offset in the direction that can cause binding; however given the low volumes of traffic on the roadway it does not appear that this potential conflict has been problematic, and the crash history for that intersection is also not indicative of any significant safety concerns, with no reported crashes during the most recent 10 years for which data is available.

In addition to the potential for binding conflicts, offset T-intersections with the opposite alignment (such as the one proposed) can give rise to conflicts between vehicles turning left from the minor-street approaches simultaneously. In this instance, since the minor-street approaches will operate under stop control and sight lines are favorable, the opposing drivers will have the ability to see the potential for conflicts before they arise and wait for a safe opportunity to turn. Since following vehicles must also stop prior to entering Hiram Avenue, following queues would not be expected to result in additional conflicts for these approach directions.

In addition to the potential for conflicts, adding new intersections along a roadway results in an increase in the number of locations where vehicles may slow or stop to turn. This increase typically results in very slight decreases in the capacity of the roadway and the speed of traffic on the roadway. In this instance, since the roadway is intended as a low-speed facility and is operating far within capacity, these slight operational impacts would be both negligible and acceptable.

Based on the detailed analysis, the proposed offset T-intersection would not be projected to result in any significant safety or operational concerns and may result in a slight benefit to safety by reducing the total number of conflict points as compared to an aligned intersection. Accordingly, the city may consider granting a modification to allow the proposed intersection alignment.

Modification Approval Criteria

Oregon City Municipal Code lays out several criteria which must be satisfied in order to grant a modification. Each of these criteria is listed below, with a response following.

A. The modification meets the intent of the standard;

The intent of the access spacing and roadway cross-section standards is to provide a safe and efficient public street network. Based on the analysis, the proposed plan will accomplish this goal. Accordingly, this requirement is met.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicycles and freight;

The operational and safety impacts of the proposed offset T-intersection for motor vehicle traffic were discussed in detail previously. There are also no significant impacts to operations or safety for



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pedestrians, bicycles and freight since sight lines are favorable for all road users. The proposed cross-section of the new street is intended to enhance safety and livability for the residents of the subject property and can safely and efficiently accommodate all road users. Accordingly, this requirement is also met.

C. The modification is consistent with an adopted plan; and

The proposed modifications assist in accomplishing the goals of the city's adopted Transportation System Plan. Specifically, the proposed offset intersection and reduced street width are projected to preserve and enhance safety in the site vicinity for all road users and allow for increased future connectivity (as requested by city staff). This requirement is therefore also met.

D. The modification is complementary with a surrounding street design

In this instance, the existing street network surrounding the project site has numerous examples of offset T-intersections that have been operating acceptably for many years. These include Front Avenue at Gain Street, Front Avenue at Cleveland Street, and Gain Street at B Street/Harley Avenue. The intersection of Hiram Avenue at Clear Street approximately 300 feet to the north of the proposed access also forms an offset T-intersection with the private driveway that serves three homes on the east side of Hiram Avenue. Many of the existing streets in the site vicinity are also narrow streets that limit speeds and discourage through traffic, similar to the proposed cross-section of the new street. The proposed design echoes the existing designs of numerous streets and intersections in the site vicinity while providing enhancements that make the design superior to the similar existing facilities such as sidewalks and having an offset direction that is optimal for safe and efficient operation. The proposed modifications therefore comply with this requirement.

Based on the detailed examination of the code requirements for modifications, the city can grant the requested modifications. This approval will benefit the city and the surrounding community by allowing for the requested public street connectivity across the subject property.



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CONCLUSIONS

The proposed development will generate traffic volumes that are below the threshold at which a full traffic impact study is required by Oregon City. Since the added traffic volumes are minimal, no significant operational impacts are anticipated in conjunction with the proposed development.

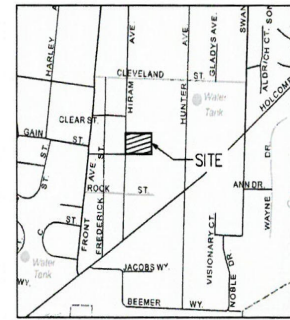
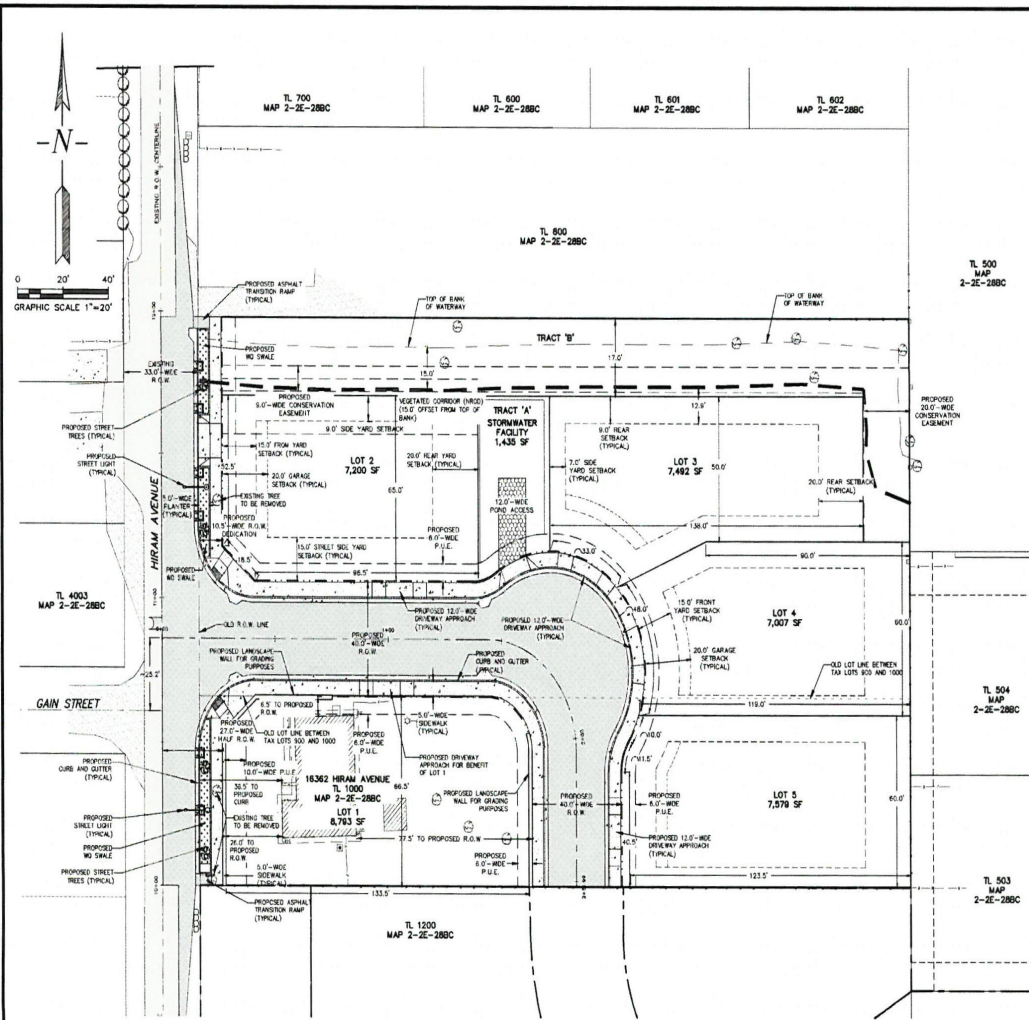
The proposed driveways will meet Oregon City's standards for driveway width and access spacing.

Based on the intersection sight distance analysis, the proposed new intersection on Hiram Avenue at the site access will have adequate sight distance per AASHTO standards to allow for safe and efficient operation.

Based on the safety analysis, there are no significant safety issues apparent which would require further safety mitigation.

Having reviewed the City's Transportation System Plan standards, the proposed development plan complies with the applicable standards.

Appendix



SITE INFORMATION

ADDRESS: 16362 HIRAM AVENUE

LEGAL: MAP 2 2E 288C, TAX LOTS 900 AND 1000

SITE AREA: 62,045 SF OR 1.42 ACRES

EXISTING PARCEL 1: 41,364 SF (0.95 ACRES)

EXISTING PARCEL 2: 20,681 SF (0.47 ACRES)

ZONING: R8

EXISTING USE: PARCEL 1 HAS EXISTING HOUSE WITH A GRAVEL DRIVEWAY TO THE NORTH ON PARCEL 2. PARCEL 2 HAS A FEW EXISTING SHEDS AND STRUCTURES. THE MAJORITY OF THE SITE IS GRASS AND VEGETATION.

PROPOSED USE: (5) LOT SUBDIVISION WITH NEW LOCAL STREET, PLANTERS, SIDEWALKS, ETC.

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS. PROCESSED THROUGH OPUS. DATUM IS NAD83, CONVERTED FROM NAD83 USING THE VERTCON TOOL.

LOT AREAS	
LOT 1	8,793 SQ. FT.
LOT 2	7,200 SQ. FT.
LOT 3	7,492 SQ. FT.
LOT 4	7,007 SQ. FT.
LOT 5	7,579 SQ. FT.

TREE DIAMETERS	
FROM NORTH	TO SOUTH
1	
2	
3	

NROD AREA: 8,370 SQ. FT.
ROW DEDICATION AREA: 12,800 SQ. FT.
STORMWATER QUALITY TRACT: 1,935 SQ. FT.

REVISIONS BY

LEMON SUBDIVISION
JERRY LEMON

Site Plan

SISUL ENGINEERING
SISUL ENGINEERING, INC.
CLATSOP COUNTY, OREGON
1000 1ST AVE. S.E.
ASTORIA, OR 97103

DATE: JAN. 2018
SCALE: NOTED
DRAWN: JCM
JOB: 50177-000
SHEET: 2
OF 6 SHEETS

PRELIMINARY

Trip Generation Calculation Worksheet



Land Use Description: Single-Family Detached Housing

ITE Land Use Code: 210

Independent Variable: Dwelling Units

Quantity: 4 Dwelling Units

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.74 trips per dwelling unit

Directional Distribution: 25% Entering 75% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.99 trips per dwelling unit

Directional Distribution: 63% Entering 37% Exiting

Total Weekday Traffic

Trip Rate: 9.44 trips per dwelling unit

Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

4 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	1	2	3
PM Peak Hour	3	1	4
Weekday	19	19	38

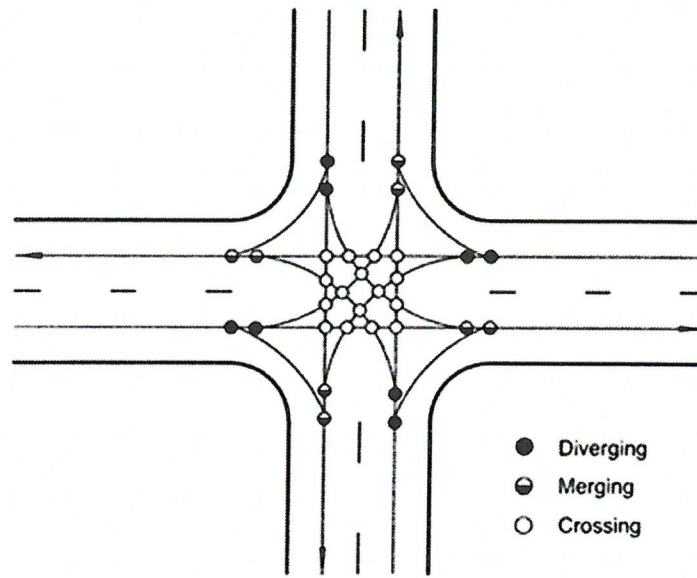
CITY OF OREGON CITY, CLACKAMAS COUNTY

HIRAM AVE and Intersectional Crashes at HIRAM AVE, City of Oregon City, Clackamas County, 01/01/2013 to 12/31/2017

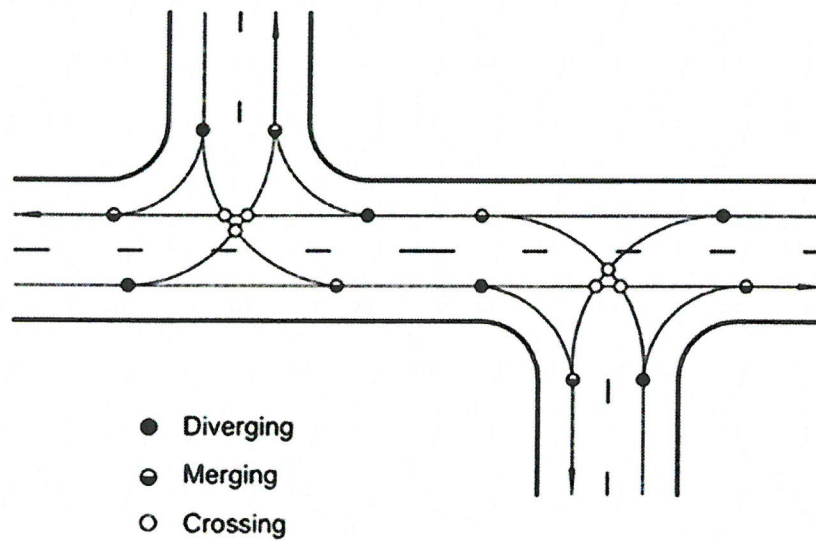
1 - 1 of 1 Crash records shown.

S D																			
SER#	P	R	S	W	DATE	CLASS	CITY STREET	INT-TYPE		SPCL USE									
INVEST	E	A	U	C	O	DAY	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLE QTY	MOVE	A S		
RD DPT	E	L	G	H	R	TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	ENDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G E LICNS
UNLOC?	D	C	S	L	K	LAT	LONG	LRS	LOCIN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	VB TYPE	TO	P# TYPE	SVRTY	E X RES
00113	N	N	N			01/09/2014	16	HOLCOMB BLVD	INTER	3-LEG	N	N	RAIN	S-1STOP	01 NONE 0	STROHT			
NONE				TH			0	HIRAM AVE	SW		UNKNOWN	N	WET	REAR	PRVTE	SW-NE			
N				BP					06	0		N	DLIT	INJ	PSNGR CAR		01 DRVR	NONE	47 F
N				45 22		-122 34													OR-Y
				1.7207039		39.9522													OR<25
															02 NONE 0	STOP			
															PRVTE	SW-NE			
															PSNGR CAR		01 DRVR	INJC	29 M
																			OR-Y
																			OR<25

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.



Four-Way Intersection Conflict Points



Offset T-intersection Conflict Points

S		D																								
SER#	P	R	S	W	DATE	CLASS	CITY STREET	INT-TYPE								SPCL USE										
INVEST	E	A	U	C	O	D	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR QTY	MOVE	A S									
RD DPT	E	L	G	H	R	TIME	FROM	SECOND STREET	DIRECT	LESS	TRAF-	RNDBT	SURF	COLL	OWNER	PRTC	INJ	G	E	LICNS	PED					
UNLOC?	D	C	S	L	K	LAT	LONG	LRS	LOCN	(#LANES)	CONTL	DRWBY	LIGHT	SVRTY	V# TYPE	TO	PH TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE

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21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: Tom Sisul, Sisul Engineering
From: Michael Ard, PE
Date: January 25, 2019
Re: 16362 Hiram Avenue – Transportation Analysis Letter

EXPIRES: 12/31/19

This memorandum is written to provide information related to a proposed five-lot residential development to be located at 16362 Hiram Avenue in Oregon City, Oregon. Based on the nature and scale of the development the city requires a Transportation Analysis Letter (TAL). The required contents of the letter are described in the city's *Guidelines for Transportation Impact Analyses*, Section 5.0. Each of the required elements is addressed herein.

SITE LOCATION AND PROJECT DESCRIPTION

The subject property is on the east side of Hiram Avenue opposite Gain Street in Oregon City. The site is currently developed with one single-family home, which will remain in place. The existing home currently takes access via a driveway on Hiram Avenue. Under the proposed development plan, the existing driveway will be closed and all five lots within the site will take access via a new roadway intersecting Hiram Avenue and dividing the subject property.

Hiram Avenue is classified by Oregon City as a Local Street. It accommodates two-way traffic with no centerline striping and has a statutory residential speed limit of 25 mph. There are currently no curbs, gutters or sidewalks on either side of the roadway. Some on-street parking is available where sufficient shoulder width is provided.

Gain Street is also classified by Oregon City as a Local Street. It has a gravel surface that accommodates two-way traffic and has a statutory residential speed limit of 25 mph.

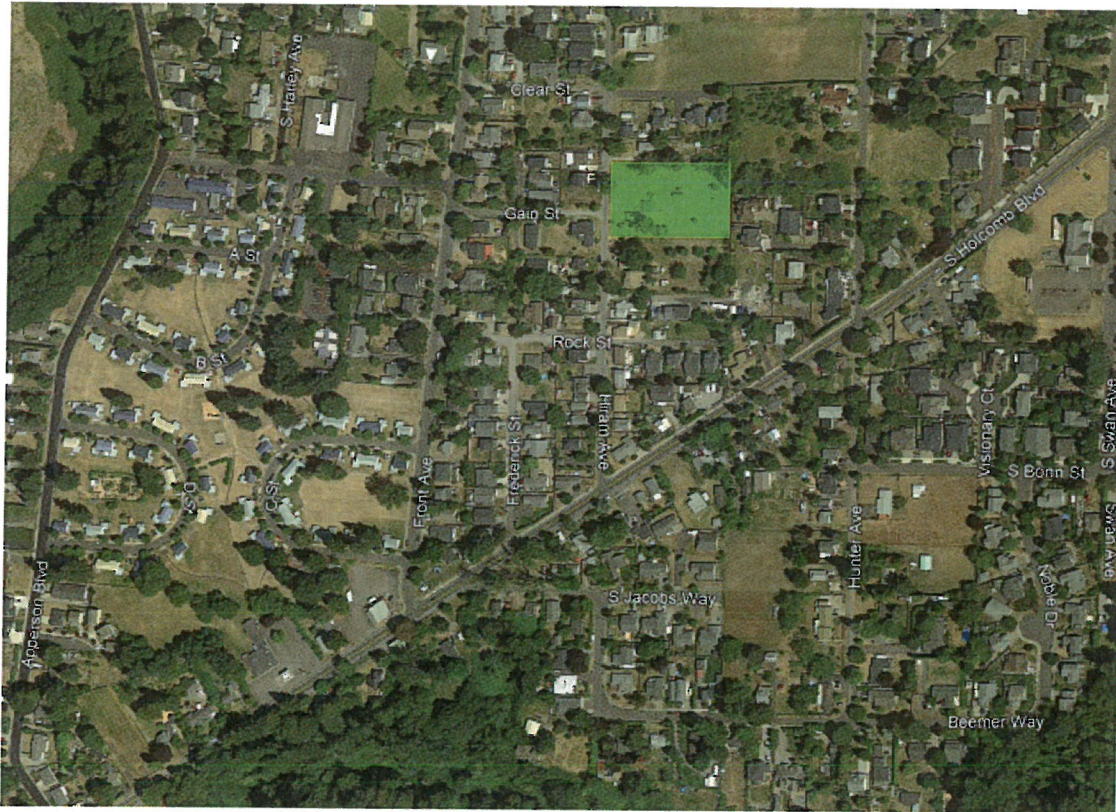
The proposed development will include four new lots for single-family homes. The existing single-family home located in the southwest corner of the site will remain in place. An aerial image showing the site location is provide on the following page. A site plan showing the proposed development as well as the locations of proposed site access is included in the attached technical appendix.



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Aerial view of project site (image from Google Earth)

TRIP GENERATION

The trip generation estimate for the proposed use was prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. Trip generation was calculated using the published trip rates for ITE land use code 210, *Single-Family Detached Housing*. The calculations are based on the number of dwelling units.

Based on the analysis, the proposed residential development is projected to generate 3 new trips during the morning peak hour, 4 trips during the evening peak hour, and 38 new daily trips.

A summary of the trip generation calculations is provided in the table on the following page. A detailed trip generation calculation worksheet is also included in the attached technical appendix.



16362 Hiram Avenue: Trip Generation Calculation Summary

	Morning Peak Hour			Evening Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
4 Additional Single-Family Homes	1	2	3	3	1	4	38

DRIVEWAY WIDTH STANDARDS

Oregon City Municipal Code Section 12.04.025 requires that driveways serving single or two-family dwellings with a one-car garage/parking space must have a width of at least 10 feet and no more than 12 feet. Driveways serving a two-car garage/parking space must have a width of at least 12 feet and no more than 24 feet. Driveways serving a three-car garage/parking space must have a width of at least 18 feet and no more than 30 feet.

The proposed driveways on the new street will each have a paved width of 12 feet. The proposed driveways are therefore appropriately sized to serve either one or two garage/parking spaced per lot.

INTERSECTION AND DRIVEWAY SPACING STANDARDS

For local streets such as the proposed new street, Oregon City Municipal Code Section 12.04.190 requires that public streets be either aligned with existing streets or offset from the centerline by no more than 5 feet provided that the offset will not pose a safety hazard in the judgment of the City Engineer. In this instance, due to a significant conflict between the existing home on the subject property and the existing alignment of Gain Street, as well as the need for the new roadway to efficiently serve the lots within the development and the city's desire to serve future connectivity for lots beyond the subject parcel, it is necessary to seek a modification to this standard to allow an offset of approximately 25 feet. A more detailed explanation of the reasons for this request as well as an examination of the potential safety and operational impacts of approval of the requested modification is provided in the "Proposed Modifications" section on page 6.

Additionally, a minimum spacing of 25 feet is required along the new roadway between Hiram Avenue and any private driveway serving a use other than a one- or two-family dwelling. In this instance, all driveways on the new local street will serve single-family homes. Accordingly, there is no applicable minimum spacing between driveways. Since all proposed driveways are spaced more than 25 feet from Hiram Avenue, the proposed points of access meet the applicable Oregon City spacing standards.



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INTERSECTION SIGHT DISTANCE

The proposed development includes a new street which will intersect Hiram Avenue. In order to verify that the resulting new intersection on Hiram Avenue can operate safely, intersection sight distance was evaluated for the proposed access location. Based on the statutory residential speed limit of 25 mph on Hiram Avenue, a minimum of 280 feet of intersection sight distance is required in each direction.

In accordance with the methods described in *A Policy on Geometric Design of Highways and Streets, 6th Edition*, published by the American Association of State Highway and Transportation Officials (AASHTO), intersection sight distance was measured from a position 15 feet behind the edge of the roadway at an elevation 3.5 feet above the proposed driveway surface to an oncoming driver's eye position 3.5 feet above the surface of the oncoming driver's lane. Based on the measurements, the available intersection sight distance in each direction will be in excess of 300 feet at the proposed access location. Accordingly, adequate intersection sight distance is available, and no sight distance mitigations are necessary or recommended.

SAFETY

In addition to ensuring that adequate sight lines are available for safe and efficient operation of motor vehicles, the proposed site plan and surrounding infrastructure were examined to determine whether they are capable of safely accommodating pedestrian and bicycle traffic.

The proposed development includes construction of sidewalks along the site frontage on Hiram Avenue as well as on both sides of the proposed new street serving the property. Traffic volumes and speeds on the new roadway are projected to be very low due to the short length of the roadway, the presence of a 90-degree turn, and the low number of residential units accessed via the roadway. Based on these factors, no safety concerns were identified in conjunction with the proposed new street.

Hiram Avenue is an existing narrow, local residential street without sidewalks or bike lanes. It has a statutory residential speed limit of 25 mph, no centerline striping, and carries relatively low volumes of traffic at low speeds. It also has a relatively short length, providing a connection between Holcomb Boulevard and S Cleveland Street, a distance of approximately one quarter mile. Under existing conditions, pedestrians and people riding bicycles must share the roadway with motorized vehicle traffic. Due to the low volume of traffic on the roadway, people are able to walk or bicycle within the paved roadway surface while occasional vehicles traveling along the roadway can cross to the other side as needed to avoid conflicts with other road users. An alternative walking route is also available along Front Avenue, approximately 400 feet west of Hiram Avenue, where sidewalks are in place along the west side of the roadway.



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For the subject property's frontage on Hiram Avenue, the new sidewalks will provide a safe travel path for pedestrians in the form of a sidewalk that is physically separated from Hiram Avenue by a curb and vegetated swale with street trees. This improvement will benefit both the proposed development and the existing users of the roadway. For the remainder of the length of Hiram Avenue, it is anticipated that all modes will continue to share the roadway.

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Based on the safety analysis, no significant safety concerns were identified, and no specific mitigations are recommended.

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The city's Transportation System Plan includes references to two planned projects in the site vicinity. Neither of the two projects is currently included in the "likely to be funded" project list. The projects are as follows:

- FF2 – Front Avenue Family Friendly Route – Add sidewalks on both sides of the street from Forsythe Road to Holcomb Boulevard
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Although these future projects may improve pedestrian connectivity in the site vicinity, neither will have impacts directly on Hiram Avenue, and neither will directly abut the proposed development site.

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The proposed cross-section for the new street serving the proposed subdivision has a 40-foot right-of-way with five-foot curb-tight sidewalks on each side of the roadway. This proposed "skinny street" design results primarily from the city's request that the primary site access, which was previously envisioned as a private access serving multiple residences, be converted to a public street to allow for a future public connection to adjacent properties.

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January 25, 2019

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Offset Intersection Safety

In general, transportation engineers typically seek to limit the number of points of conflict along roadways. Such limitations are most critical for high-volume and high-speed facilities, which are typically designated as Arterial streets. This limitation serves to promote mobility, while restricting access to properties. At the other end of the street classification spectrum, Local streets are primarily intended to provide access to individual properties, at the expense of mobility. Accordingly, restricting the number of points of access is far less critical on these roadways. In this instance, all roadways impacted by the proposed modification to the intersection spacing standard are low-speed, low-volume local streets. As such, limitation of the number of points of access is far less critical at this location than it would be within a different neighborhood context.

Although reducing the number of intersections along a roadway generally results in reducing the number of points of conflict, an exception occurs when examining the difference between conflicts at aligned four-way intersections and offset T-intersections. A typical aligned four-way intersection has 32 conflict points, including 16 merging/diverging conflicts and 16 crossing conflicts. A typical pair of T-intersections has just 18 conflict points, with 12 merging/diverging conflicts and 6 crossing conflicts. Accordingly, a pair of closely-spaced T-intersections actually reduces the number of conflict points on a roadway as compared to an aligned intersection. This reduction in conflict points is also reflected in crash data, where closely-spaced T-intersections generally are found to have lower crash rates than comparable four-way intersections. The potential safety benefits of offset T-intersections can only be fully realized at locations where sight lines between potentially conflicting approaches are favorable, and the intersection alignments do not give rise to significant operational concerns that may precipitate unexpected conflicts. In this instance, the sight lines from the proposed new roadway along Hiram Avenue and to the offset approach of Gain Street are very favorable, so sight lines are not projected to become a safety concern. Operation of the proposed offset intersections is discussed in detail below.

Offset Intersection Operations

In addition to consideration of the potential safety impacts of offset T-intersections, it is appropriate to consider how the intersections will function, and whether conflicts between closely-spaced intersections may lead to undesirable conflicts.

The primary operational concern that can arise at closely-spaced T-intersections is one of “binding”. This can occur when two vehicles approach simultaneously on the opposing major (through) street approaches, with both intending to turn left onto the minor streets. If the paths of these left-turning vehicles cross, it can create a conflict in which each vehicle is obstructed either by the opposing turning vehicle or by vehicles queuing behind the turning vehicle while waiting for it to complete its turn. This type of conflict only arises at intersections where the offset would require a through vehicle traveling on the minor street to turn right, then left in order to continue traveling along the minor street after crossing the through street.



16362 Hiram Avenue

January 25, 2019

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Notably, the proposed intersection alignment is in the opposite direction and cannot result in this type of conflict. Also notable is that this type of conflict is typically not severe in very low volume environments where simultaneous left turns do not regularly occur. The existing offset T-intersection at Front Avenue and Gain Street is an example of an offset T-intersection with the offset in the direction that can cause binding; however given the low volumes of traffic on the roadway it does not appear that this potential conflict has been problematic, and the crash history for that intersection is also not indicative of any significant safety concerns, with no reported crashes during the most recent 10 years for which data is available.

In addition to the potential for binding conflicts, offset T-intersections with the opposite alignment (such as the one proposed) can give rise to conflicts between vehicles turning left from the minor-street approaches simultaneously. In this instance, since the minor-street approaches will operate under stop control and sight lines are favorable, the opposing drivers will have the ability to see the potential for conflicts before they arise and wait for a safe opportunity to turn. Since following vehicles must also stop prior to entering Hiram Avenue, following queues would not be expected to result in additional conflicts for these approach directions.

In addition to the potential for conflicts, adding new intersections along a roadway results in an increase in the number of locations where vehicles may slow or stop to turn. This increase typically results in very slight decreases in the capacity of the roadway and the speed of traffic on the roadway. In this instance, since the roadway is intended as a low-speed facility and is operating far within capacity, these slight operational impacts would be both negligible and acceptable.

Based on the detailed analysis, the proposed offset T-intersection would not be projected to result in any significant safety or operational concerns and may result in a slight benefit to safety by reducing the total number of conflict points as compared to an aligned intersection. Accordingly, the city may consider granting a modification to allow the proposed intersection alignment.

Modification Approval Criteria

Oregon City Municipal Code lays out several criteria which must be satisfied in order to grant a modification. Each of these criteria is listed below, with a response following.

A. The modification meets the intent of the standard;

The intent of the access spacing and roadway cross-section standards is to provide a safe and efficient public street network. Based on the analysis, the proposed plan will accomplish this goal. Accordingly, this requirement is met.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicycles and freight;

The operational and safety impacts of the proposed offset T-intersection for motor vehicle traffic were discussed in detail previously. There are also no significant impacts to operations or safety for



16362 Hiram Avenue

January 25, 2019

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pedestrians, bicycles and freight since sight lines are favorable for all road users. The proposed cross-section of the new street is intended to enhance safety and livability for the residents of the subject property and can safely and efficiently accommodate all road users. Accordingly, this requirement is also met.

C. The modification is consistent with an adopted plan; and

The proposed modifications assist in accomplishing the goals of the city's adopted Transportation System Plan. Specifically, the proposed offset intersection and reduced street width are projected to preserve and enhance safety in the site vicinity for all road users and allow for increased future connectivity (as requested by city staff). This requirement is therefore also met.

D. The modification is complementary with a surrounding street design

In this instance, the existing street network surrounding the project site has numerous examples of offset T-intersections that have been operating acceptably for many years. These include Front Avenue at Gain Street, Front Avenue at Cleveland Street, and Gain Street at B Street/Harley Avenue. The intersection of Hiram Avenue at Clear Street approximately 300 feet to the north of the proposed access also forms an offset T-intersection with the private driveway that serves three homes on the east side of Hiram Avenue. Many of the existing streets in the site vicinity are also narrow streets that limit speeds and discourage through traffic, similar to the proposed cross-section of the new street. The proposed design echoes the existing designs of numerous streets and intersections in the site vicinity while providing enhancements that make the design superior to the similar existing facilities such as sidewalks and having an offset direction that is optimal for safe and efficient operation. The proposed modifications therefore comply with this requirement.

Based on the detailed examination of the code requirements for modifications, the city can grant the requested modifications. This approval will benefit the city and the surrounding community by allowing for the requested public street connectivity across the subject property.



16362 Hiram Avenue

January 25, 2019

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CONCLUSIONS

The proposed development will generate traffic volumes that are below the threshold at which a full traffic impact study is required by Oregon City. Since the added traffic volumes are minimal, no significant operational impacts are anticipated in conjunction with the proposed development.

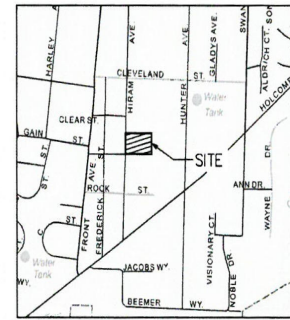
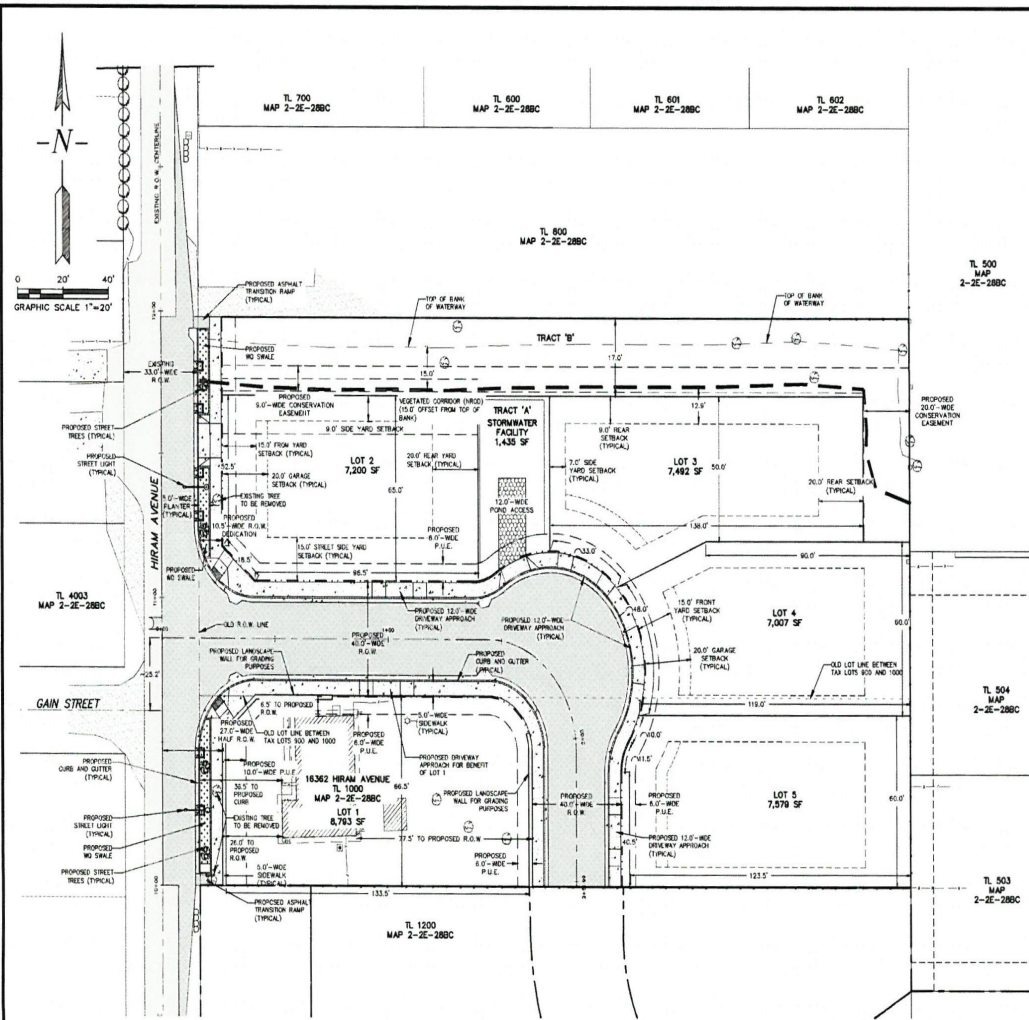
The proposed driveways will meet Oregon City's standards for driveway width and access spacing.

Based on the intersection sight distance analysis, the proposed new intersection on Hiram Avenue at the site access will have adequate sight distance per AASHTO standards to allow for safe and efficient operation.

Based on the safety analysis, there are no significant safety issues apparent which would require further safety mitigation.

Having reviewed the City's Transportation System Plan standards, the proposed development plan complies with the applicable standards.

Appendix



SITE INFORMATION

ADDRESS: 16362 HIRAM AVENUE

LEGAL: MAP 2 2E 288C, TAX LOTS 900 AND 1000

SITE AREA: 62,045 SF OR 1.42 ACRES

EXISTING PARCEL 1: 41,364 SF (0.95 ACRES)

EXISTING PARCEL 2: 20,681 SF (0.47 ACRES)

ZONING: R8

EXISTING USE: PARCEL 1 HAS EXISTING HOUSE WITH A GRAVEL DRIVEWAY TO THE NORTH ON PARCEL 2. PARCEL 2 HAS A FEW EXISTING SHEDS AND STRUCTURES. THE MAJORITY OF THE SITE IS GRASS AND VEGETATION.

PROPOSED USE: (5) LOT SUBDIVISION WITH NEW LOCAL STREET, PLANTERS, SIDEWALKS, ETC.

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS. PROCESSED THROUGH OPUS. DATUM IS NAD83, CONVERTED FROM NAD83 USING THE VERTCON TOOL.

LOT AREAS	
LOT 1	8,793 SQ. FT.
LOT 2	7,200 SQ. FT.
LOT 3	7,492 SQ. FT.
LOT 4	7,007 SQ. FT.
LOT 5	7,579 SQ. FT.

TREE DIAMETERS	
FROM NORTH	TO SOUTH
1	
2	
3	

NROD AREA: 8,370 SQ. FT.
ROW DEDICATION AREA: 12,800 SQ. FT.
STORMWATER QUALITY TRACT: 1,935 SQ. FT.

REVISIONS BY

LEMON SUBDIVISION
JERRY LEMON

Site Plan

ISIS ENGINEERING
CLATSOP COUNTY, OREGON
1000 1ST AVE. SE. SUITE 100
SEASIDE, OR 97138

DATE: JAN. 2018
SCALE: NOTED
DRAWN: JCM
JOB: 50177-000
SHEET: 2
OF 6 SHEETS

PRELIMINARY

Trip Generation Calculation Worksheet



Land Use Description: Single-Family Detached Housing

ITE Land Use Code: 210

Independent Variable: Dwelling Units

Quantity: 4 Dwelling Units

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.74 trips per dwelling unit

Directional Distribution: 25% Entering 75% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.99 trips per dwelling unit

Directional Distribution: 63% Entering 37% Exiting

Total Weekday Traffic

Trip Rate: 9.44 trips per dwelling unit

Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

4 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	1	2	3
PM Peak Hour	3	1	4
Weekday	19	19	38

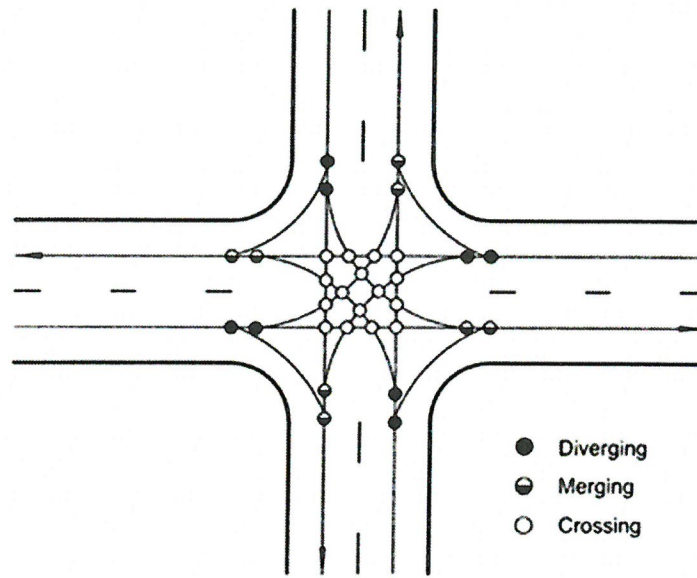
CITY OF OREGON CITY, CLACKAMAS COUNTY

HIRAM AVE and Intersectional Crashes at HIRAM AVE, City of Oregon City, Clackamas County, 01/01/2013 to 12/31/2017

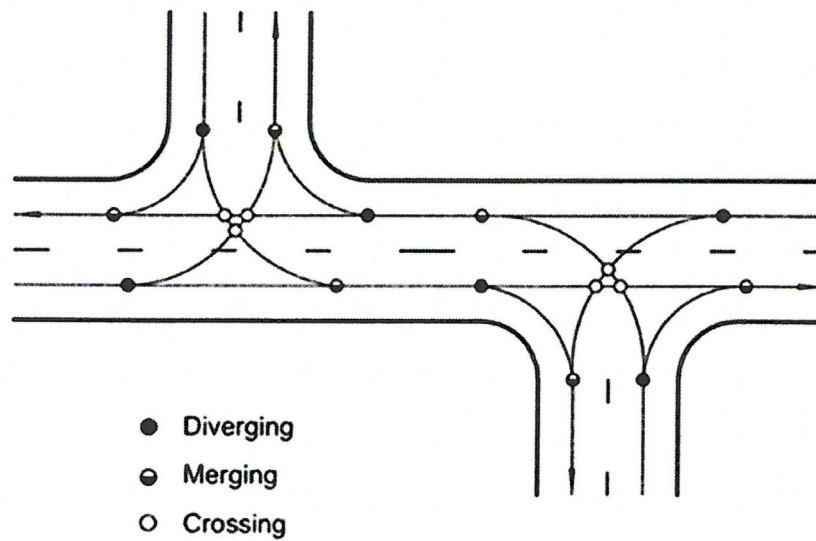
1 - 1 of 1 Crash records shown.

S D																			
SER#	P	R	S	W	DATE	CLASS	CITY STREET	INT-TYPE		SPCL USE		A S							
INVEST	E	A	U	C	O	DAY	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OFFBD	WTHR	CRASH	TRLE QTY	MOVE			
RD DPT	E	L	G	H	R	TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	ENDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G E LICNS
UNLOC?	D	C	S	L	K	LAT	LONG	LRS	LOCIN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	VB TYPE	TO	P# TYPE	SVRTY	E X RES
00113	N	N	N			01/09/2014	16	HOLCOMB BLVD	INTER	3-LEG	N	N	RAIN	S-1STOP	01 NONE 0	STROHT			
NONE				TH		0		HIRAM AVE	SW		UNKNOWN	N	WET	REAR	PRVTE	SW-NE			
N				BP					06	0		N	DLIT	INJ	PSNGR CAR		01 DRVR	NONE	47 F
N				45 22		-122 34													OR-Y
				1.7207039		39.9522													OR<25
															02 NONE 0	STOP			
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															PSNGR CAR		01 DRVR	INJC	29 M
																			OR-Y
																			OR<25

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.



Four-Way Intersection Conflict Points



Offset T-intersection Conflict Points

CITY OF OREGON CITY, CLACKAMAS COUNTY

FRONT AVE at GAIN ST, City of Oregon City, Clackamas County, 01/01/2008 to 12/31/2017

Page: 1

S		D																											
SR#	P	R	S	W	DATE	CLASS	CITY STREET	INT-TYPE						SPCL USE															
INVEST	E	A	U	C	O	DAY	DIST	FIRST STREET	PD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TKLR	QTY	MOVE	A S											
RD PNT	E	L	G	H	R	TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	RMDBT	SURF	COLL	OWNER		FROM		PRTC	INJ	G	E	LICNS	PED					
UNLOC?	D	C	S	L	K	LAT	LONG	LRS	LOCN	(#LANES)	CONTL	DRWY	LIGHT	SVRTY	V#	TYPE	TO		P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

April 9, 2019

Ms. Christina Robertson-Gardiner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – HIRAM AVENUE
 SUBDIVISION – GLUA18-39**

Dear Ms. Robertson-Gardiner:

In response to your request, I have reviewed the materials submitted in support of the proposed five-lot subdivision at 16362 Hiram Avenue. The site is on the east side of Hiram Avenue opposite Gains Street. The relevant materials consisted of the Transportation Analysis Letter (TAL) dated January 25, 2019 and the site plan. The TAL was prepared under the direction of Michael Ard, PE of Ard Engineering.

The proposed development consists of a five-lot subdivision on a parcel currently occupied by one single-family detached dwelling. The proposed access to the site is a local street intersecting Hiram Avenue near, but slightly offset from the intersection of Hiram Avenue and Gains Street.

The TAL provides an adequate basis upon which the proposal can be evaluated for transportation impacts.

Comments

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of 4 new single-family dwellings. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual*. The engineer used the 210 Single-Family Detached Homes land use category. The development was calculated to produce 3 new AM peak hour trips; 4 new PM peak hour trips; and 38 new weekday trips.
- 2. Access Locations.** The engineer explains that a new local residential street is proposed to intersect with Hiram Avenue with a potential connection to serve additional subdivisions to the south. The proposed access location is offset from Gains Street, which extends to the west from Hiram Avenue. The offset between the new, easterly extension of Gains Street and the existing street west of Hiram Avenue is 25 feet.

The engineer provides a detailed discussion of intersection safety of offset intersections. In addition, he provides a detailed explanation of the rationale for this access and the modification of the street standards. He argues that the new street with the offset intersection meets the intent of the code; the modification provides safe and efficient movement for users of all modes; the modification is consistent with an adopted plan; and the modification is complementary to the nearby streets.

Though offset intersections are not favored for several reasons, the low speeds, low volumes, and the opportunity this modification provides for serving additional development seem reasonable. I think the engineer provides adequate justification for the proposal. I support the granting of the modification to allow the offset intersection.

- 3. Driveway Width.** The engineer states that the proposed driveway widths for the individual lots meet the city's width standards.
- 4. Intersection Spacing.** The proposal does not result in any new intersections. It seeks to develop the Hiram Avenue/Gains Street intersection as a four-leg intersection, though with an offset of approximately 25 feet.
- 5. Sight Distance.** The engineer measured sight distance at the intersection of Hiram Avenue and Gains Street. Based on the statutory speed of 25 mph, the recommended sight distance is 280 feet. He measured sight distance to be in excess of 300 feet to the north and south. He concluded no mitigation to address sight distance is needed. I concur.
- 6. Safety Issues.** The engineer reviewed crash history in the study area for a five-year period. He found a single crash at the intersection of Holcomb Boulevard and Hiram Avenue. He notes that Hiram Avenue is a low-speed, low-volume roadway. The proposed development will provide an upgraded cross section that includes sidewalks for its Hiram Avenue frontage. The engineer identified no significant safety concerns and recommended no mitigation measures to address safety issues. I concur. There is no reason to expect the safety to be compromised by the slight addition of traffic from this development.
- 7. Consistency with the Transportation System Plan (TSP).** The engineer notes that the Hiram Avenue frontage will be upgraded to include sidewalks and the easterly extension of Gains Street will meet skinny street standards.

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the proposed development can be assessed.

I find the engineer's arguments in favor of an offset intersection at Hiram Avenue and Gains Street to be adequate justification for the proposed modification.

I find no need for mitigation measures to address transportation impacts associated with this proposal.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in black ink that reads "John Replinger". The signature is written in a cursive style with a large initial "J" and "R".

John Replinger, PE
Principal



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: PC 19-038

Agenda Date: 4/22/2019

Status: Public Hearing

To: Planning Commission

Agenda #: 3b.

From: Planner Pete Walter

File Type: Land Use Item

SUBJECT:

File LEG-18-0001: City Commission Request for Additional Planning Commission Review of Certain Code Amendments

RECOMMENDED ACTION (Motion):

Discussion and direction.

BACKGROUND:

The City Commission is in the final stages of reviewing a handfull of outstanding proposed Equitable Housing and Other Code Amendments. The Planning Commission originally recommended approval of the code amendments in late 2018. On April 3, the City Commission requested that staff bring back four items to the Planning Commission for further review and direction. Each of these items is discussed in more detail in the attached memorandum. There may be additional items following the April 17 City Commission hearing.

Staff anticipates that the items above will require varying levels of input to be resolved. For example, creation of a short-term rental policy will require significant time to sufficiently research and obtain public input while the distance of the mailed notice may not. Some of the items can be resolved fairly quickly for consideration by the City Commission under the current ordinance while others may require the creation of a new Ordinance on a separate, extended timeline. Lastly, the City Commission will be providing additional direction to staff at their April 17, 2019 and thus the Planning Commission may be asked to further consider additional items.

1) Accessory Dwelling Units: Owner Occupancy Requirements and Short Term Rental Policy. Planning Commission recommended removal of the Owner Occupancy requirement, however, the City Commission expressed concerns regarding Short Term rentals and the desire that a more comprehensive and less onerous process for permitting short term rentals be considered prior to removing the requirement.

2) Amending the 75' height limit in the Mixed-Use Downtown District. The City Commission and Planning Commission will hold a joint worksession to discuss this item. Planning Commission originally recommended to keep the majority of the current height restrictions for the MUD zone with one minor amendment.

3) Prohibition on 3-4 plexes in Historic Commercial District (in Canemah along McLoughlin

Boulevard).

Planning Commission originally recommended that 3-4 plexes not be permitted in this district. Currently they are a permitted use.

4) Change or Retain the mailed notice area requirement to neighboring property owners within 300' of Type II-IV development.

Planning Commission did not discuss this issue previously.

Topics Identified for further Planning Commission Review and Direction by the City Commission

Please refer to the language within the proposed amendments dated November 26, 2018, public comments, supplemental reports on the project website www.oregoncity.org/planning/housing-and-other-development-and-zoning-code-amendments, or the Planning and City Commission hearings at <https://oregon-city.legistar.com/Calendar.aspx> for additional information.

The City Commission is in the final stages of reviewing a handful of outstanding proposed amendments to the Oregon City Municipal Code including strategies to increase equitable housing. On April 3, the City Commission requested that staff bring back four items to the Planning Commission for further review and direction. This memorandum addresses the four items with background on the issue, an explanation of the proposed Planning Commission recommendation, and a summary of comments from the public, Equitable Housing Project Advisory Team (EQPAT), Planning Commission, and staff. As of April 15, 2019, the issues for further consideration by the Planning Commission include:

- 1) Accessory Dwelling Units: Owner Occupancy Requirements and Short-Term Rental Policy.
- 2) Amending the 75' height limit in the Mixed-Use Downtown District.
- 3) Prohibition on 3-4 plexes in Historic Commercial District (in Canemah along McLoughlin Boulevard).
- 4) Change or Retain the mailed notice area requirement to neighboring property owners within 300' of Type II-IV development.

Staff anticipates that the items above will require varying levels of input to be resolved. For example, creation of a short-term rental policy will require significant time to sufficiently research and obtain public input while the distance of the mailed notice may not. Some of the items can be resolved fairly quickly for consideration by the City Commission under the current ordinance while others may require the creation of a new Ordinance on a separate, extended timeline. Lastly, the City Commission will be providing additional direction to staff at their April 17, 2019 and thus the Planning Commission may be asked to further consider additional items.

1) Accessory Dwelling Units: Owner Occupancy Requirements and Short-Term Rental Policy.

Background

- The Municipal Code requires the property owners, which shall include title holders and contract purchasers, occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.
- No other residential use requires owner-occupancy.
- Proposed language by the State legislature may require owner occupancy provisions to be removed.
- The City Commission expressed concerns regarding Short Term rentals and the desire that a more comprehensive and less onerous process for permitting short term rentals be considered (as opposed to the current Conditional Use process) prior to removing the requirement.

Planning Commission Comments and Recommendation

- Planning Commission originally recommended that the Owner-Occupancy Requirement be removed.

- It is easier to remove owner occupancy in the future if it is a hindrance to ADUs than it is to require owner occupancy once the requirement has been removed.
- Concern that properties would not be well maintained if owner does not live onsite.
- Owner-occupancy should be removed since it is not required for any other use (single-family, duplexes, multi-family).

Equitable Housing Public Advisory Team Comments and Recommendation

- Remove owner occupancy.
- The requirements adds an additional layer of complexity and regulation, further discouraging interested homeowners from considering an ADU and significantly limiting financing options.
- There are no owner occupancy requirements for other residential uses, and there does not appear to be a significant policy reason to single out ADUs for these restrictions given their relatively low numbers. If concerns arise, owner occupancy regulations could be developed to address residential uses more holistically across the city, such as through a short-term rental policy.

Public Comments

- If the property owner was onsite it would be better maintained. Note that issues of property maintenance and upkeep are not necessarily zoning issues, however, the unique and transient nature of short-term rental uses may affect neighborhood liveability.
- The current Conditional Use process required to operate a short-term rental is expensive and onerous.
- If the owner-occupancy was removed, rental properties could be developed with ADUs which would increase the City's supply.
- The requirement is not consistent with any other residential use and is difficult to enforce.

Staff Comments

- Over the years we have had property owners ask about installing ADU's on their rental properties, but it is difficult to quantify how this regulation has effected the number of ADUs developed.
- The owner-occupancy requirement is difficult to enforce.
- Staff recommends removal of the owner-occupancy requirement for ADUs.

Applicable Code Section as proposed: 17.20.010.D.6

2) Amend the height limit in the Mixed-Use Downtown District for properties located outside of the Downtown Design District

City Commission

- The City Commission requested that the Planning Commission review the original recommendation.
- Requires a Joint Work Session with City Commission so that issues can be more comprehensively discussed.

Background

- The Mixed-Use Downtown District (MUD) is generally located topographically on the bottom shelf of the City and includes separate height limitations within the Downtown Design District (between the Willamette Falls Legacy Site and 10th Street) and the remainder of the City. A map of the MUD locations outside of the Downtown Design District is attached.
- The MUD is included in a Regional Center which is envisioned to include denser development which meets the needs of our and nearby communities.
- The existing height limit is 75', except for the following which is limited to 45':
 - Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets
 - Property within five hundred feet of the End of the Oregon Trail Center property
 - Property within 100' of a single-family detached or attached unit

- The existing height limitations result in inconsistent heights within a relatively small area. However, it is believed that the heights are limited in certain locations in order to protect views to the river from certain locations, the view from I-205 toward the End of the Oregon Trail (EOT) property, and land nearby existing homes.
- The City owns property at 12th and Main as well as the parking lot at 13th and Main which are affected by the reduced height.
- There is varying topography south of Main Street/McLoughlin/11th/16th streets which allows some properties to currently have views of the water/West Linn.
- There are locations which are zoned MUD but are currently used as residences, particularly on the southern side of the railroad. A map of properties without business licenses is attached but includes a margin of error by assuming that properties without a business license are residential. In addition, topographic cross sections are attached.

Planning Commission Recommendation

Amend the height limit in the Mixed Use Downtown District for properties located outside of the Downtown Design District. The maximum height is 75', except for the following which is limited to 45':

- Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets
- Property within five hundred feet of the End of the Oregon Trail Center property
- Property ~~within 100' of~~ abutting a single-family detached or attached units

Planning Commission Comments

- Support for the reduced maximum height to retain a view from I-205 to the EOT.
- Support that properties abutting existing single-family homes should be limited in height, but that the height of properties not adjacent to residences do not need to have reduced height.
- Support for reduced maximum height between Main Street/McLoughlin/11th/16th streets in order to retain existing property values and visual corridors while transitioning height from McLoughlin. Some concern as to why only views in certain locations were preserved and for the desire to maximize densities along the highway in the Regional Center.

Public Comments

- Support of retaining the view of the EOT from I-205.
- Support and opposition regarding reducing the maximum height near single-family homes.
- Support and opposition regarding reducing the maximum height between Main Street/McLoughlin/11th/16th streets.
- Concern for views and property values.

Staff Comments

- Support of retaining the view of the EOT from I-205. The reduced maximum height limit of the properties which are within 500' of the EOT, but not located between the EOT and I-205 do not need to be reduced if the purpose is to preserve a view corridor only to I-205, however given some public concerns that the EOT is not adequately protected in the Municipal Code the Commission should consider discussing height limitations around the EOT as a part of the upcoming Comprehensive Plan Update.
- Staff suggests removing the reduced maximum height adjacent to existing single-family homes, which are a non-conforming use in the zoning designation, in order to maximize the Regional Center as well as provide consistency and ease of implementing regulations.
- Staff suggests removing the reduced maximum height between Main Street/McLoughlin/11th/16th streets in order to provide consistency, maximize densities along the highway in the Regional Center. it is likely that views of the water will not be feasible with a 45' tall buildings in these locations, some properties will lose their views towards the river and West Linn.

Applicable Code Section as proposed: 17.34.060.D

3) Prohibiting 3-4 Plexes in the Historic Commercial District

Background

- The City Commission requested that the Planning Commission review the original recommendation.
- The Historic Commercial District (HC) is located Canemah along McLoughlin Blvd. Please see the attached map.
- The HC district currently allows multi-family uses consisting of 3 or more units on a single property.
- All new buildings and exterior changes to buildings in Canemah require review by the Historic Review Board through a Type III process for appropriateness and compatibility, regardless of use. The Historic Review Board will look at size, massing and appropriate architectural detailing needed to be compatible with the District. This process is required in addition to the existing Type II process to build a 3-4 plex in Oregon City.

Planning Commission Recommendation

- Redefine multi-family as 5 or more units and identify 3-4 plexes as a separate use.
- Identify multi-family as a permitted in HC, but not 3-4 plexes.
- Allow 3-4 plexes to be processed as a Type I application with clear and objective design requirements.

Planning Commission Comments

- 3-4 plexes may not be an appropriate use given the historic district.

Public Comments

- Concern that 3-4 plexes are processed as a Type I and the design may not be appropriate, but acknowledgement that a Type III process before the Historic Review Board is required for review appropriateness and compatibility.

Staff Comments

- The density of units within a building should not be a deciding factor in the compatibility of a building in a historic or conservation district.
- Staff recommends allowing 3-4 plexes in HC, which allows the same uses which are allowed today. The Historic Review Board review will provide a public review process for appropriate design.

Applicable Code Section as proposed: 17.26.020

4) Change or Retain the Mailed Notice Area Requirement of 300' to Neighboring Property Owners for Type II-IV Development

City Commission Comments

- City Commission heard testimony that the notice area is not large enough

Background

- State law requires a mailed notice be provided to property owners within 100' of most types of development informing them of an application and providing them an opportunity to comment.
- The existing code requires mailed notice to all property owners within 300' of the perimeter of the subject site.
- The public is noticed of applications in a variety of ways including mail, emailed notice to neighborhood association chairs and CIC members, online, physical signs posted on all frontages, within the paper for some development, and postcards by neighborhood associations.

Planning Commission Comments and Recommendation

- No changes to the notice requirements were originally proposed, though this topic was discussed.

Staff Comments

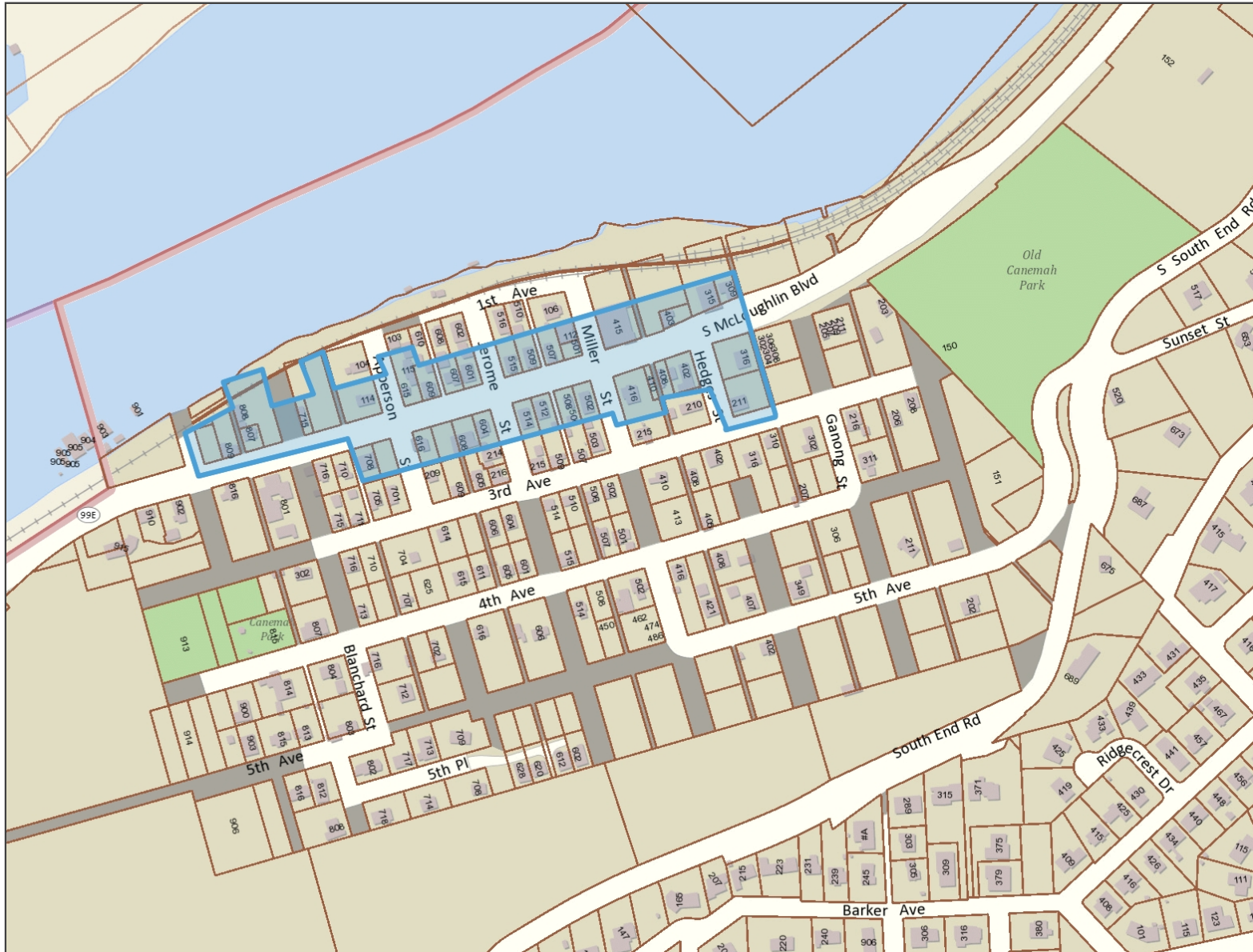
- Because of our relatively smaller lot patterns and smaller lot dimensions, 300' reaches a fair number of properties.
- In addition to the mailed notice, notice of a land use application is provided in a variety of ways, as identified above, such as onsite signage, email lists, neighborhood post cards, etc. It is unclear the extent to which nearby neighbors

which are not within 300' were unaware of a project proposal and would have participated if they would have received mailed notice.

- Staff recommends no changes to the standard.

Applicable Code Section as proposed: 17.50.030.B-D

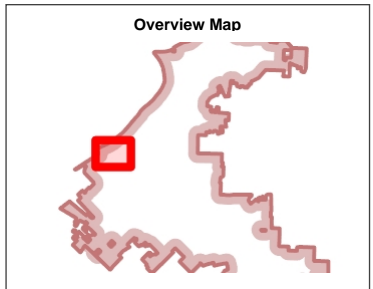
HC District



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 400 800 Feet

1: 4,800



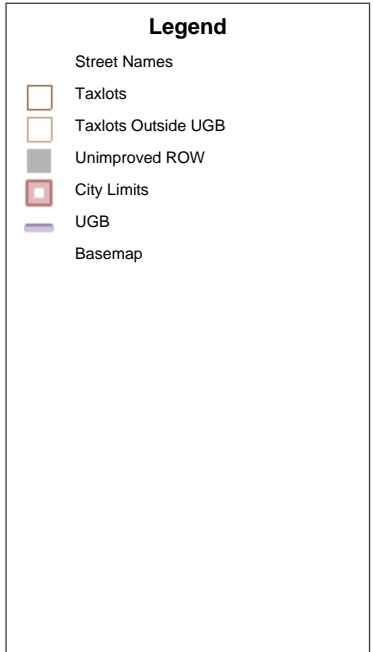
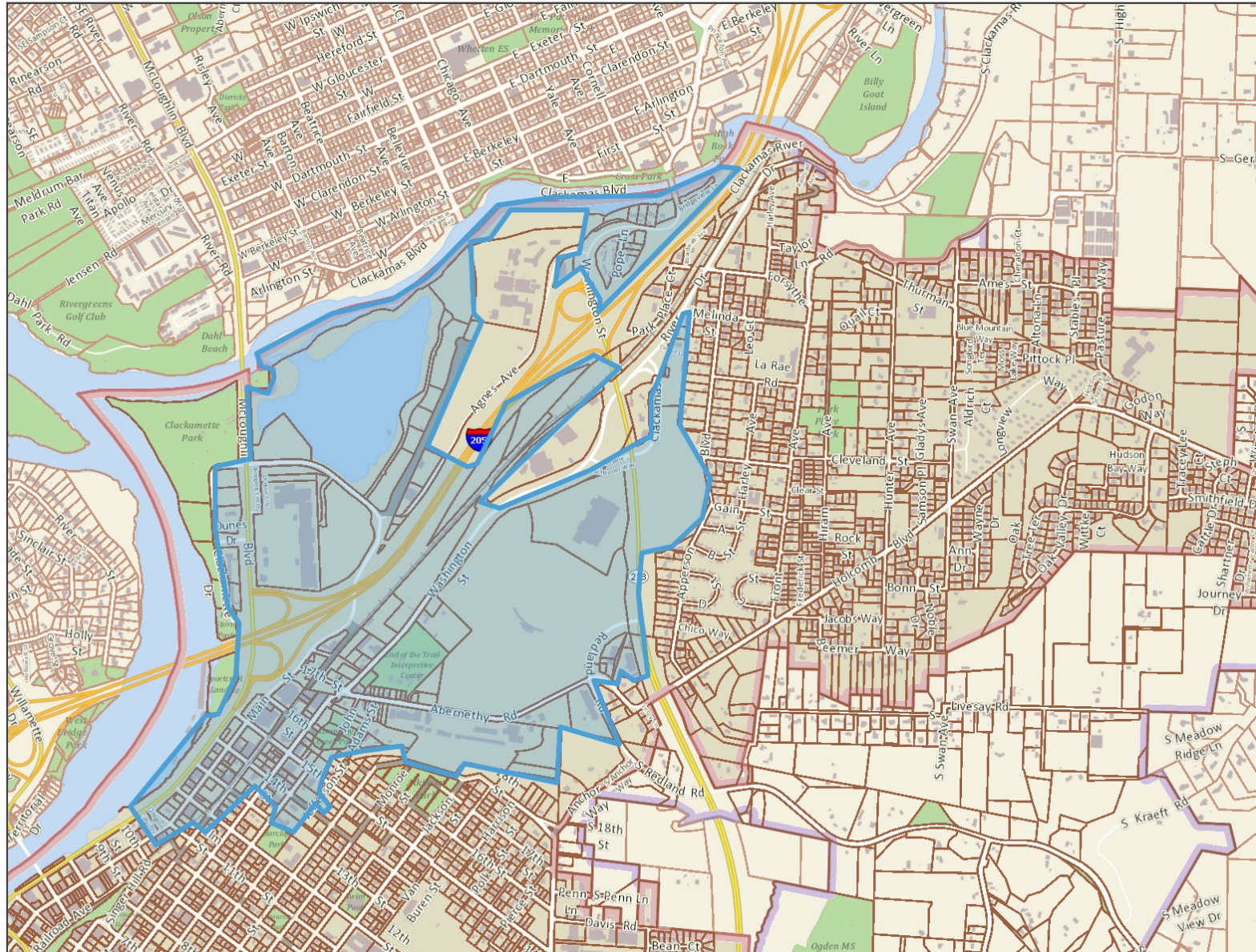
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 3/23/2019

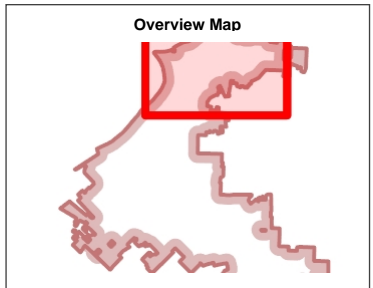
City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org



MUD District (No Design District)



Notes



0 1,600 3,200 Feet

1: 19,200

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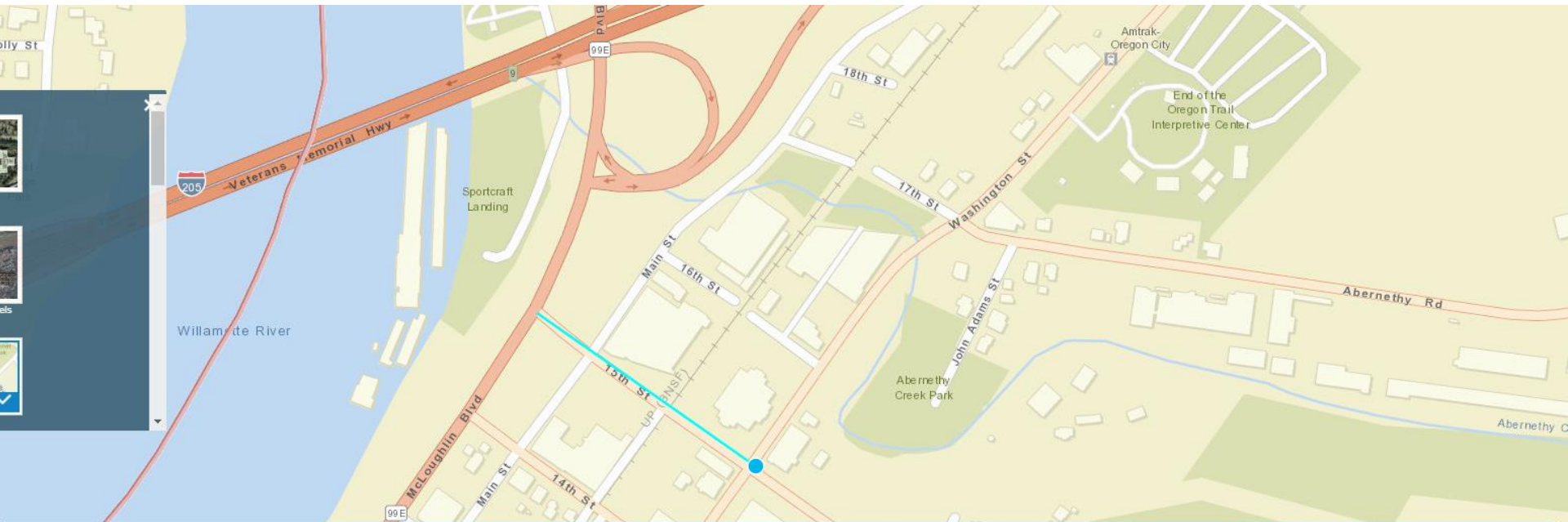
Map created 3/23/2019

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Elevation Profile

15th Street from 99-E to Washington



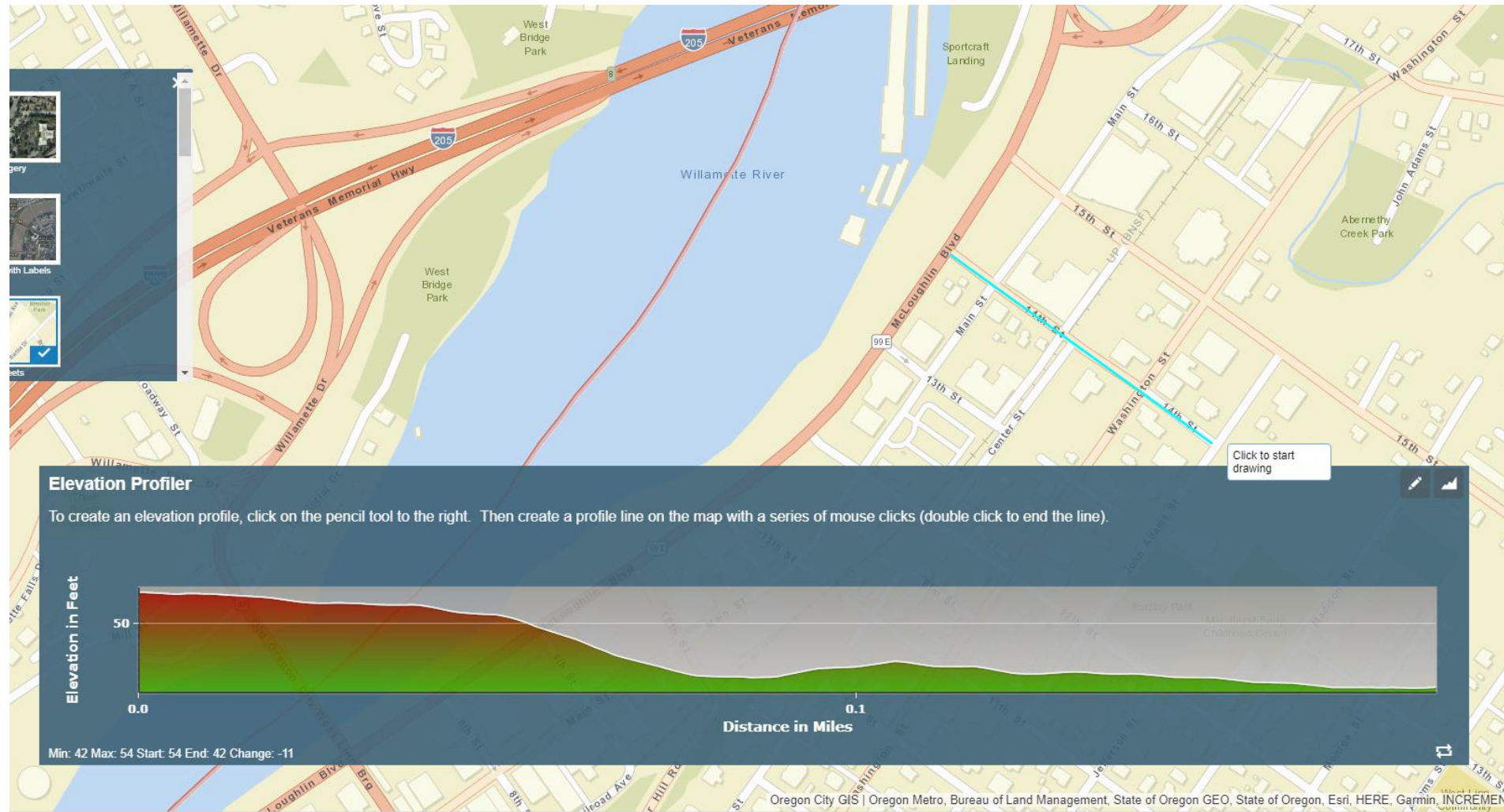
Elevation Profiler

To create an elevation profile, click on the pencil tool to the right. Then create a profile line on the map with a series of mouse clicks (double click to end the line).



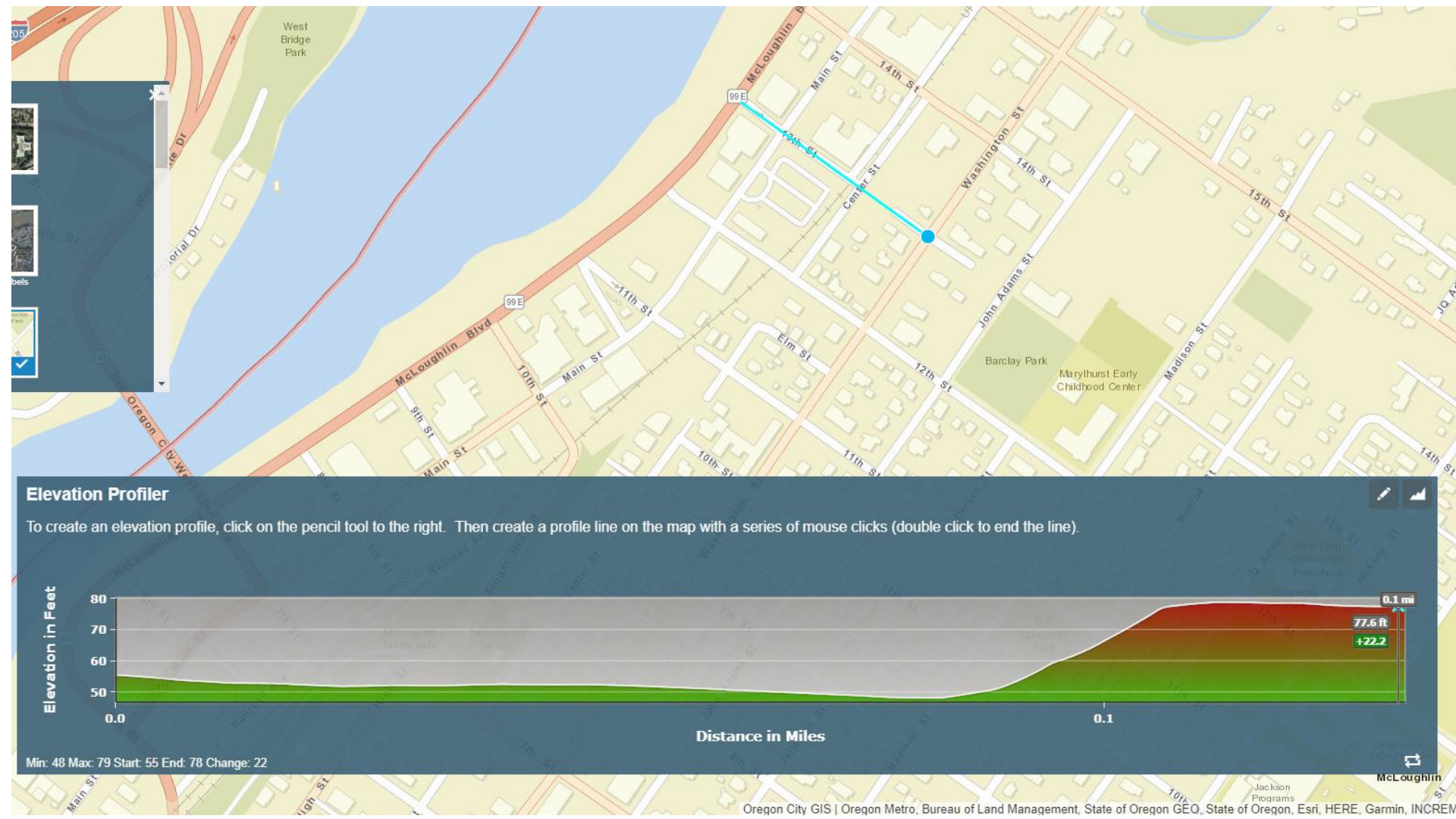
Elevation Profile

14th Street from 99-E to John Adams



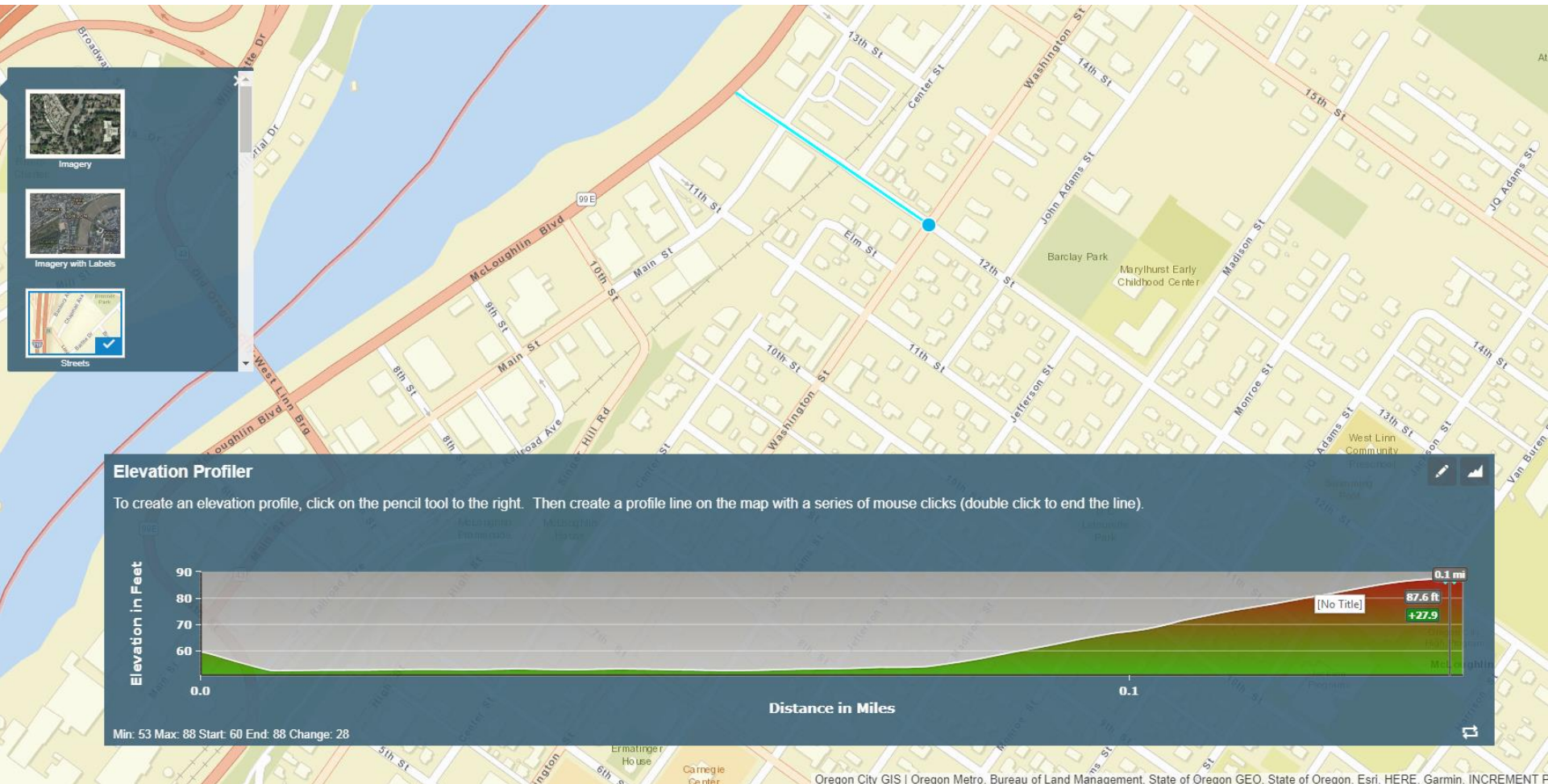
Elevation Profile

13th Street from 99-E to Washington



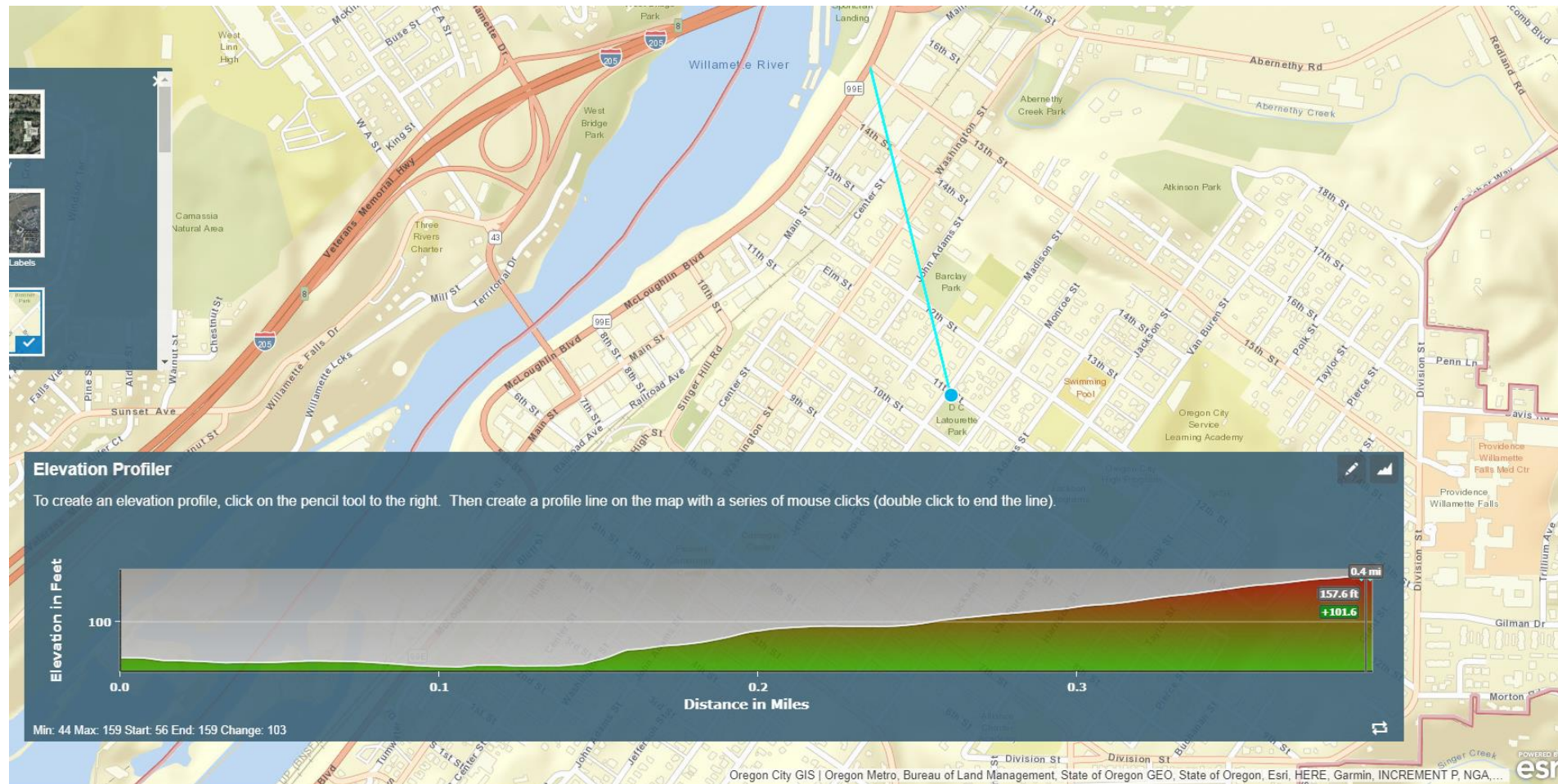
Elevation Profile

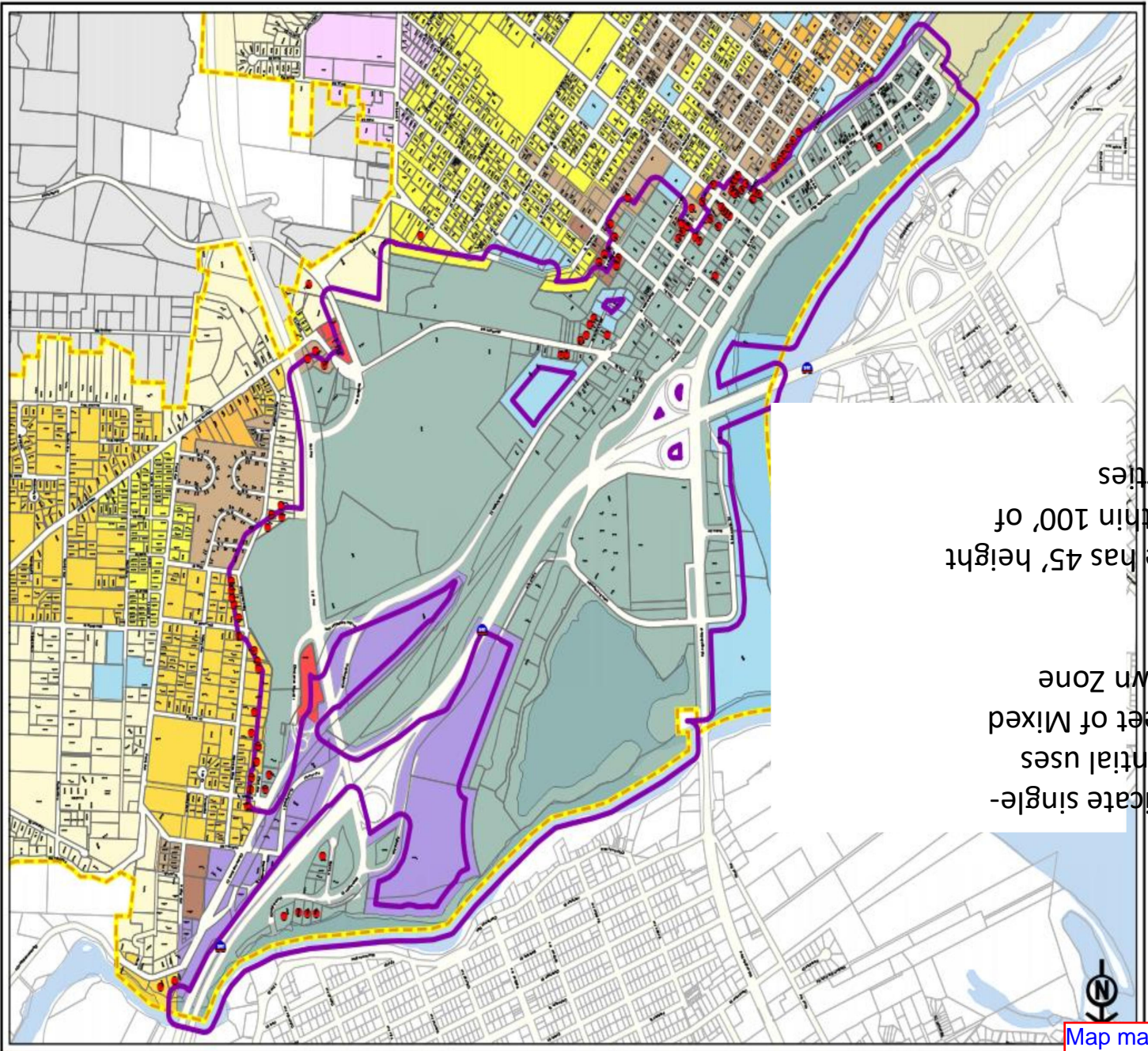
12th Street from 99-E to Washington



Elevation Profile

N-S from 99E to Latourette Park





s indicate single-
residential uses
100 feet of Mixed
wntown Zone
code has 45' height
n within 100' of
properties



Oregon City Municipal Code

Chapter 17.20 Accessory Dwelling Unit, Cluster Housing, Internal Conversion, Live/Work Dwelling, and Manufactured Home Parks Design Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.20.010 - Accessory dwelling units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a principal single-family dwelling, but is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities. It may be located either within the same building as the principal single-family dwelling unit and/or in a detached building, and may be created through conversion of an existing structure or new construction.

A. The purpose of allowing an ADU is to:

1. Provide homeowners with a means of obtaining ~~through tenants in the ADU or the principal dwelling unit,~~ rental income, companionship, security, and services and flexibility in the use of their property as their household composition and needs evolve over time.
2. Add affordable housing units to the existing housing inventory.
3. Support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices. ~~Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.~~
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs.
5. Create new housing units while respecting the look and scale of single-family neighborhoods. ~~Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.~~

B. Types of ADUs. There are two types of ADUs:

1. Detached ADUs in an accessory structure detached from the principal dwelling. Examples include converted detached garages, new construction, or converting a small existing dwelling into an ADU while building a new principal dwelling on the property.
2. Attached ADUs that are attached to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics, additions to the existing dwelling, or a combination thereof.

C. Eligibility.

1. One ADU is allowed per single-family ~~detached~~ residential unit. ADUs are not permitted with any housing units developed under the provisions of the Cluster Housing.
2. ADUs may be added to any existing single-family detached residential unit or constructed simultaneously with any new single-family detached residential unit.
3. ADUs are exempt from the density limits of the underlying zone.

D. ~~Design Standards and Criteria.~~ An ADU shall meet the following standards and criteria. If not addressed in this section, base zone development standards apply.

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Setbacks.
 - a. For attached ADUs, any additions to the existing dwelling unit shall not encroach into the existing minimum setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.
 - b. For detached ADUs, structures shall be located behind the front building line of the principal dwelling or set back a minimum of forty feet, whichever is less, and shall meet all other rear and side yard setbacks for the underlying zone. Legal nonconforming detached structures that are converted into detached ADUs are exempt from this requirement, provided that the pre-existing structure slated for conversion into a detached ADU complies with the existing setbacks, provided that modifications to the structure associated with the conversion do not cause it to encroach any further into the existing setbacks.
3. Height. The height of a detached ADU shall not exceed the greater of the height of the principal dwelling unit or twenty ~~20~~ feet.
4. Size. The gross floor area of an ADU shall not be more than eight hundred ~~800~~ square feet or sixty ~~60~~ percent of the gross floor area of the principal dwelling unit, whichever is less. Conversion of an existing basement to an ADU shall be exempt from these size limits provided that no new floor area may be added with the conversion.

5. Lot Coverage. The property ADU shall comply with the lot coverage of the zoning designation.

- ~~3. The ADU may be attached to, or detached from, the principal dwelling unit.~~
- ~~4. Only one ADU may be created per lot or parcel.~~
- ~~5. The installation of an ADU shall be allowed in single family zones subject to the specific development, design, and owner occupancy standards in this section. ADUs are not permitted on the same lot as a nonconforming use.~~
- ~~6. The ADU shall not exceed the height of the principal dwelling unit.~~
67. The property owner, which shall include title holders and contract purchasers, must shall occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.
8. ~~In no case shall an ADU:~~
 - a. ~~Be more than forty percent of the principal dwelling unit's total floor area; nor~~
 - b. ~~Be more than eight hundred square feet; nor~~
 - c. ~~Be less than three hundred square feet; nor~~
 - d. ~~Have more than two sleeping areas.~~
9. ~~Detached ADUs:~~
 - a. ~~Shall comply with the requirements OCMC Chapter 17.54.010 — Accessory Buildings and Uses including building footprint, height, placement, exterior building materials, etc.~~
 - b. ~~In the historic overlay district pursuant to OCMC Chapter 17.40, shall be subject to the Design Guidelines for New Construction in Historic Districts.~~
10. ~~7. Design.~~ The ADU shall be compatible with the principal dwelling unit, specifically in:
 - a. ~~Exterior finish materials.~~

1. ~~The exterior finish material must be the same as the principal dwelling unit; or~~
 2. ~~Visually match in type, size and placement the exterior finish material of the principal dwelling unit. The exterior finish materials shall be similar in type, size and placement as those on the principal dwelling unit.~~
 - b. ~~Trim must be the same in type, size, and location as the trim used on the principal dwelling unit. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.~~
 - c. ~~Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).~~
 - cd. ~~Eaves shall project from the building walls at the same proportion distance as the eaves on the principal dwelling unit.~~
- ~~11.8. Parking. One off-street parking space is required. The space shall be a minimum of eight feet in width and eighteen feet in length.~~
- a. ~~Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single dwelling neighborhoods and reducing the amount of impervious surface on a site.~~
 - b. ~~The following parking requirements apply to accessory dwelling units.~~
 1. ~~No additional parking space is required for the accessory dwelling unit if it is created on a site with a principal dwelling unit and the roadway for at least one abutting street is at least twenty-eight feet wide.~~
 2. ~~One additional parking space is required for the accessory dwelling unit as follows:~~
 - i. ~~When none of the roadways in abutting streets are at least twenty-eight feet wide; or~~
 - ii. ~~When the accessory dwelling unit is created at the same time as the principal dwelling unit.~~

~~C. E. Application Procedure. Applications are processed as a Type I review.~~

1. ~~Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12., and shall include:~~
 1. ~~A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for seven months out of each year.~~
 2. ~~The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described above.~~
 3. ~~The building official shall report annually to the community development director on ADU registration with the number of units and distribution throughout the city.~~
 4. ~~Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.~~

17.20.020 – Cluster Cottage Housing

A. Applicability.

These guidelines apply to all cluster cottage developments in any applicable zone within the city.

Cottages are considered multi-family development and Cluster developments are subject to all the

applicable sections of OCMC 17.62- Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. ~~However, this section replaces OCMC 17.62.057 — Multifamily.~~ The proposed development shall be processed under the Type II Land Use process and shall remain one lot, and may be proposed concurrent with a land division under OCMC Title 16 to create units on individual lots. Where there is a conflict between these standards and the standards elsewhere in the code in other chapters, the Cluster Cottage Housing standards shall apply.

B. Intent.

1. To provide a variety of housing types that responds to changing household sizes and ages, including but not limited to (e.g., retirees, small families, and single-person households).
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units. including bulk and mass of cottage structures and cottage housing developments, remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed intensity of cottage dwellings.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster cottage housing developments.
5. ~~To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.~~
56. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster cottage housing development as well as adjacent properties, ~~and to maintain a single-family character along public streets.~~

C. Density Standards ~~Bonus.~~

1. For developments in, R-6, R-8 and R-10 zoning districts: ~~The city shall allow~~ Maximum net density shall be up to two dwelling cottage units for each regular dwelling unit allowed under existing standards in applicable zoning districts.
2. For developments in the R-3.5 and R-5 zoning district: ~~The city shall allow~~ Maximum net density shall be up to 1.5 dwelling cottage units for each regular dwelling unit allowed under existing standards in the applicable zoning district.
3. For development in the R-2 zoning district: Maximum net density shall be the same as allowed under the existing standards in the applicable zoning district.
4. Minimum net density in all zones shall be the same as allowed under the existing standards in the applicable zoning district. At no time shall the proposed project fall below the minimum required density of the underlying district.

D. Dimensional Standards ~~For Cluster Cottage~~ Housing.

1. Maximum average gross floor area: ~~eight hundred~~ One thousand square feet per dwelling unit.
2. Maximum gross floor area: ~~one thousand two hundred~~ 1,500 square feet per dwelling unit.
2. ~~Minimum gross floor area six hundred square feet per dwelling.~~
3. ~~Maximum footprint seven hundred square feet per ground floor dwelling.~~
4. ~~Maximum accessory building footprint for parking or community use six hundred square feet.~~
5. ~~Maximum accessory building gross floor area for parking or community use eight hundred square feet.~~
2. ~~Minimum common space four hundred square feet per dwelling.~~
7. ~~Minimum private open space two hundred square feet per dwelling.~~
32. Maximum height: Twenty-five ~~25~~ feet.
43. Minimum setbacks from site perimeter to exterior property lines: Same as the underlying zone.

54. Minimum setbacks for single-family and duplex dwellings on individual lots within a Cluster Housing development:
- 10 Ten feet front, porch may project 5 five feet into setback
 - 5 Five feet rear
 - 5 Five feet side, except 0 zero feet for attached dwellings
65. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
76. Maximum building coverage: same as the underlying zone.
87. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): 10 Ten feet.
98. Minimum roof slope of all structures ~~6:12~~ 4:12.
14. Minimum parking spaces one and one-half space per dwelling.
109. Clustered developments shall contain a minimum of 4 four and a maximum of twelve ~~12 dwelling cottage housing~~ units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.
110. Minimum Lot size ~~10,000 square feet~~ for a cluster development is found in Table 17.20.020.D.11, ed on a single lot, except minimum lot size of 8,000 square feet in the R-2 zone. Minimum lot size for individual lots is 3,500 square feet in the R-10 zone, 3,000 square feet in the R-8 zone, 2,500 square feet in the R-6 zone, 2,000 square feet in the R-5 and R-3.5 zones, and 1,500 square feet in the R-2 zone.

Table 17.20.020.D.11

<u>Base zone</u>	<u>Minimum Lot Size for development on a single lot</u>	<u>Minimum Lot size for development on individual lots¹</u>
<u>R-10</u>	<u>10,000 square feet</u>	<u>3,500 square feet</u>
<u>R-8</u>	<u>10,000 square feet</u>	<u>3,000 square feet</u>
<u>R-6</u>	<u>10,000 square feet</u>	<u>2,500 square feet</u>
<u>R-5 and R-3.5</u>	<u>10,000 square feet</u>	<u>2,000 square feet</u>
<u>R-2</u>	<u>8,000 square feet</u>	<u>1,500 square feet</u>

Notes:

- Cluster developments shall not utilize lot size reductions through the land division process.
121. Minimum lot width for individual lots twenty feet, with a minimum lot depth fifty feet.
132. Flag-lots for individual units are permitted provided that a shared joint accessway is provided in accordance with section OCMC 16.08.050 A-F, as applicable and all other standards of this section are met.
17. The total square footage of a cottage dwelling unit may not be increased. A deed restriction shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or the duration of the city cottage housing regulations.
- E. Cottage Open Space Design Standards:
- The required minimum open space is 400 four hundred square feet per dwelling unit, which may be a combination of common and private open space provided that a minimum of 50 fifty percent of the required space is provided as common open space.
 - Common open space requirements for cluster ~~cottage~~ developments:
 - A minimum of fifty percent of the total required open space, or two-hundred square feet per dwelling, shall be provided in a single compact, contiguous, central open space that:
 - Has a minimum dimension of twenty feet.

- ii. ~~Abuts at least fifty percent of the dwellings cottages in a cluster cottage housing development.~~
 - iii. ~~Has dwellings cottages abutting on at least two sides of the common open space.~~
 - b. Dwellings Cottages abutting the common open space shall be oriented around and have an entry facing the common open space.
 - ~~d. Cottages shall be within sixty feet walking distance of the common open space.~~
 - ~~e. Shall be at least twenty feet in width.~~
 - c. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, up to twenty-five percent of the required common open space may be utilized through or a community building built for the sole use of the cluster cottage housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.
 - ~~d. The applicant shall implement a mechanism, acceptable to the community development director to ensure the continued care and maintenance of the common areas. A typical example would be creation of a management, home owner's association or condominium association with authority and funding necessary to maintain the common areas.~~
- 32. Required If private open space is provided for cottage dwelling units, it shall be located on the same lot as each dwelling unit or adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be ten feet, except that porches meeting the provisions of OCMC 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of five feet. and for the exclusive use of the cottage resident(s). The private space shall be a minimum of two hundred square feet and shall be:
 - ~~a. Usable (not on a steep slope).~~
 - ~~b. Oriented toward the common open space as much as possible.~~
 - ~~c. No dimension less than ten feet.~~
- 43. Alternative open space configurations may be permitted by the Community Development Director provided they present a hierarchy of incorporate usable semi-private and/or public open spaces that meet the intent of the guidelines.
- F. Porches and covered entry standards for dwellings cottages:
 - 1. Every dwelling unit must shall have at least one exterior entrance.
 - 2. Residential Cottage facades facing the common open space, common pathway, or street shall feature a roofed porch at least 60 sixty square feet in size with a minimum dimension of six 5 five feet. The front porch shall be covered and must be a minimum of eighteen inches above average grade and contain railings.
 - 3. Exemption: House styles that do not contain porches or that require a reduction in the size of the porch or its location may request an exemption from the Community Development Director from (a2) above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded, recessed or enlarged front door, canopy or other articulated entrances projecting from the main building facade, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- G. ~~Architectural Styles. Structures shall be consistent with historic architectural styles. Approved architectural styles include Western Farmhouse/Vernacular, Bungalow and Queen Anne Vernacular. Examples and architectural descriptions of Oregon City historic single-family residential styles can be found in the 2006 Historic Review Board's Design Guidelines for New Construction. An~~

alternate architectural style may be approved by the community development director if it meets the intent of this chapter.

G. Dwelling Types.

1. In the R-10, R-8 and R-6 zones detached, and groups of up to two units attached together and duplex dwelling units are permitted in a cluster housing development.
2. In the R-5 and R-3.5 zones, detached units, and groups of up to four units attached together, duplexes, and 3-4 plex residential dwelling units are permitted in a cluster housing development.
3. In the R-2 zone, detached units groups of up to six units attached together, duplexes, 3-4 plex residential, and multifamily residential dwelling units are permitted in a cluster housing development.
4. Accessory dwelling units are not permitted as part of a cluster housing development.

H. Architectural Details. Dwelling units shall contain architectural details.

1. Each of the types of details listed below are worth one point unless otherwise noted. ~~D~~Each dwelling units ~~must~~ shall achieve the equivalent of 5 five points worth of architectural details on front and corner side façades and 2 two points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit must shall achieve the equivalent of 5 five points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
 - a. Stonework detailing on columns or across foundation.
 - b. Brick or stonework covering more than ten percent of the facade.
 - c. Wood, clad wood, or fiberglass windows covering more than ten percent of the façade. on all four elevations of the building. (Two points).
 - d. All windows include a minimum of 4 four-inch trim.
 - e. Decorative roofline elements including roof brackets or multiple dormers.
 - f. Decorative porch elements including scrolls, or brackets, or railings.
 - g. Decorative shingle designs.
 - h. Decorative paint schemes (3 three or more colors).
 - i. Other architectural detailing may be approved by the by the Ceommunity ~~D~~evelopment ~~D~~irector if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.
2. Approved siding materials.
 - a. Brick or brick veneer.
 - b. ~~Basalt~~ Stone or ~~basalt~~ stone veneer.
 - c. ~~Narrow h~~Horizontal wood, fiber cement or composite siding (5 eight inches wide or less); wider siding may be considered where there is a historic precedent.
 - d. Board and batten ~~batten~~ siding solely as an accent element unless the design has historic precedent and is approved by the Ceommunity ~~D~~evelopment ~~D~~irector through the exemption process.
 - e. Wood, fiber cement or composite shingle or shake siding.
3. Other materials may be approved by the Ceommunity ~~D~~evelopment ~~D~~irector if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

I. ~~Windows.~~

- ~~1. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width.~~

~~2. Windows on corner lots must provide an average of one window every fifteen feet of linear elevation on each floor of the side elevation.~~

J. Cottage Parking shall be:

1. Provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
- ~~12. Parking plan may include shared parking or on-street spaces as allowed by OCMC 17.52.020.B. Located on the same property as the cottage development.~~
23. Screened from public streets and adjacent residential uses by landscaping or architectural screening in compliance with OCMC 17.52.060.
- ~~34. Located in clusters of not more than 5 five adjoining spaces (except where parking areas are adjacent to an alley).~~
45. Parking spaces are prohibited in the front, interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.
- ~~56. A pitched roof design is required for all detached parking structures. Detached parking structures/garages shall be 600 six-hundred square feet or less and are not counted as part of the gross floor area of the dwellings cottage.~~
67. Garages may be attached to individual dwellings cottages provided all other design standards have been met and the footprint of the ground floor, including the garage, is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street and shall have garage doors of ten (10) feet or less in width and be architecturally subordinate to the dwelling cottage. No accessory dwelling units (ADU) are allowed within a cottage housing development.

K. Fences.

1. All fences outside of the setbacks shall be no more than 36 thirty-six forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
- ~~2. Fences within the setbacks shall comply with OCMC 17.54.100.~~
3. Chain link fences shall not be allowed.

L. Existing Dwelling Unit Onsite. One existing single-family home incorporated into a Cluster Cottage Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster cottage housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the one thousand two hundred square foot maximum and. The existing dwelling unit shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

17.20.030 - Internal Conversions

- A. Purpose. Internal conversions provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences, adds additional dwelling units, maintains building scale and design compatible with surrounding neighborhoods, and makes efficient use of existing housing and infrastructure resources.
- B. Eligibility. Single-family detached dwellings constructed at least twenty years prior to application for an internal conversion are eligible for internal conversions.
- c. Units Created. An internal conversion may create multiple dwelling units within an existing residence at a maximum ratio of one dwelling unit for each 2,500 square feet of site area, up to a maximum of four units. An internal conversion may be located on the same property as an ADU, provided that the total number of dwelling units, including all internally converted

units and ADUs, shall not exceed four and shall not exceed the maximum ratio of one dwelling unit per 2,500 square feet of site area. The internal conversion shall not be subject to the density standards for the underlying zone in which it is located.

- D. Size. Limited expansion of the existing single-family detached dwelling is permitted as part of an internal conversion. Total expanded square footage shall not exceed 500 square feet. This maximum expansion size shall apply to the cumulative effects of any expansions completed within two years before or after the internal conversion is completed.
- E. Dimensions. The internally converted structure shall comply with all dimensional standards of the underlying zone in which it is located.
- F. Design.
 - a. Any expansion or modification completed with the internal conversion shall be constructed with similar exterior building materials as that of the existing dwelling, or an acceptable substitute to be approved by the Community Development Director.
 - b. Only 1 one entrance may be located on the primary street-facing facade.
 - c. Fire escapes or exterior stairs for access to an upper-level unit created through an internal conversion shall not be located on the front of the dwelling.
- G. Parking. One off-street parking space is required for internal conversions with two units, and two off-street parking spaces are required for internal conversions with three or four units.
- H. Review. Applications are processed as a Type I review.

17.20.040 - Live/work ~~dwelling units~~.

Live/work ~~dwelling units~~ provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work ~~dwelling units~~. ~~Live/work dwelling units shall be reviewed through that conform to the standards will be approved as a Type II decision and a live/work permit will be granted for the property.~~ For all zones where live/work ~~dwelling units~~ are permitted, the following standards shall apply. ~~Conditions of approval may be implemented to ensure compliance with the standards through a Type II process.~~

- A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor ~~commercial/office space from the rest of the building from the upper floors by~~ meeting the following requirements on the ground floor:
 - 1. The main front elevation shall provide at least ~~50~~ fifty percent ~~windows transparency at the pedestrian level through the use of a storefront window system.~~ The transparency is measured in lineal fashion and required between 3.5 feet and six feet from the ground (for example, a ~~25~~ twenty-five-foot long building elevation shall have at least ~~12.5~~ twelve and one-half feet (~~50~~ fifty percent of ~~25~~ twenty-five feet) of transparency in length).
 - 2. ~~Windows shall begin 13 to 30 inches above the sidewalk rather than continue down to street level.~~ Large single paned windows over ~~10~~ ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
 - 3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC ~~Chapter 17.04~~. The business portion of the dwelling shall be limited to the ground floor

and may not exceed ~~50~~ fifty percent of the square footage of the entire dwelling, excluding the garage, or ~~1,000~~ one thousand square feet, whichever is the smaller number.

- C. The primary entrance to the business ~~must~~ shall be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the Ceommunity ~~D~~evelopment ~~D~~irector if it meets the intent of the standards.
- D. The applicant ~~must~~ shall show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every ~~500~~ five-hundred square feet of commercial, personal service, or office use or a portion thereof. For example, ~~700~~ seven hundred square feet of commercial use requires ~~2~~ two parking spaces. Adequate parking can be shown by meeting one of the following:
 - 1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within ~~1,000~~ one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
 - 2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC ~~Section~~ 17.52.010.C.
 - 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC ~~Chapter~~ 17.52—Off-Sstreet Parking and Loading.
- E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.
- F. All live/work dwellings shall be subject to ongoing compliance with the following performance standards: ~~The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:~~
 - 1. The work use shall not generate noise exceeding ~~55~~ fifty-five-decibel level as measured at the lot line of the lot containing the live/work dwelling.
 - 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building ~~and can be set out no more than four hours before the solid waste pickup.~~
 - 3. No dust or noxious odor shall be evident off the premises.
 - 4. If the business is open to the public, public access ~~must~~ shall be through the front door and the business may not be open to clients or the public before ~~7:00~~ seven a.m. or after ~~8:00~~ eight p.m.

17.20.0650 - Manufactured Home Park

- A. Purpose. Manufactured home parks provide locational opportunities for manufactured dwellings, to support a variety of affordable housing options. These manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Review Required.
 - 1. New manufactured home parks and modifications to existing parks shall be subject to a Type II Land Use Review to determine compliance with OCMC 17.20.050.

2. Placement of a single manufactured home within an existing space or lot shall require Type I Minor Site Plan and Design Review pursuant to OCMC 17.62.035.A.
 3. Applications for new or modified manufactured home parks shall include a site plan drawn to scale of the specific layout of the entire park. The site plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured home spaces on the site. In addition, the location of structures on adjacent properties shall be shown.
- C. Development Requirements. All manufactured home parks shall meet the following minimum requirements:
1. The minimum size of a manufactured home park shall be two acres.
 2. The number of units allowed in the manufactured home park shall be subject to the density requirements of the underlying zone after area used for public and private streets and access drives has been deducted.
 3. A minimum setback of fifteen feet is required around the outer boundary of the manufactured home park. Exterior boundaries of the park shall be screened to a height of six feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings, except where height is limited pursuant to OCMC 17.54.100. Chain link fences are prohibited unless screened with vegetation.
 4. Each manufactured home or accessory structure shall maintain a minimum 10-foot setback from the private street and the nearest point of the unit or accessory structure. If the manufactured dwelling space is on the side of a private street bounded by a sidewalk, the unit or accessory structure shall be set back ten feet from the sidewalk. Each unit or accessory structure shall be separated from any unit or accessory structure on an adjacent space by a minimum of fifteen feet.
 5. A minimum of fifteen percent of the gross site area shall be landscaped, which may include landscaped setbacks and common open space required in subsection (6) below. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five-hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 6. A minimum of two hundred square feet of open space for each unit in the park, or a minimum of five thousand square feet, whichever is greater, shall be provided in common open space. Streets, access drives and parking lots shall not be considered open space. Open space shall be a mix of landscaping and lawn area, recreational amenities, and hard-surfaced pedestrian paths. Open space areas shall have no dimension less than twenty feet, and shall be landscaped and maintained by the park owner according to the approved master site plan.
 7. A manufactured home park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of twenty-four feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of four feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of thirty feet of paving.

8. Off-street parking. An onsite paved parking area shall be provided for each manufactured home, either within the park or adjacent to each unit.
 9. Except for a structure which conforms to the State definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
 10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.
- D. In addition to conformance with these standards, all parks, including any alteration and expansion thereof, shall comply with the manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0030, including the Oregon Manufactured Dwelling and Park Specialty Code, as amended.



Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

~~A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;~~

A. Banquet, conference facilities and meeting rooms;

B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;

C. Child care centers and/or nursery schools;

D. Indoor entertainment centers and arcades;

E. Health and fitness clubs;

F. Medical and dental clinics, outpatient; infirmary services;

G. Museums, libraries and cultural facilities;

H. Offices, including finance, insurance, real estate and government;

- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- M. Multifamily and 3-4 plex residential;
- N. Restaurants, eating and drinking establishments without a drive through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;
- R. Residential care facilities, Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions;
- ~~E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);~~
- ~~F. Live/work units.~~

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in ~~Chapter~~ OCMC 17.56.

- A. ~~Ancillary drive-in or d~~Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMCSection 17.34.020.L;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train);
- O. Recycling center and/or solid waste facility-;
- P. Shelters, except within the Downtown Design District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMCSection 17.34.030;
- C. Self-service storage;
- D. Single-Family attached and detached ~~two-family~~ residential units and duplexes;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;

- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories, ~~pursuant to Section 17.54.110;~~
- I. Mobile food carts, except with a special event permit;
- J. Shelters within the Downtown Design District.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; ~~and~~
 - 3. Property ~~within one hundred feet of~~ abutting a single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
 - 2. Interior side yard: No maximum.

3. Corner side yard abutting street: Twenty feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
4. Rear yard: No maximum.
5. Rear yard abutting street: Twenty feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 1. Front yard setback: Ten feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
 2. Interior side yard setback: No maximum.
 3. Corner side yard setback abutting street: Ten feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
 4. Rear yard setback: No maximum.
 5. Rear yard setback abutting street: Ten feet ~~provided the site plan and design review requirements of Section OCMC 17.62.055 are met.~~
- H. Maximum site coverage of the building and parking lot: ~~One hundred~~ 95 ~~Ninety-five~~ percent.
- I. ~~Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the~~

~~standards of Chapter 12.08 and Chapter 17.52.~~ Minimum landscape requirement (including parking lot): 5 percent.

J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
2. Standards.
 - a. The minimum floor area ratios contained in ~~Sections~~ OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.



Oregon City Municipal Code

Chapter 17.16 Single-Family Attached~~Townhouse~~ and 3-4 Plex Residential Design Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.16.010 – Purpose.

The intention of these standards is to promote quality single-family attached~~townhouse~~ and 3-4 plex developments that include a private-to-public transition space between individual single-family attached~~townhouse~~ units and the street, that minimize the prominence of garages and off-street parking areas, and are compatible with the surrounding neighborhood.

17.16.020 – Applicability.

A. The standards of this chapter apply to ~~single-family attached dwelling~~~~townhouse~~ as well as 3-4 plexes on a single lot in any zone. The applications are processed as a Type I review.

17.16.030 – ~~Single-family attached dwelling~~ ~~Townhouse~~ design standards.

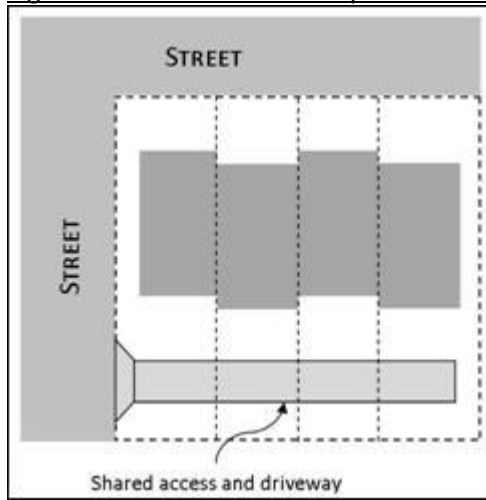
- A. ~~Single-family attached dwellings~~~~Townhouses~~ shall meet the dimensional standards of the underlying zoning designation.
- B. Six of the residential design elements in OCMC 17.14.040.A shall be included on the front facade of the structure.
- C. The garage shall not extend closer to the street than the furthest forward living space on the street-facing façade.
- D. ~~Single-family attached dwellings~~~~Townhouses~~ shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the options below.
 - 1. A covered porch or patio at least sixty square feet with a minimum depth of five feet between the main entrance and the street.
 - 2. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet, and not more than six feet, from grade.
- E. No more than six consecutive ~~single-family attached dwelling~~~~townhouses~~ that share a common wall are allowed.
- F. Driveway and access parking shall comply with OCMC 17.16.040.
- G. Outdoor space and tree requirements shall comply with OCMC 17.16.050.

17.16.040 - Driveway access and parking.

- A. Garages on the front façade, off-street parking areas in the front yard, and driveway accesses in front of a dwelling are permitted in compliance with the following standards:
 - 1. Each ~~single-family attached dwelling~~~~townhouse~~ lot has a street frontage of at least twenty-five feet on a street identified as a Local Street in the Transportation System Plan;

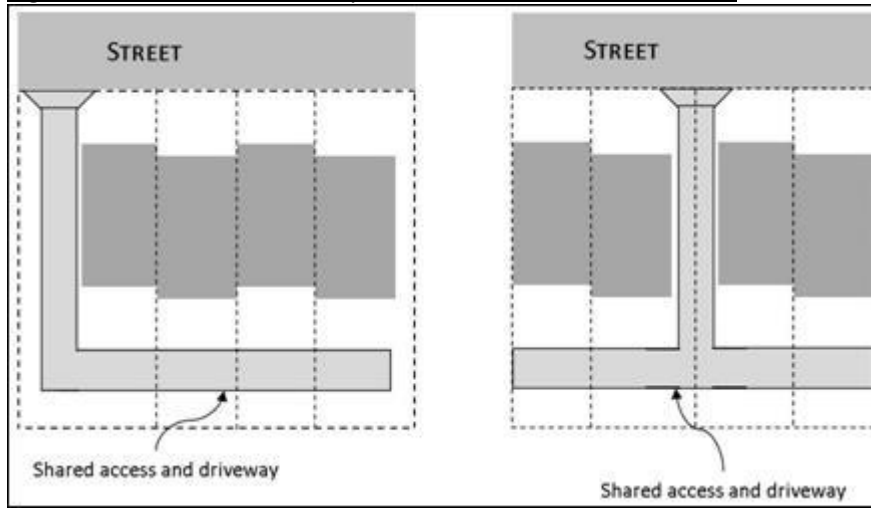
2. Development of two **single-family attached dwellingtownhouses** shall have one shared access, development of three-or four townhouses shall have a maximum of two total accesses, or development of five or six **single-family attached dwellingtownhouses** shall have a maximum of three total accesses.
 3. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
 4. The garage width shall not exceed twelve feet, as measured from the inside of the garage door frame.
- B. Garages not on the front façade and **single-family attached dwellingtownhouses** which do not include off-street parking in the front yard are permitted in compliance with the following standards:
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
 2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The City Engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2: Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the **single-family attached dwellingtownhouses**. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3: Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
- C. Development served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.

17.16.050 – Outdoor space and tree requirements.

- A. Every dwelling unit shall provide a minimum of two hundred square feet of private outdoor living area including landscaping, porches, balconies or decks, to be located in the front, rear or side yard. Outdoor space may be split between front, rear and side yards provided that each space meets a minimum size of one hundred square feet and minimum dimension of ten feet, except for:
 1. Balconies provided to meet outdoor space requirements shall be a minimum of forty-eight square feet with a minimum width or depth of five feet.
 2. Front porches shall meet the minimum requirements of OCMCSection 17.14.030.D.1.
- B. Residential lot tree requirements in 17.14.080 shall apply at time of construction.
- C. All new ~~single-family attached dwellingtownhouse~~ and/or 3-4 plex or additions of 25 or more of the existing square footage of the home (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one street tree for every thirty-five feet of frontage.

17.16.060 – 3-4 plex development requirements.

- A. 3-4 plexes shall meet the following:
 1. Units that are horizontally attached shall meet the ~~single-family attached dwellingtownhouse~~ design standards of OCMCSection 17.16.030 and 17.16.050.
 2. 3-4 plexes that include any vertically attached units shall meet the multifamily design standards of OCMC 17.62.055 Section 17.62.050.B and 17.16.050, with the exception of OCMC 17.62.055.D.9 and 17.62.055.I.2.m.
- B. A minimum of two off-street parking spaces are required for a 3-4 plex. Access and location shall comply with ~~either the standards of~~
 1. OCMC Section 17.16.040; or
 2. Access and driveway standards of OCMC 16.12.035.

~~For purposes of determining whether the site meets the requirements in OCMC 17.16.040.A, total lot frontage divided by the number of units along the frontage shall be at least twenty five feet to qualify for driveways across the front yards; otherwise, the site shall meet the standards of OCMC 17.16.040.B or C.~~

C. ~~Garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:~~

- ~~1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and~~
- ~~2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less, as measured from the inside of the garage door frame.~~

~~C. D. Outdoor space and tree requirements shall comply with OCMC 17.16.050.~~



Oregon City Municipal Code

Chapter 17.26 HC Historic Commercial District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40 Historic Overlay District.

17.26.020 - Permitted uses.

- A. ~~Residential units,~~ Single-family detached residential units;
- B. ~~Residential units,~~ Duplexes;
- C. Internal conversions;
- D. Multifamily residential units;
- E. Accessory uses, buildings and dwellings;
- F. Banquet, conference facilities and meeting rooms;
- G. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night;
- H. Child care centers and/or nursery schools;
- I. Indoor entertainment centers and arcades;
- J. Health and fitness clubs;
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;

- N. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- O. Postal services;
- P. Parks, playgrounds, play fields and community or neighborhood centers;
- Q. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- R. Residential units, multi family and 3-4 plex;
- S. Restaurants, eating and drinking establishments without a drive-through;
- T. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- U. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- V. Seasonal sales;
- W. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- X. Studios and galleries, including dance, art, photography, music and other arts;
- Y. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- Z. Veterinary clinics or pet hospitals, pet day care;
- AA. Home occupations;
- BB. Research and development activities;
- CC. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- DD. Residential care homes and facilities licensed by the state;
- EE. Transportation facilities;
- FF. Live/work dwellings;

~~A. Uses permitted in the MUC-1 Mixed-Use Corridor District.~~

~~B. Residential units, single family detached.~~

~~C. Residential units, duplex.~~

~~D. Accessory uses, buildings and dwellings.~~

17.26.030 - Conditional Uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in ~~Chapter~~ OCMC 17.56:

~~A. Conditional uses listed in the MUC Mixed-Use Corridor District.~~

A. Drive-through facilities;

B. Emergency service facilities (police and fire), excluding correctional facilities;

C. Gas stations;

D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I.;

E. Public utilities and services including sub-stations (such as buildings, plants, and other structures);

F. Public and/or private educational or training facilities;

G. Religious institutions;

H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;

J. Hospitals;

K. Parking not in conjunction with a primary use;

L. Passenger terminals.

17.26.035 - Prohibited uses.

A. Single-family attached dwellings;

B. Marijuana businesses;

C. Shelters;

D. Mobile Food Carts, except with a special event permit.

~~17.26.040 Historic building preservation.~~

~~Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the Pplanning Ccommission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the Pplanning Ccommission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The Pplanning Ccommission may condition the grant~~

~~of any such application to these ends. The members of the Historic Review Board shall be notified of the application and may request a delay in the decision or the Planning Commission, of its own volition, may delay a decision on such an application subject to consideration by the Historic Review Board as provided in Chapter 17.40.~~

17.26.050 - Dimensional standards.

A. Residential ~~uses unit, single-family detached:~~

1. ~~Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 Single-Family Dwelling District.~~
2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 District.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet ~~(May be extended with Site Plan and Design Review Section 17.62.055).~~
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.



Oregon City Municipal Code

Chapter 17.50 Administration and Procedures

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.50.010 - Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS ~~Chapters~~ 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan ~~comprehensive plan~~ and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City ~~city~~ that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.030 - Summary of the Ceity's decision-making processes.

The following decision-making processes chart shall control the Ceity's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation With or Without a Zone Change				X	
Compatibility Review	X				
Code Interpretation			X		

<u>Master Plan / Planned Unit Development - General Development Plan</u>			X		
<u>Master Plan / Planned Unit Development - General Development Plan Amendment</u>	<u>X</u>	<u>X</u>	<u>X</u>		
Conditional Use			X		
<u>Master Plan / Planned Unit Development - Detailed Development Plan</u> ¹	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Manufactured Home Park Review (New or Modification)		X			
Major Modification to a <u>Condition of Approval</u> or a Conditional Use Permit ²	<u>X</u>	X	X	X	X
Minor Modification to a <u>Condition of Approval</u>	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Plan or Code Amendment				X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		

Zone Change				X	
Zone Change Upon Annexation with Discretion				X	
Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		

¹ If any provision or element of the ~~M~~aster ~~P~~lan / Planned Unit Development requires a deferred Type III procedure, the ~~D~~etailed ~~D~~evelopment ~~P~~lan shall be processed through a Type III procedure.

² A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector's decision is final and not appealable by any party through the normal ~~C~~ity land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within ~~300~~ three hundred three hundred feet. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector accepts comments for a minimum of fourteen days and renders a decision. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector's decision is appealable to the ~~C~~ity ~~C~~ommission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to ~~Section~~ OCMC 17.50.190 under ORS 227.175.10(a)(C). The ~~C~~ity ~~C~~ommission decision is the ~~C~~ity's final decision and is subject to review by the ~~L~~and ~~U~~se ~~B~~oard of ~~A~~ppeals (LUBA) within ~~twenty-one~~ twenty-one days of when it becomes final.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the ~~C~~ity ~~C~~ommission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the ~~P~~lanning ~~C~~ommission or the ~~H~~istoric ~~R~~eview ~~B~~oard hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within ~~300~~ three hundred feet. Notice ~~must~~shall be issued at least ~~20~~ twenty days pre-hearing, and the staff report ~~must~~shall be available at least ~~7~~ seven days pre-hearing. At the

evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to Section OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and mustshall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice mustshall be issued at least twenty days pre-hearing, and the staff report mustshall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by ~~the land use board of appeals (LUBA)~~ within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development mustshall meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the City's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).
- F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC ~~Chapter 1.04.070~~ and shall be based on calendar days, not business days.

17.50.040 - Development review in overlay districts and for erosion control.

For any development subject to regulation of Geologic Hazards Overlay District under city code ~~Chapter OCMC 17.44~~; Natural Resource Overlay District under ~~Chapter OCMC 17.49~~; Willamette River Greenway Overlay District under ~~Chapter OCMC 17.48~~; Historic Overlay District under ~~Chapter OCMC 17.40~~, and Erosion and Sediment Control ~~erosion control~~ under ~~Chapter OCMC 17.47~~, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

17.50.050 – Pre-application conference.

- A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review being deemed complete, submitting an application for any form of permit, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.
 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. ~~The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.~~
 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference. ~~Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.~~
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant ~~must~~shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development ~~does not warrant this step~~ has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

17.50.055 - Neighborhood association meeting.

- A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
- A1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, ~~P~~lanning ~~C~~emmission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the ~~C~~eity-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
- B2. The applicant shall request via email or mail a request to meet with the neighborhood association ~~send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the Citizen Involvement Committee~~ describing the proposed project and copy or forward the notice to. ~~Other communication methods may be used if approved by the Neighborhood Association. the chair of the Citizen Involvement Committee.~~
- C3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, to the neighborhood association, ~~C~~eitizen ~~I~~nvolvement ~~C~~emmittee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the ~~certified letter~~ notice, transmitted by email or regular mailing, requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall occur ~~be held~~ within the boundaries of the neighborhood association or in a ~~C~~eity facility.
- D4. If the neighborhood association is not currently recognized by the ~~C~~eity, is inactive, or does not exist, the applicant shall request a meeting with the ~~C~~eitizen ~~I~~nvolvement ~~C~~emmittee.
- E5. To show compliance with this section, the applicant shall submit a copy of the email or mail correspondence between the NA neighborhood association and the applicant, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting, ~~and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held.~~ If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, ~~a sign-in sheet of attendees~~ and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

17.50.060 - Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the ~~C~~eity ~~C~~emmission or ~~P~~lanning ~~C~~emmission. If there is more than one record owner, then the ~~C~~eity will not ~~accept~~ complete an Type II-IV application without signed authorization from all record owners. All

permit applications ~~must~~shall be submitted on the form provided by the Ccity, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

17.50.070 - Completeness review and one hundred twenty-day rule.

- A. Upon submission, the Ccommunity Ddevelopment Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Ccommunity Ddevelopment Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Ccommunity Ddevelopment Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information ~~must~~shall be submitted to make the application complete.
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or, ~~on the one hundred eighty-first day,~~ the application shall be rejected ~~and all materials (except one copy of the application)~~ and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Ccommunity Ddevelopment Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A. of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Ccommunity Ddevelopment Director of:

- 1. All the missing information;
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - 3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the Ccommunity Ddevelopment Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the Ccity shall declare the application complete. Pursuant to ORS 227.178, the Ccity will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.

3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the Ceity's authority and control.
4. The one hundred twenty-day period does not apply to any application for an amendment to the Ceity's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one-hundred-day period applies in place of the one-hundred-twenty-day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

ED. The one hundred twenty-day period specified in ~~Section~~ OCMC 17.50.070.C or D, may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

FE. The approval standards that control the Ceity's review and decision on a complete application are those which were in effect on the date the application was first submitted.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in City code Titles 16 or 17, a complete application includes all the materials listed in this subsection. The Ceomunity Ddevelopment Ddirector may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Ceomunity Ddevelopment Ddirector may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the Ceity will not deem the application complete until all information required by the Ceomunity Ddevelopment Ddirector is submitted. At a minimum, the applicant ~~must~~shall submit the following:

- A. One copy of a completed Ceity application form that includes the following information:
 1. An accurate ~~legal description, tax account number(s),~~ address and tax map and location of all properties that are the subject of the application;
 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- ~~C. A current preliminary title report for the subject property(ies);~~

- ~~CD.~~ A complete and detailed narrative description of the proposed development ~~that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features.;~~
- ~~DE.~~ A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- ~~E.~~ ~~Up to twenty one legible copies of all reports, plans, site plans and other documents required by the section of this code corresponding to the specific approval(s) sought;~~
- ~~EF.~~ ~~At least one copy of the site plan and all related drawings shall be in a readable/legible eight and one-half by eleven-inch format for inclusion into the city's bound record of the application;~~ One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- ~~FG.~~ For all Type II – IV and Legislative applications, the following is required:
1. An electronic copy of all materials.
 2. Mailing labels or associated fee for notice to all parties entitled under ~~Section~~ OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
 3. Documentation indicating if there are no liens favoring the City on the subject site.
 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
 5. A current preliminary title report or trio for the subject property(ies);
- ~~GH.~~ All required application fees;
- ~~H.~~ Annexation agreements, traffic or technical studies-(if applicable);
- ~~I.~~ Additional documentation, as needed and identified by the ~~C~~ommunity ~~D~~evelopment ~~D~~irector.

17.50.090 - Public notices.

All public notices issued by the ~~C~~ity ~~with regard to a land use matter,~~ announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

- A. Notice of Type II Applications. Once the ~~planning manager~~ ~~C~~ommunity ~~D~~evelopment ~~D~~irector has deemed a Type II application complete, the ~~C~~ity shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. ~~Pursuant to Section 17.50.080G, the applicant shall provide or the City shall prepare for a fee is responsible for providing an accurate and~~

complete set of mailing labels for these property owners and for posting the subject property with the Ceity-prepared notice in accordance with ~~Section~~ OCMC 17.50.100. The Ceity's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
 2. A description of the applicant's proposal, along with citations of the approval criteria that the Ceity will use to evaluate the proposal;
 3. A statement that any interested party may submit to the Ceity written comments on the application during a fourteen-day comment period prior to the Ceity's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
 4. A statement that any issue which is intended to provide a basis for an appeal ~~must~~shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the Ceity to respond to the issue;
 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
 7. The notice shall state that a Ceity-recognized neighborhood association requesting an appeal fee waiver pursuant to ~~Section~~ OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the Ceity shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any Ceity-recognized neighborhood association whose territory includes the subject property. The Ceity shall also publish the notice on the Ceity website ~~in a newspaper of general circulation~~ within the Ceity at least twenty days prior to the hearing. Pursuant to ~~Section~~ OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the Ceity-prepared notice in accordance with ~~Section~~ OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
 2. Street address or other easily understood location of the subject property and city-assigned planning file number;
 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the Ceity will use to evaluate the proposal;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;

5. A statement that any issue which is intended to provide a basis for an appeal to the Ceity Commission ~~must~~shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the Ceity and all parties to respond to the issue;
 6. The notice shall state that a Ceity-recognized neighborhood association requesting an appeal fee waiver pursuant to Section OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at ~~city hall~~the Planning Division offices during normal business hours; and
 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
- C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the Ceity's land use regulations or ~~e~~Comprehensive pPlan is to be considered, the ~~planning manager~~ Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published in a newspaper of general circulation within the Ceity. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
 2. The Ceity-assigned planning file number and title of the proposal;
 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
 5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. City Guidance and the Applicant's Responsibility. The Ceity shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The Ceity shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the Ceity's land use process

caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit ~~one hundred twenty-day period~~ in a timely manner.

- B. Number and Location. The applicant ~~must~~shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

17.50.110 - Assignment of decision-makers.

The following city entity or official shall decide the following types of applications:

- A. Type I Decisions. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector shall render all Type I decisions. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector's decision is the ~~C~~eity's final decision on a Type I application.
- B. Type II Decisions. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector shall render the ~~C~~eity's decision on all Type II permit applications, which are then appealable to the ~~C~~eity ~~C~~ommission with notice to the ~~P~~lanning ~~C~~ommission. The ~~C~~eity's final decision is subject to review by LUBA.
- C. Type III Decisions. The ~~P~~lanning ~~C~~ommission or ~~H~~istoric ~~R~~eview ~~B~~oard, as applicable, shall render all Type III decisions. Such decision is appealable to the ~~C~~eity ~~C~~ommission, on the record. The ~~C~~eity ~~C~~ommission 's decision is the ~~C~~eity's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. Type IV Decisions. The ~~P~~lanning ~~C~~ommission shall render the initial decision on all Type IV permit applications. If the ~~P~~lanning ~~C~~ommission denies the Type IV application, that decision is final unless appealed in accordance with ~~Section~~ OCMC 17.50.190. If the ~~P~~lanning ~~C~~ommission recommends approval of the application, that recommendation is forwarded to the ~~C~~eity ~~C~~ommission. The ~~C~~eity ~~C~~ommission decision is the ~~C~~eity's final decision on a Type IV application and is subject to review LUBA.
- E. Expedited Land Division (ELD). The ~~C~~ommunity ~~D~~evelopment ~~D~~irector shall render the initial decision on all ELD applications. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector's decision is the ~~C~~eity's final decision unless appealed in accordance to ORS 197.375 to a ~~C~~eity-appointed hearings referee. The hearings referee decision is the ~~C~~eity's final decision which is appealable to the Oregon Court of Appeals.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the ~~P~~lanning ~~C~~ommission, ~~H~~istoric ~~R~~eview ~~B~~oard, or ~~C~~eity ~~C~~ommission, shall comply with the procedures of this section. In

addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the ~~C~~ommunity ~~D~~evelopment ~~D~~irector determines that an application for a Type III or IV decision is complete, the ~~P~~lanning ~~D~~ivision shall schedule a hearing before the ~~P~~lanning ~~C~~ommission or ~~H~~istoric ~~R~~eview ~~B~~oard, as applicable. Once the ~~C~~ommunity ~~D~~evelopment ~~D~~irector determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under ~~Section OCMC 17.50.190~~, the ~~P~~lanning ~~D~~ivision shall schedule a hearing pursuant to ~~Section OCMC 17.50.190~~.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with ~~Section OCMC 17.50.090B~~.
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The ~~C~~ommunity ~~D~~evelopment ~~D~~irector shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 - 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 - 2. That all testimony and evidence submitted, orally or in writing, ~~mustshall~~ be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria ~~mustshall~~ be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
 - 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the ~~C~~eity and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
 - 4. Any party wishing a continuance or to keep open the record ~~mustshall~~ make that request while the record is still open; and
 - 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
 - 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is

established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

17.50.130 - Conditions of approval and notice of decision.

- A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and city public works design standards, are, or can be met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to ~~Chapter OCMC~~ 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
 - 1. The file number and date of decision;
 - 2. The name of the applicant, owner and appellant (if different);
 - 3. The street address or other easily understood location of the subject property;
 - 4. A brief summary of the decision, and if an approval, a description of the permit approved;
 - 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
 - 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

17.50.140 – ~~Performance~~ Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City ~~may, in its discretion, allow~~ shall require the permittee to ~~submit a performance~~ provide financial guarantee ~~in lieu of for actual construction of the~~ certain public improvements. ~~Performance~~ Financial guarantees shall be governed by this section.

- A. ~~Form of Guarantee.~~ Performance Guarantees shall be in a form approved by the Ceity Attorney. ~~Approvable methods forms~~ of performance guarantee include irrevocable standby letters of credit to the benefit of the Ceity issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the Ceity. The form of guarantee shall be specified by the Ceity Engineer and, prior to execution and acceptance by the Ceity shall be reviewed and approved by the Ceity Attorney. The guarantee shall be filed with the Ceity Engineer.
- B. ~~Performance Guarantees Timing of Guarantee.~~ A permittee shall be required to provide a ~~P~~performance guarantee as follows.
1. ~~After Final Approved Design By The City:~~ The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the ~~remaining~~ public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the Ceity Engineer.
 2. ~~Before Complete Design Approval~~ And Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the Ceity Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the Ceity Engineer. ~~This scenario applies for a fee in lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee in lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.~~
- C. ~~Duration Release of the Guarantee.~~ The guarantee shall remain in effect until the improvement is actually constructed and accepted by the Ceity. Once the Ceity has inspected and accepted the improvement, the Ceity shall release the guarantee to the permittee. If the improvement is not completed to the Ceity's satisfaction within the time limits specified in the permit approval, the Ceity Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the Ceity in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the Ceity, any remaining funds shall be refunded to the permittee. The Ceity shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the Ceity, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the Ceity may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.
- D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty

percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu ~~must~~shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements ~~must~~shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

17.50.150 - Covenant with the Ceity.

- A. The Ceity may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the Ceity agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:

1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the Ccity by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
 2. If the owner fails to perform under the covenant, the Ccity may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the covenant: The form of all covenants shall be approved by the Ccity Attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the Ccommunity Development Director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

17.50.160 - Ex parte contact, conflict of interest and bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial or legislative action:

- A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.
- B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

17.50.170 - Legislative hearing process.

- A. Purpose. Legislative actions involve the adoption or amendment of the Ceity's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire Ceity or large portions of it. Legislative actions which affect land use ~~must~~shall begin with a public hearing before the Planning Commission.
- B. Planning Commission Review.
 1. Hearing Required. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The Community Development Director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 2. The Community Development Director 's Report. Once the Planning Commission hearing has been scheduled and noticed in accordance with ~~Section OCMC~~ 17.50.090(C) and any other applicable laws, the Community Development Director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
 3. Planning Commission Recommendation. At the conclusion of the hearing, the Planning Commission shall adopt a recommendation on the proposal to the Ceity Commission. The Planning Commission shall make a report and recommendation to the Ceity Commission on all legislative proposals. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the Ceity Commission a report and recommendation to that effect.
- C. City Commission Review.
 1. City Commission Action. Upon a recommendation from the Planning Commission on a legislative action, the Ceity Commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Ceity Commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the Ceity's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the Ceity Commission decision shall be enacted as an ordinance.
 2. Notice of Final Decision. Not later than five days following the Ceity Commission final decision, the Community Development Director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

17.50.180 - Objections to procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, ~~must~~shall make a procedural objection prior to the Ceity rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party ~~must~~shall identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

17.50.190 - Appeals.

Appeals of any non-final decisions by the Ceity ~~mustshall~~ comply with the requirements of this section.

- A. Type I decisions by the Ceommunity Ddevelopment Ddirector ~~planning manager~~ are not appealable to any other decision-maker within the Ceity.
- B. A notice of appeal of any Type II, III or IV decision ~~mustshall~~ be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following ~~mustshall~~ be included as part of the notice of appeal:
 1. The ~~city~~ planning file number and date the decision to be appealed was rendered;
 2. The name, mailing address and daytime telephone number for each appellant;
 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 4. A statement of the specific grounds for the appeal;
 5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a Ceity-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Section OCMC 17.50.290C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a Ceommunity Ddevelopment Ddirector ~~planning manager~~ decision. Review by the Ceity Ceommission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
 2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the Pplanning Ceommission or Hhistoric Rreview Bboard, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall ~~issue~~ mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before the close of the public record in accordance with Section OCMC 17.50.090B and post notice on the City website. Notice of the appeal hearing shall contain the following information:
 1. The file number and date of the decision being appealed;
 2. The time, date and location of the public hearing;

3. The name of the applicant, owner and appellant (if different);
 4. The street address or other easily understood location of the subject property;
 5. A description of the permit requested and the applicant's development proposal;
 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
 8. A general explanation of the requirements for participation and the Ccity's hearing procedures.
- F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of ~~Section~~ OCMC 17.50.120. Appeal hearings shall be conducted by the Ccity Commission, ~~planning commission or historic review board~~, as applicable. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

17.50.200 - Expiration of an approval.

- A. When approvals become void: All Type I—IV approvals, except for zone changes, comprehensive plan map amendments, conditional uses and master plans automatically become void if any of the following events occur:
1. If, within two years of the date of the final decision, a building permit has not been ~~issued~~ submitted. For projects involving the submittal of multiple building permits, all building permits shall be submitted within two years of the initial building permit submittal date.
 2. If, within two years of the date of the final decision for all land divisions, the activity approved in the permit has not ~~commenced or, in situations involving only the creation of lots, the public improvements and conditions of approval have not been completed or financial guarantee (surety) provided~~ been submitted to the Clackamas County Surveyors Office for recording.
 3. Annexations become void if a vote of the citizens rejects the application.
- B. New application required: Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- C. Deferral of the expiration period due to appeals: If a permit decision is appealed beyond the jurisdiction of the Ccity, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the Ccity. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

17.50.210 - Extension of an approval.

- A. The Community Development Director may extend, prior to its expiration, any approved permit for a period of 1 ~~one~~ year- provided- that the applicant has provided evidence of implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Community Development Director as a Type I- decision.
- B. Substantial implementation of a permit shall require at a minimum, demonstrable evidence in a written application showing:
 - 1. The permit holder has applied for the permits required as a condition of the land use or limited land use permit;
 - 2. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and
 - 3. There have been no changes in circumstances or the law likely to necessitate significant modifications of the development approval or conditions of approval.

~~17.50.220 – Reapplication limited.~~

~~If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit.~~

17.50.230 - Interpretation.

Where a provision of Title 12, 14, 15, 16, or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

17.50.240 - Conformity of permits.

The City shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the City. The City shall not issue a Type II-IV permit, permit recordation of a land division with the Clackamas County Surveyor's Office, or allow finalization of a project for a Type II-IV development, until any pending liens in favor of the City filed against the property have been fully resolved.

~~17.50.260 – Reconsideration of a final decision.~~

~~Under this section, parties with standing may seek reconsideration of a final decision rendered pursuant to a Type II, Type III, or Type IV process. Reconsideration is warranted where the city's decision indicates the decision-maker failed to understand or consider certain relevant facts in the record or misinterpreted the application in some material way. Any request for reconsideration must be received by the planning division within ten days of when the decision in question was rendered and must specifically describe the alleged misunderstanding or misinterpretation. A request for reconsideration~~

~~shall not stay the effectiveness of the city's final decision, nor shall it affect any applicable appeal deadlines to the land use board of appeals. If the request is granted, the community development director shall notify all affected parties that the decision will be reconsidered. Any request for reconsideration by the applicant shall be deemed a waiver of the one hundred twenty-day deadline under Section 17.50.070.~~

17.50.270 - Revocation of a previously approved permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the Ccity's approval, the Ccity may institute a revocation or modification proceeding under this section.

- A. Situations when Permit Approvals May Be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the Pplanning Commission determines a substantial likelihood that any of the following situations exists:
 - 1. One or more conditions of the approval have not been implemented or have been violated;
 - 2. The activities of the use, or the use itself, are substantially different from what was approved; or
 - 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the Ccity's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the Pplanning Commission may take any of the actions described below. The Pplanning Commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the Ccity's approval may be subject to the following actions:
 - 1. The Pplanning Commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
 - 2. The Pplanning Commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Pplanning Commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.

3. The Planning Commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

17.50.280 - Transfer of approval rights.

Unless otherwise stated in the Ceity's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

17.50.290 - Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the Ceity's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be ~~accepted~~completed without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
 1. When a fee is paid for an application which is later found to not be required, the Ceity shall refund the fee.
 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the Ceity's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application ~~must~~shall be resubmitted because of an error made by the Ceity. Appeal fees may be waived, wholly or in part, by the Ceity Commission, if the Ceity Commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a Ceity-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.

- D. Major Projects. The fees for a major project shall be the Ccity's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. ~~For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost over one million dollars.~~



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

File Number: 19-253

Agenda Date: 4/22/2019

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Planner Pete Walter

File Type: Minutes

Approval of Planning Commission Minutes

RECOMMENDED ACTION (Motion):

Review and approve the attached minutes.

BACKGROUND:

Please see attached draft transcribed minutes for the following meetings:

January 14, 2019

February 12, 2018

January 22, 2018



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft

Planning Commission

Monday, January 14, 2019

7:00 PM

Commission Chambers

1. Call to Order

The meeting was called to order at 7:00 PM.

Present: 7 - Tom Geil, Robert Mahoney, Vern Johnson, Mike Mitchell, Patti Gage, Greg Stoll and Dirk Schlagenhauser

Staffers: 2 - Laura Terway and Carrie Richter

2. Vote for Planning Commission Chair and Vice Chair

A motion was made by Commissioner Mahoney, seconded by Commissioner Johnson, to nominate Mike Mitchell for Chair for 2019.

A motion was made by Commissioner Geil, seconded by Commissioner Schlagenhauser, to nominate Tom Geil for Chair for 2019.

The Commission discussed the candidates.

The majority of the votes were for Commissioner Mitchell to be Chair.

A motion was made by Commissioner Mahoney, seconded by Commissioner Johnson, to nominate Patti Gage for Vice Chair for 2019. The motion carried unanimously.

3. Public Comments

There were no public comments on non-agenda items.

4. General Business

4a. Prioritize Planning Commission Requests to the City Commission for the 2019-2021 Biennium

Laura Terway, Community Development Director, discussed the list of Planning Commission requests for projects in the 2019-2021 Biennium. These would need to be prioritized for the upcoming City Commission goal setting meeting. The recommended prioritization from staff was to proceed with the request to update the Comprehensive Plan and to review the potential implementation of a Construction Excise Tax. Staff also recommended updating the Urban Growth Management Agreement which would be outside of the City Commission goals and to consider a review of tree regulations in a future biennium.

Denyse McGriff, Paul Espe, and Damon Mabee, residents of Oregon City and former

Planning Commissioners, gave insight into and made suggestions for what to include in the projects list for the City Commission.

There was consensus that updating the Comprehensive Plan was the top priority and that short term rentals and rezoning manufactured home parks would also be top priorities but should be pulled out of that process and worked on separately because of the length of time that a Comprehensive Plan update would take. They agreed to remove the Construction Excise Tax as a Planning Commission recommendation. They also agreed that the Urban Growth Management Agreement was outside of the City Commission goals, but was something that should be looked at in earnest. There was also consensus to move the tree regulations to the 2019-2021 biennium list.

The priority order for the 2019-2021 biennium was:

- 1. update the Comprehensive Plan*
- 2. short term rentals*
- 3. tree regulations*
- 4. rezoning manufactured home parks*

4b. Legal Training with Carrie Richter, Assistant City Attorney

Carrie Richter, City Attorney, provided legal training on Oregon land use, the Comprehensive Plan and City Code, public hearings, and Planning Commission decisions.

There was discussion regarding livability as a criterion and the procedures that had been presented.

5. Communications

There was discussion regarding the next steps for the proposed code amendments that had been forwarded to the City Commission.

6. Adjournment

Chair Mitchell adjourned the meeting at 10:16 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft

Planning Commission

Monday, February 12, 2018

6:00 PM

Commission Chambers

WORK SESSION

1. Call To Order

Vice Chair Espe called the meeting to order at 6:00 PM.

Present: 6 - Zachary Henkin, Paul Espe, Denyse McGriff, Tom Geil, Robert Mahoney and Vern Johnson

Absent: 1 - Damon Mabee

Staffers: 2 - Laura Terway and Kelly Reid

2. New Business/Discussion Items

2a. Work Session for L 17-04: Proposed Amendments to the Development Sections of the Oregon City Municipal Code (Including Lot Averaging)

Kelly Reid, Planner, gave a presentation on the proposed amendments to the development sections of the Oregon City Municipal Code. She summarized the Code clean up and clarification items. She then discussed the changes proposed for lot averaging and gave examples. There would be a public hearing on these amendments on February 26.

Chair McGriff arrived at 6:05 PM.

There was discussion regarding using calendar days vs. business days and changing the standards so multiple applications could not be submitted at one time such as annexation, zone change, and subdivision all at once.

3. Adjournment

Chair McGriff adjourned the meeting at 6:55 PM.



City of Oregon City

625 Center Street
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503-657-0891

Meeting Minutes - Draft

Planning Commission

Monday, January 22, 2018

7:00 PM

Commission Chambers

1. Call to Order

Chair McGriff called the meeting to order at 7:00 PM.

Present: 6 - Zachary Henkin, Paul Espe, Denyse McGriff, Tom Geil, Robert Mahoney and Vern Johnson

Absent: 1 - Damon Mabee

Staffers: 4 - Laura Terway, Carrie Richter, Kelly Reid and John Lewis

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

- 3a. L 17-03: Legislative Amendment to amend to Chapter 12.04.205 of the Oregon City Municipal Code for alternative mobility standards for Highway 213 intersections at Beavercreek and Redland Roads, and to amend the Transportation System Plan project list.

Chair McGriff opened the public hearing.

Kelly Reid, Planner, recommended continuing this hearing due to the amount of public comments that had been received, the number of people in attendance that night, and a letter received from ODOT that resulted in a change to the proposal. According to ODOT, the alternate mobility targets were not needed for Redland Road, only for the Beavercreek and Highway 213 intersection. She then summarized the proposal to amend the Transportation System Plan Project List and the Municipal Code to adopt the alternative mobility targets for the intersection of Highway 213 and Beavercreek Road. She added items into the record including her presentation, public comments, neighborhood meeting materials, and the letter from ODOT.

John Lewis, Public Works Director, gave a background on the Highway 213/Beavercreek Road intersection, the study that was done on the intersection, input from the technical and community advisory groups, and funding issues. Regarding the Highway 213 and Redland Road intersection, the City would continue to pursue funding for the Jughandle Phase 2 project. The City did not need a different standard for this intersection, and it was no longer included in the alternate mobility targets. He further explained the targets for Highway 213/Beavercreek and what would happen if they were not adopted. Staff recommended adoption of the alternative mobility target and addition of the projects into the TSP for Highway 213/Beavercreek Road and not to adopt the alternative mobility target for Highway 213/Redland Road.

There was discussion regarding the funding for these solutions.

Lynn Anderson, resident of Oregon City, was concerned about the livability of the City with more density and traffic congestion. She suggested a moratorium on development until feasible solutions could be put in place and that the state, county, and Metro should contribute to the funding. She was opposed to this proposal.

Bill Merchant, resident of the hamlet of Beavercreek, traveled this road all the time and participated on the Region 1 Area Council on Transportation. He did not think these mobility targets would be acceptable to the state because of the precedent it would set. He also did not think the plans met ADA standards.

Tammy Stephens was representing the hamlet of Beavercreek. The study was based on traffic today and there was a huge amount of growth planned for the Beavercreek area. The targets would end up being much higher and she was concerned about the road becoming a parking lot when it was the only way in and out for the people who lived in the Beavercreek area. She had been under the impression that they would move forward with the 1993 agreement for a cloverleaf plan.

William Gifford, resident of Oregon City, stated doing nothing was not an option and putting a moratorium in Oregon City would not stop the 60% of the traffic that did not start or end in Oregon City. Two citizen committees had worked on these solutions. It was not a perfect solution, but was a reasonable compromise. The funding was not a Planning Commission responsibility.

Dave McNeil, resident of the hamlet of Beavercreek, discussed the history of Highway 213 and Beavercreek and how the City missed several opportunities, especially the agreement that had been drafted in 1993 where the City only had to pay 10% of the improvements. He thought this was a state, county, and Metro problem and they should be the ones to fix it. This plan would not work and would not help the residents of the area.

Christine Kosinski, resident of unincorporated Clackamas County, thought the addition of a right hand turn lane on Beavercreek for motorists turning north on Highway 213 would be of little help. It would be a safety issue with rear end crashes. There needed to be more community input and it should go to the vote of the people.

Paul Edgar, resident of Oregon City, discussed how this plan would place limits on the future. He thought an overpass should be put in instead. He thought there was funding available.

James Nicita, resident of Oregon City, shared a picture of storm drains that merged at Beavercreek and Highway 213 which blocked fish passage. He suggested incorporating a more fish friendly design. There was supposed to be a bike trail along Newell Creek Canyon to the End of the Oregon Trail Interpretive Center and he thought there could be other commuter trails explored. Bus traffic had not been planned yet on Beavercreek, and he thought the mobility targets should not be implemented until that had happened.

Dan Fowler, resident of Oregon City, had served on the community advisory committee. He thought this was a reasonable next step and was what had to be done to get it into the plans so SDCs could be collected for the future. It would help those living in Beavercreek by relieving congestion in the morning peak hours.

Bob Hyberg, resident of Oregon City, was opposed to increasing the density in the City as the infrastructure could not handle it. He discussed how many new high density developments had gone in around him and how the real problem was traffic from I-205.

The Commission discussed items for staff to bring back to the next hearing.

A motion was made by Commissioner Henkin, seconded by Commissioner Geil, to continue the hearing for L 17-03: Legislative Amendment to amend to Chapter 12.04.205 of the Oregon City Municipal Code for alternative mobility standards for Highway 213 intersections at Beavercreek and Redland Roads, and to amend the Transportation System Plan project list to February 26, 2018. The motion carried by the following vote:

Aye: 6 - Zachary Henkin, Paul Espe, Denyse McGriff, Tom Geil, Robert Mahoney and Vern Johnson

3b.

Continuance of Planning files SP 17-0119: Site Plan and Design Review and VR 17-0011: Variance for a 24 Unit Multi-Family Development at 31 Pleasant Avenue until February 26, 2018.

Laura Terway, Community Development Director, stated staff was requesting a continuance of this agenda item to allow the applicant time to address issues raised by staff.

Scott Wooley, resident of Oregon City, was concerned about the layout of the proposal as it was adjacent to his property.

Robert Hyberg, resident of Oregon City, was opposed to high density housing as it would contribute to more traffic congestion.

Paul Edgar, resident of Oregon City, explained this would be veteran housing for people of need.

A motion was made by Commissioner Espe, seconded by Commissioner Henkin, to continue the hearing for planning files SP 17-0119: Site Plan and Design Review and VR 17-0011: Variance for a 24 Unit Multi-Family Development at 31 Pleasant Avenue until February 26, 2018. The motion carried by the following vote:

Aye: 6 - Zachary Henkin, Paul Espe, Denyse McGriff, Tom Geil, Robert Mahoney and Vern Johnson

3c.

Continuance of Planning file L 17-04 Legislative Amendment to adopt various development code changes until February 26, 2018.

Ms. Terway stated staff was requesting a continuance of this agenda item to allow for the work session to happen tonight.

A motion was made by Commissioner Mahoney, seconded by Commissioner Johnson, to continue planning file L 17-04 Legislative Amendment to adopt various development code changes until February 26, 2018. The motion carried by the following vote:

Aye: 6 - Zachary Henkin, Paul Espe, Denyse McGriff, Tom Geil, Robert Mahoney and Vern Johnson

4. Work Session

Work Session for Proposed Amendments to the Development Sections of the Oregon City Municipal Code (Including Lot Averaging)

Ms. Terway reviewed the proposed code amendments, which included revisions to lot averaging, minor code clean up, and efficiencies.

There was discussion regarding the purpose of lot averaging and the proposed revisions.

Mike Mitchell, resident of Oregon City, did not think it was the Commission's job to maximize a developer's profits. He discussed what other cities did for lot averaging and made suggestions for the code amendments that would reduce visual impacts.

James Nicita, resident of Oregon City, was opposed to the change that would delete the ability for a citizen to ask for reconsideration of a final decision as he thought it was a Goal 1 violation.

James Adkins, representing the Home Builders Association, said they would like the lot averaging to remain as it was currently. It was a useful tool to use land efficiently. More housing was needed in the region and these changes made it more difficult to build inside the City limits.

There was consensus to hold another work session on the code amendments.

5. Communications

Ms. Terway discussed upcoming agenda items.

6. Adjournment

Chair McGriff adjourned the meeting at 10:10 PM.