City of Oregon City

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

Meeting Agenda - Final-revised

Planning Commission

Monday, November 26, 2018 | **7:00 PM** | **Commission Chambers**

1. Call to Order

2. Public Comments

3. Public Hearing

3a. NR 18-08 and US 18-02: Natural Resource Overlay District and Geologic Hazard Review for existing patio and realted improvements at 1st Avenue between Jerome and Miller Streets in Canemah

Sponsors: Christina Robertson-Gardiner

Attachments: Commission Report
Staff report and recommended conditions of approval
Property Map
Full Application Materials
Combined Public Comments
Geotechnical Engineer Review Memo
Natural Resources Committee Comment Cards
Natural Resources Committee presentation
Natural Resources Committee Meeting Video

3b. Annexation, Zone Change (Clackamas County FU-10 to Oregon City R-6), and a 3-Lot Minor Partition for a 0.76 acre property located at 14530 S Maplelane Rd (GLUA-18-00020, AN-18-00002, ZC-18-00001, and MP-18-00004)

Sponsors: Pete Walter

Attachments: Commission Report
Recommended Findings and Conditions of Approval
Vicinity Map
Application
Clackamas River Water Comments
Oregon City School District Comments
Tri City Service District Comments
Clackamas County Planning (No comment)
Replinger and Associates Comments
Applicant's 120 Day Extension

Public Notices

3c. Expansion to Memory Care Facility at 950 South End Road (Files GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01))

Sponsors: Pete Walter

Attachments: Commission Report

Recommended Findings and Conditions of Approval

Vicinity Map

Application

Pre-Application Conference Notes

South End Neighborhood Association Meeting Materials

Public Comment - Gregory Peterson

Links to Planning Commission Record for Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05

Public Notices

4. Communication

5. 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.

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Staff Report

File Number: PC 18-148

Agenda Date: 11/26/2018

Status: Draft

To: Planning Commission

Agenda #:

From: Christina Robertson-Gardiner

File Type: Land Use Item

SUBJECT:
NR 18-08 and US 18-02: Natural Resource Overlay District and Geologic Hazard Review for existing patio and realted improvements at 1st Avenue between Jerome and Miller Streets in Canemah

RECOMMENDED ACTION (Motion):
Staff recommends approval with conditions, along with a deadline for compliance.

BACKGROUND:
According to the applicant, the previous owners of the property, located between the Willamette River and 510 1st Avenue in Canemah, constructed a dock, concrete block stairway, concrete block retaining walls, a rock retaining wall, a graded gravel patio with a concrete block fire pit, and a concrete patio in 2013. The applicant is requesting approval for the aforementioned development for compliance with applicable standards in the Natural Resource Overlay, Geologic Hazard Overlay, and Floodplain overlay without permits or land use approval. While the dock was approved by the Department of State Lands, the grading, patio, stairs, and a retaining wall were not reviewed by the City.

The applicant estimates that 12.1 cubic yards of fill was brought in during the construction of the patio. However, because the site is within the floodplain, no net fill is permitted. Staff recommends a condition of approval to excavate an equal amount of material within the floodplain.
Stormwater treatment and Geologic Hazard review are waived by the City because the impervious surfaces, heights, and amounts of cuts and fills fall under the City's thresholds.
The development created 848 square feet of disturbance area within the Natural Resource Overlay District. It is not clear how much of the area was previously impervious, but the applicant is erring on the side of caution and considering all of the development as new disturbance area.
The applicant has proposed mitigation on the portion of the property that is controlled by the applicant through an easement, and the small site area does not allow for the full 2:1 ratio of mitigation. Thus, the applicant requests an adjustment to allow a smaller area and has requested to count the existing native plants on the site towards the required mitigation.
Staff recommends conditions of approval to meet the full planting quantity requirements, not counting existing plants, and has provided four options for the applicant to increase mitigation area to meet the standard.
The staff report provides additional conditions of approval pertain to flood regulations, grading, and mitigation plan details.

BUDGET IMPACT:
Amount:
FY(s):
Funding Source:

OREGON CITY

Community Development – Planning

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TYPE III NATURAL RESOURCE OVERLAY DISTRICT AND GEOLOGIC HAZARDS REVIEW
Staff report and Recommendation
Applicant's Submittal
November 19, 2018

FILE NUMBER: NR 18-08/US 18-02: Natural Resources Overlay District Review and Geologic Hazard Overlay Review

Submitted: 9/6/2018
Complete: 10/5/2018
120 Day Deadline: 2/2/2019

APPLICANT: Brant and Carolyn Popma
510 1st Avenue
Oregon City, OR 97045

OWNER: Canemah Club Inc.
516 1st Avenue
Oregon City, OR 97045

REQUEST: Natural Resources Overlay District Review and Geologic Hazard Overlay Review for existing boat dock, patio, and access stairs.

LOCATION: 1st Avenue between Miller and Jerome Streets
Clackamas County Map 2-1E-36DD, Tax Lot 200
Oregon City, OR 97045

REVIEWER: Kelly Reid, Planner, AICP

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.

OREGON CITY

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Conditions of Approval
Planning File NR 18-08/US 18-02

(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 following conditions of approval shall be completed within 6 months of the date of this land use decision.

1. The applicant shall submit documentation stating if the development requires the approval of the Division of State Lands or the U.S. Army Corps of Engineers, and any required approval. (P)

2. The applicant shall include the existing Maple and Ash in the protective covenant or conservation easement recorded for the mitigation planting. (P)

3. Prior to planting, the applicant shall submit a final mitigation plan indicating the final species selected. All trees, shrubs, and herbaceous (groundcover) selected for the mitigation plan shall be from the Oregon City Native Plant List. (P)

4. The applicant's planting plan must be revised to include 8 trees and 42 shrubs; existing plants may not be counted. Additional plants may be planted on the applicant's site or offsite as required by other conditions of approval. (P)

5. The final mitigation plan shall include at least three different shrub species. (P)

6. The applicant shall revise the species in the planting plan to: (P)
   - Remove serviceberry from the list of tree options; serviceberry is a shrub and may not be counted as a tree.
   - Re-label oxalis oregana as "Redwood sorrel" if it is retained in the final mitigation plan.
   - Remove rush from the list of shrub options; rush is a ground cover.

7. The applicant shall revise the mitigation plan to meet plant spacing requirements; however, spacing may be reduced to accommodate additional plants if necessary. (P)

8. If off-site mitigation is required, it should be located within the Willamette River basin, above Willamette Falls and within the NROD or equivalent overlay in another jurisdiction. (P)

9. The applicant shall comply with the standards for monitoring and maintenance within the NROD per OCMC 17.49.180.F. (P)

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10. The property owner shall provide the City with a copy of a recorded covenant or conservation easement per OCMC 17.49.180.G. (P)

11. The applicant shall provide the City with a financial guarantee per OCMC 17.49.180.H. (P)

12. Compliance with the standards in 17.49.200, 17.49.230, and 17.49.265 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. The mitigation plan shall be part of the written report. (P)

13. The applicant shall complete the proposed mitigation with full planting quantities plus one of the following, in order to meet the mitigation area size requirement or to otherwise provide equivalent mitigation: (P)

    a. Add additional area of mitigation that will meet the 1,696 square feet minimum. This will require an additional 232 square feet of mitigation area. The applicant may plant some of the required trees and shrubs in this additional area.

    b. Remove invasive plants in additional areas outside of the applicant's easement on the subject property. The area of invasive removal shall be larger than the required mitigation area to make up for the lack of mitigation planting area. The invasive removal area shall be double the mitigation area requirement: 1696x2=3392 square feet. The applicant proposes a mitigation area of 1464 sf on the applicant's easement area. 3392-1464 is 1928. Therefore, applicant shall add invasive removal of 1928 square feet on the subject property.

    c. Provide off-site mitigation of 232 square feet. The applicant may propose mitigation on private or public land with the permission of the property owner. A covenant compliant with this Chapter shall be required, if the mitigation is located on private property. The applicant may plant some of the required trees and shrubs in this additional area.

    d. Provide enhanced mitigation planting within the 1,464 square feet proposed. This may come in the form of additional plants and highly functional/valuable/rare plant species. The applicant's mitigation report should explain how the enhanced plantings provide an improved outcome over the minimum required native plantings, and how they achieve the functional values in 17.49.010.

14. The applicant shall submit documentation from an engineer certifying that the project will not result in net fill within the floodplain. An elevation certificate completed by a licensed surveyor is required to be submitted as part of the Floodplain Development permit. Prior to issuance of permits, the applicant shall submit adequate documentation to the building official to comply with OCMC 17.42.160.E.2. The applicant may utilize cut on other properties within the Willamette River 100-year floodplain, if that cut has not already been used to balance a fill. Any excavation used to balance the fill for the development must not be below bankfull stage. Such

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excavation may require review by the City for compliance with grading standards and with Title 17. (P, B)

15. The applicant shall submit a grading plan to balance cut and fill within the flood management areas per section 17.42.160 of the Oregon City Municipal Code. (DS)

16. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. The applicant shall also obtain all permits required by other regulatory agencies. (DS)

17. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit.

18. Owner(s) of the property associated with the development shall execute a waiver of damages and an indemnity and hold harmless agreement which releases the City from all liability for any damages resulting from the development approved by the City's decision. The applicant share pay associated processing and recording fees. (DS)

19. Nothing contained in this report shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. (DS)

20. If determined necessary by the Building Official, the applicant shall obtain a Floodplain development permit to verify that applicant has proved adequate anchoring of any construction completed within a floodplain, by submitting registered professional engineer report determining that the aforementioned items are properly anchored and will not become dislodged during an event. (B)

21. The applicant shall obtain a certificate of appropriateness from the Historic Review Board for the concrete block wall, or shall modify the wall in order to obtain a certificate of appropriateness. (P)

I. STAFF EXECUTIVE SUMMARY

According to the applicant, the previous owners of the property located between the Willamette River and 510 1st Avenue in Canemah constructed a dock, concrete block stairway, concrete block retaining walls, a rock retaining wall, a graded gravel patio with a concrete block fire pit, and a concrete patio in 2013. The applicant is requesting approval for the aforementioned development which has occurred onsite for compliance with applicable standards in the Natural Resource Overlay, Geologic Hazard Overlay, and Floodplain overlay without permits or land use approval. While the dock was approved by the Department of State Lands, the grading, patio, stairs, and a retaining wall were not reviewed by the City.

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The applicant estimates that 12.1 cubic yards of fill was brought in during the construction of the patio. However, because the site is within the floodplain, no net fill is permitted. Staff recommends a condition of approval to excavate an equal amount of material within the floodplain.

Stormwater treatment and Geologic Hazard review are waived by the City because the impervious surfaces, heights, and amounts of cuts and fills fall under the City's thresholds.

The development created 848 square feet of disturbance area within the Natural Resource Overlay District. It is not clear how much of the area was previously impervious, but the applicant is erring on the side of caution and considering all of the development as new disturbance area. The applicant has proposed mitigation on the portion of the property that is controlled by the applicant through an easement, and the small site area does not allow for the full 2:1 ratio of mitigation. Thus, the applicant requests an adjustment to allow a smaller area and has requested to count the existing native plants on the site towards the required mitigation.

Staff recommends conditions of approval to meet the full planting quantity requirements, not counting existing plants, and has provided four options for the applicant to increase mitigation area to meet the standard.

The following report provides additional conditions of approval pertain to flood regulations, grading, and mitigation plan details.

II. BACKGROUND:

1. Existing Conditions

According to the applicant, the previous owners of the property constructed two patio improvements on the river bank in 2013.

The Applicant has river access through an easement on the subject site. The easement contains a permitted dock, and development of a concrete "Manor Stone" type block stairway for pedestrian access, low "Manor Stone" concrete block retaining walls, a rock retaining wall, a graded fine gravel patio with 356 square feet, grading, a Manor Stone block fire pit, and an approximately 259 square foot concrete patio.

The site is a rocky bank of the railroad grade. The rocky bank consists of rocks and fine gravel with some soil. Existing vegetation is a mixture of native plants, noxious plants, naturalized plants and ornamental plants. The site area from the top of bank to the water is approximately 2,312 square feet. The disturbance area enclosed by the back of walls, stairway, concrete and gravel is approximately 930 square feet, or 40% of the site.

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Figure 1. Aerial photo

Figure 2: Vicinity Map

Project Description

The applicant is requesting approval for existing dock easement improvements including a concrete block stairway for pedestrian access, low concrete block retaining walls, a rock retaining wall, a graded gravel patio with a concrete block fire pit, and a concrete patio.

The site area from the top of bank to the water is approximately 2,312 square feet. The disturbance area enclosed by the back of walls, stairway, concrete and gravel is approximately 930 square feet, or 40% of the site.

The applicant has proposed to provide mitigation for disturbance to the NROD. Due to the limited size of the subject site, the applicant is requesting that the mitigation requirements be interpreted to apply only to the site under the applicant's control.

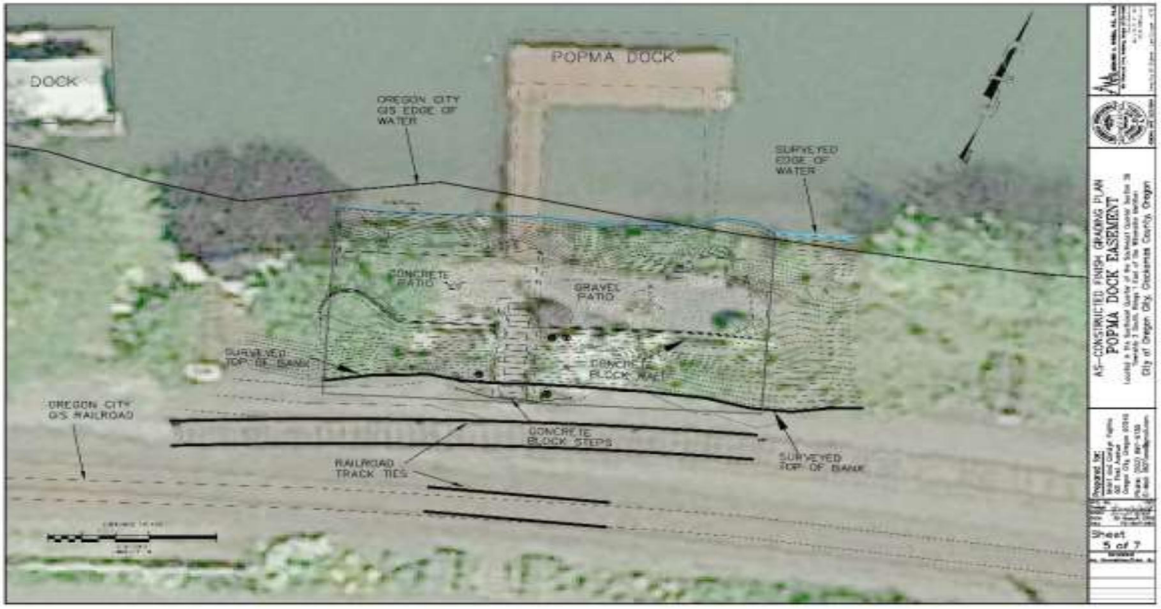

Figure 3. Existing Site Development

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Figure 4. Photograph of Site Development, looking upstream

3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:
   13.12 - Stormwater Management
   15.48 - Grading, Filling and Excavating
   17.12 – R-6 Single Family Dwelling District
   17.41 – Tree Protection
   17.42 – Flood Management Overlay District
   17.44 – Geologic Hazards
   17.48 – Willamette River Greenway
   17.49 – Natural Resources Overlay District
   17.50 - Administration and Procedures
   17.54 – Supplemental Zoning Regulations and Exceptions

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**

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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.

The Natural Resources Committee discussed this application at their November 14, 2018 meeting. The video of the meeting is part of the record for this application.

Public comments submitted include (Exhibit 3):

A letter from the applicant's representative to the Natural Resources Committee explaining the history of the property and that the current owners did not construct the development, but that they are now seeking to correct the work done by the previous owner. The letter requests the support of the NRC in limiting the required improvements to landscaping only.

A letter from Carl Koontz and Joanne Dutra, neighbors of the applicant, regarding the unnatural condition of the land due to road and railroad work. They also state that the riverfront was entirely covered in blackberries in 1992 when they purchased their property.

A comment from ODOT was received regarding railroad crossing at this location.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval. Comments from ODOT are not within the scope of this land use review.

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.

III. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

Chapter 17.12 - "R-6" Single-Family Dwelling District

17.12.020 Permitted Uses

- *A. Single-family detached residential units;*
- *B. Parks, playgrounds, playfields and community or neighborhood centers;*
- *C. Home occupations;*
- *D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- *E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- *F. Accessory uses, buildings and dwellings;*
- *G. Family day care provider, subject to the provisions of Section 17.54.050;*
- *H. Residential home per ORS 443.400;*
- *I. Cottage housing;*
- *J. Transportation facilities.*

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Finding: Complies as Proposed. The development on the property includes a patio and fire pit, which are typical yard/landscaping elements found in the residential zoning districts.

17.12.040.A. Minimum lot area, six thousand square feet;
17.12.040.B. Minimum lot width, fifty feet;
17.12.040.C. Minimum lot depth, seventy feet;
17.12.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet.
17.12.040.E
1. Front yard: ten feet minimum depth.
2. Front porch, five feet minimum setback,
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.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty-foot minimum setback
7. Rear porch, fifteen-foot minimum setback.
17.12.040.F. Garage standards: See Chapter 17.21—Residential Design Standards.
Finding: Not Applicable. No buildings or other improvements other than landscaping enhancement is being proposed as part of this application. This application is being submitted by City request to obtain approval of the existing patio, low manor stone walls and manor stone steps installed by a previous owner prior to the applicant acquiring the property.

17.12.040.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: Not Applicable. There are no existing structures on or being proposed as part of this application.

Chapter 17.54.100 – Fences, Hedges And Walls
Fence, Setback and Height Limitations.
A fence may be located on the property or in a yard setback area subject to the following:
A. Generally. Fence, hedge, or wall.
1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.
3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.
B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

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1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.
Finding: Complies as proposed. The retaining wall height is less than 3.5 feet.

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. The stormwater from the site will leave private property and will discharge into the right of way.

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: Not Applicable. The site improvements did not meet thresholds for requiring stormwater management improvements. The concrete patio is 316 square feet, and the stairs and wall are 180 square feet, totaling 496 square feet. The gravel is not counted as impervious surface for the purposes of this Chapter.

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

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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: Applicable. Existing roadway grind and inlay required of the development is exempt from the standards per subsection 2.d of section 13.12.050 of this report.

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.

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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: Not applicable. The development did not meet the threshold to require water quality, and/or flow control requirements of this chapter.

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: Not applicable. The development did not meet the threshold to require water quality, and/or flow control requirements of this chapter.

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.

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.

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Finding: Not applicable. The development did not meet the threshold to require water quality, and/or flow control requirements of this chapter.

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 application indicated that previous construction activities may have imported fill to the site of approximately 12 cubic yards.

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

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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 with Conditions. Portion of the proposed site is within the flood management area overlay district. The applicant shall submit a grading plan to balance cut and fill within the flood management areas per section 17.42.160 of the Oregon City Municipal Code. **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: Not applicable. The applicant does not proposed any construction activities at this time.

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 with Condition. The applicant will likely perform construction activities that may cause visible or measurable erosion. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. The applicant shall also obtain all permits required by other regulatory agencies. **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.

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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 with Condition. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

GEOLOGIC HAZARDS – CHAPTER 17.44

17.44.025 *- When required; regulated activities; permit and approval requirements.*
No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:
A. Installation or construction of an accessory structure greater than 500 square feet in area;
B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;
C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.
D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;
The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.
Finding: Not applicable. City staff have determined that the work associated with the applicant does not require geologic hazard review or permitting. City staff determination is concurrent with the recommendation provided in a memo (Exhibit 5) written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant).

17.44.030 *- Procedures.*
No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

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A. Where the development is part of a land use permit application, review shall occur in the manner established in Chapter 17.50 for review of land use decisions.
B. Where the development is part of a limited land use permit application, review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.
C. Where the development is solely part of a grading permit or building permit, the city engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.
D. For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for limited land use decisions.

Finding: Complies as proposed. The application has been reviewed by the city and is found to be compliant with the requirements of chapter 17.44 of the Oregon City Municipal Code. This is concurrent with the recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant). The application is approved as submitted.

17.44.035 *- Exemptions.*
The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.
A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;
C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;
D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;
E. The removal or control of noxious vegetation;
F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Applicable. The application meets exemptions identified in section 17.44.035 and the evaluation to exempt the application is consistent with the recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant).

17.44.050 *Development - Application Requirements and Review Procedures and Approvals.*
Except as provided by subsection B of this section, the following requirements apply to all development proposals subject to this chapter:
A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
1) Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field

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reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

a) The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;

b) Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);

c) Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);

d) DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);

e) "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

2) Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

3) Comprehensive information about site topography;

4) Opinion as to the adequacy of the proposed development from an engineering standpoint;

5) Opinion as to the extent that instability on adjacent properties may adversely affect the project;

6) Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

7) Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

8) Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

9) Recommendations and types of considerations as appropriate for the type of proposed development:

a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,

b. Location of residence on lot,

c. Building setbacks from slopes,

d. Erosion control techniques applicable to the site,

e. Surface drainage control to mitigate existing and potential geologic hazards,

f. Subdrainage and/or management of groundwater seepage,

g. Foundations,

h. Embedded/retaining walls,

i. Management of surface water and irrigation water, and

j. Impact of the development on the slope stability of the lot and the adjacent properties.

10) Scaled drawings that describe topography and proposed site work, including:

a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;

b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.

c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

11) For properties greater than 1 acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

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Finding: Complies as proposed. See findings from section 17.44.050.C of this report.

17.44.050.B. *Review Procedures and Approvals require the following:*

1) *Examination to ensure that:*
   a) *Required application requirements are completed;*
   b) *Geologic assessme nt and geotechnical report procedures and assumptions are generally accepted; and*
   c) *All conclusions and recommendations are supported and reasonable.*

Finding: Complies as proposed. See findings from section 17.44.050.C of this report.

17.44.050.B.2 *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*

Finding: Complies as proposed. See findings from section 17.44.050.C of this report.

17.44.050.B.3 *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*

Finding: Complies as proposed. See findings from section 17.44.050.C of this report.

17.44.050.C*. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.*

Finding: Complies as proposed. The city engineer has waived requirements of subsections A and B of section 17.44.050 of the Oregon City Municipal Code. The waiver is concurrent with the recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant).

17.44.060 *Development Standards.*
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

Finding: Not applicable: The property is not proposed for development which will increase density based on the underlying zone classification of the property.

17.44.060.A *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*

Finding: Complies as proposed. City staff have determined that the development has adequately avoided disturbance of natural topography, vegetation and soils.

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17.44.060B *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.*

Finding: Not applicable. Grading or other land disturbance are not proposed at this time.

17.44.060.C *Designs shall minimize the number and size of cuts and fills.*

Finding: Complies as proposed. City staff have determined that the development has adequately minimized the number and size of cuts and fills. The assessment is concurrent with recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant).

17.44.060.D *Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.*

Finding: Complies as proposed. Cuts and fill slopes do not exceed threshold set forth in section 17.44.060 subsection D of the Oregon City Municipal Code.

17.44.060.E *Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.*

Finding: Not applicable. No structural fill is proposed.

17.44.060.F *Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.*

Finding: Complies with condition. The applicant shall obtain (retroactively) all permits necessary for the construction of retaining walls as determined by the Oregon City Building department. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.G *Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.*

Finding: Not applicable. No roads proposed.

17.44.060.H *Density shall be determined as follows*

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1) *For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;*
2) *For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
3) *For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.*

Finding: Not applicable. No dwelling is proposed by the applicant.

17.44.060.I *For properties with slopes of twenty-five to thirty-five percent between grade breaks:*

1) *For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
2) *An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*
3) *No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.*
4) *For those portions of the property with slopes over thirty-five percent between grade breaks:*

a. *Notwithstanding any other City land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable City requirements as well as any applicable State, Federal or other requirements;*
b. *To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*

Finding: Not applicable. No dwelling is proposed by the applicant.

17.44.060.J *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*

Finding: Complies as proposed. The applicant's geotechnical engineer has reviewed the application for compliance with city requirements and has provided recommendations. The recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant) concurs with the recommendations provided by the applicant's geotechnical consultant.

17.44.060.K *At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.*

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Finding: Complies as proposed. The city has utilized Timothy Pfeiffer of Foundation Engineering Inc. to provide peer review for the application. The city's consultant had no comments to be addressed by the applicant's geotechnical consultant.

17.44.060.L *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Finding: Complies as proposed. The city, in consultation with the city's geotechnical consultant, has determined that the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The applicant has paid costs associated with the geologic hazard review of the application by paying the pre-application fee. Since the project has been waived of geologic hazard review, there are no additional costs to be borne by the applicant.

17.44.070 *Access to Property.*

A. *Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.*
B. *Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.*
C. *Points of access to arterials and collectors shall be minimized.*
D. *The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.*

Finding: Not applicable. No driveways are proposed.

17.44.080 *Utilities.*

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.

Finding: Not applicable. No utilities are proposed.

17.44.090 *Stormwater Drainage.*

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to City standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Finding: Not applicable. The level of site disturbance does not trigger requirements for stormwater management.

17.44.100. *Construction Standards.*
During construction on land subject to this chapter, the following standards shall be implemented by the developer:
17.44.100.A *All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*
Finding: Not applicable. Vegetation removal and soil disturbance is not proposed.

17.44.100.B *No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.*
Finding: Not applicable. No grading, clearing or excavation of any land is proposed.

17.44.100.C *Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).*
Finding: Not applicable. The applicant has not proposed work which will cause measurable erosion. The existing conditions have not been identified to cause landslides, mudflows, soil slump and erosion.

17.44.100.D *All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.*
Finding: Complies with condition. The work performed to construct the existing dock area likely caused disturbance of vegetation along the bank of the Willamette River. The applicant shall adhere to requirements from Section 17.49.180 regarding any requirements for planting of vegetation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.100.E *Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.*
Finding: Complies as proposed. No reduction in vegetative cover is proposed at this time.

17.44.100.F *Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.*
Finding: Complies as proposed. The applicant has not proposed to disturb any watercourses.

17.44.100.G *All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.*

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Finding: Not applicable. The applicant has not proposed work which will cause measurable erosion.

17.44.100.H *All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.*
Finding: Not applicable. No new lots are proposed.

17.44.100.I *The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.*
Finding: Not applicable. No construction is proposed at this time.

17.44.100.J *Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.*
Finding: Complies as proposed. The applicant's geotechnical engineer has reviewed the application for compliance with city requirements and has confirmed that it is in compliance. The recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant) concurs with the applicant's geotechnical consultant.

17.44.110 *Approval of Development.*
The city engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the city engineer's opinion, a particular development poses such a hazard, the city engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and March 31st.
Finding: Complies as proposed. The city has determined that the proposal does not pose hazard to life, property, natural resources or public facilities. This determination is concurrent with the recommendation provided in a memo written on February 14, 2018 by Timothy Pfeiffer of Foundation Engineering Inc. (Oregon City's Geotechnical Consultant).

17.44.120 *Liability.*
Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision.
Finding: Complies with condition. Owner(s) of the property associated with the development shall execute a waiver of damages and an indemnity and hold harmless agreement which releases the City from all liability for any damages resulting from the development approved by the City's decision. The applicant share pay associated processing and recording fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 *Compliance.*
Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

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Finding: Complies with condition. Nothing contained in this report shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.140 *Appeal.*
The review authority's decision may be appealed in the manner set forth in Chapter 17.50.
Finding: Not applicable. The applicant does not seek to appeal the City's decision.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

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. There is no emergency related to this application.

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.
Finding: Not applicable. 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 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.
Finding: Complies with condition. The applicant stated that "A permit for the dock has been obtained from the Dept of State Lands and is effective through 2023 at which time a permit renewal will be required." The dock is not the subject of this land use application. In 2013, the City signed off on the

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dock registration for dock under 1000 sf, noting that "No planning review required as long as no improvements are built on land."

Work within the Ordinary High Water (OHW) is required to obtain permits from DSL and the US Army Corps of Engineers. The subject site is located at approximately river mile 27. The applicant stated that the "Ordinary High Water Line" at the site at River Mile 27 per Sheet 9 of 57 of the Willamette River Public Lands Under Jurisdiction of Oregon State Land Board is approximately 58 feet, and provided Sheet 9, dated 1975.
The City does not keep records of Ordinary High Water and cannot confirm the information provided by the applicant.
The applicant shall submit documentation stating if the development requires the approval of the Division of State Lands or the U.S. Army Corps of Engineers, and any required approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 purpose of this application is to obtain approval of the existing improvements as "an approved development activity". No prohibited uses are proposed. No additional or new development is planned for this area.

***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;

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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 prescribed conditions (17.49.090) and therefore requires issuance of an NROD permit. The purpose of this application is to obtain approval of the existing improvements as "an approved development activity".

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.

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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: Applicable. The proposed development includes activities allowed under prescribed conditions and therefore requires issuance of an NROD permit. The patio and stairs are considered accessory to the residence. The purpose of this application is to obtain approval of the existing improvements as "an approved development activity".

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: Complies as proposed. The applicant indicated that no trees have been removed. The plans show a Big Leaf Maple and an Oregon Ash that are proposed to remain. Two other existing trees are ornamental. The applicant shall include the existing Maple and Ash in the protective covenant recorded for the mitigation planting. **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.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 base zone 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 with condition. The applicant's planting plan contains multiple options for species. All plants identified in the mitigation plan are on the Oregon City Native Plant List. The applicant has also proposed to retain some existing non-native, non-nuisance ornamental species.
Prior to planting, applicant shall submit a final mitigation plan indicating the final species selected. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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17.49.100.D*. Grading is subject to installation of erosion control measures required by the City of Oregon;*
Finding: Please refer to the analysis within chapter 15.48 of this report.

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. This section is not applicable; there are no structures existing or 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. This section is not applicable; there are no structures existing or 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: Not Applicable. This section is not applicable as no lighting exceeding 200 watts is proposed.

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: The development is located in the 100 year flood plain and since 12 cubic yards (more than 10 cubic yards) is involved, it classifies as a "Development" under Section 17.04.300.Please refer to the analysis in Chapter 17.42 of this report.

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 proposed. A mitigation plan has been provided for impacts to the regulated buffer. Please refer to the analysis in Section 17.49.180.

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

Protected Water Feature Type (see definitions)	*Slope Adjacent to Protected Water Feature*	*Starting Point for Measurements from Water Feature*	*Width of Vegetated Corridor (see Note 1)*
Anadromous fish-bearing streams	*Any slope*	*• Edge of bankfull flow*	*200 feet*

Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	*< 25 percent*	*• Edge of bankfull flow*	*15 feet*
All other protected water features	*< 25 percent*	*• Edge of bankfull flow • Delineated edge of Title 3 wetland*	*50 feet*
	≥ 25 percent for 150 feet or more (see Note 2)		*200 feet*
	≥ 25 percent for less than 150 feet (see Note 2)		*Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.*

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-anadramous fish bearing stream or wetland shall be fifty feet (50').

Finding: Complies as proposed. The Natural Resource Overlay District associated with this development extends on to the subject site due to the nearby anadromous Willamette River; therefore, the required width of the Vegetated Corridor is 200 feet from the edge of bankfull flow.

***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. This property is not a vacant 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: Complies as proposed. The application is for alternations that exceed 500 square feet. A Site Plan showing the general location of the existing improvements is included as part of this application. The developed area is 848 square feet.The applicant has proposed a Type III application.

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

Finding: Complies as proposed. A mitigation plan has been provided for impacts to the regulated buffer. Please refer to the analysis in Section 17.49.180.

***17.49.140** Standards for Utility Lines*

Finding: Not applicable. No utility lines are proposed.

***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:

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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.

***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;*

***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;*

***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;*

***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*

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

Finding: Complies with Condition. No vehicular roads are proposed, but the staircase is considered a pedestrian path and therefore must meet this standard. No stream crossings are included in the development. The applicant is obligated to comply with DSL and USACE requirements. Mitigation is proposed to address the development; see findings in 17.49.180. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

***17.49.155** Standards for Stormwater Facilities*

Finding: Not applicable. No stormwater facilities are proposed.

***17.49.160** Standards for Land Divisions*

Finding: Not applicable. The applicant has not proposed a land division.

***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. There are no trails on or near the site, nor is there public access.

***17.49.180.** Mitigation Standards*

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

***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;*

Finding: Complies with Condition. It is not clear how much of the area was previously impervious, but the applicant is erring on the side of caution and considering all of the development as new disturbance area. The disturbance area is 848 square feet, which requires 1,696 square feet of mitigation area. The applicant has proposed an adjustment per 17.49.200. See findings in 17.49.200. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

***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.

Finding: Complies with Condition. The proposed mitigation is located on the same site as the disturbance. The applicant has proposed an adjustment per 17.49.200. Staff recommends that additional mitigation be provided to meet the minimum mitigation planting area requirements. Some of the additional mitigation may be provided off site, due to limited space on the subject site. If off-site mitigation is required, it should be located within the Willamette River basin, above Willamette Falls and within the NROD or equivalent overlay in another jurisdiction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

***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.*

Finding: Complies with condition. The proposed mitigation is located within the NROD area of the site. Staff recommends that additional mitigation be provided to meet the minimum mitigation planting area requirements. Some of the additional mitigation may be provided off site, due to limited space on the subject site.

The applicant proposes that only the easement area should be required for mitigation rather than the overall property, which is approximately 84,000 square feet or 1.9 acres. The reason for this requested adjustment is due to the ownership of the parcel; the applicant only controls the easement area, not the remainder of the overall parcel.

If off-site mitigation is required, it should be located within the Willamette River basin, above Willamette Falls and within the NROD. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

***17.49.180.D**. Invasive and nuisance vegetation shall be removed within the mitigation area;*

Finding: Complies as proposed. Invasive vegetation listed on the Oregon City Nuisance Plant List is proposed to be removed within the mitigation area.

***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.

Finding: Complies with Condition. Mitigation Planting Option 2 will be used as it results in more tree plantings. All trees, shrubs, and herbaceous (groundcover) selected for the mitigation plan shall be from the Oregon City Native Plant List. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

***17.49.180.E.2**. Mitigation Planting Option 2.*

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17.49.180.E.2a. *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.*

Finding: Complies with condition. 848 square feet of disturbed area requires 8 trees and 42 shrubs. The applicant's planting plan shows only 7 trees and 35 shrubs. Existing vegetation cannot be counted toward the mitigation planting. The applicant's plan must be revised to include the full amount of new required trees and shrubs. It appears there is room on the applicant's site to accommodate the additional plants. Additional plants may be planted on the applicant's site or offsite as required by other conditions of approval.

The applicant shall revise the planting plan to:

- remove serviceberry from the list of tree options; serviceberry is a shrub and may not be counted as a tree.
- re-label oxalis oregana as "Redwood sorrel" if it is retained in the final mitigation plan.
- remove rush from the list of shrub options; rush is a ground cover.

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

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.*

Finding: Complies as proposed. The Planting Plan indicated compliance with this standard**.**

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.*

Finding: Complies with condition. The Planting Plan included this language, but the spacing in the plan does not meet this standard. The applicant shall revise the mitigation plan to meet plant spacing requirements; however, spacing may be reduced to accommodate additional plants if necessary. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*

Finding: Complies as Proposed. Proposed Irrigation is hand watering by carrying water from the river. The applicant stated that the bank is very steep, and access is difficult due to loose rock. While hand watering is time consuming, the planting area is fairly small and the water source is nearby, reducing the challenge of hand watering. The applicant will be subject to the monitoring and maintenance requirements of this Chapter, including ensuring 80% survival of the plants. Tree water bags and soil amendments for water retention are recommended during the dry months.

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.
Finding: Complies with condition. The applicant indicated compliance with this standard but did not identify final plant selection, instead providing a range of species. There is good diversity in the plant selection shown. Less than 20 trees will be planted. The final mitigation plan shall include at least three different shrub species. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*
Finding: Complies with condition. The application indicated that the proposed mitigation will be monitored and maintained.
The applicant shall comply with the standards for monitoring and maintenance within the NROD per OCMC 17.49.180.F. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*
Finding: Complies with condition. The applicant indicated that the applicant cannot grant an easement as they are not the property owners. However, the property owner is part of the land use application and this standard applies. The property owner shall provide the City with a copy of a recorded covenant or conservation easement per OCMC 17.49.180.G. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.*
Finding: Complies with condition. The applicant indicated that a financial guarantee will be provided to the City. The applicant shall provide the City with a financial guarantee per OCMC 17.49.180.H. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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17.49.190 Alternative Mitigation Standards

In lieu of the above mitigation standards of Section 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan 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.

The report shall document the existing condition of the vegetated corridor as one of the following categories:

Good Existing Corridor:	*Combination of trees, shrubs and groundcover are eighty percent present, and there is more than fifty percent tree canopy coverage in the vegetated corridor.*
Marginal Existing Vegetated Corridor:	*Combination of trees, shrubs and groundcover are eighty percent present, and twenty-five to fifty percent canopy coverage in the vegetated corridor.*
Degraded Existing Vegetated Corridor:	*Less vegetation and canopy coverage than marginal vegetated corridors, and/or greater than ten percent surface coverage of any non-native species.*

B. The proposed mitigation shall occur at a minimum 2:1 ratio of mitigation area to proposed disturbance area;

C. The proposed mitigation shall result in a significant improvement to Good Existing Condition as determined by a qualified environmental professional;

D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;

E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;

F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

Finding: Not applicable. The applicant does not propose alternative mitigation in lieu of the standards in 17.49.180.

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: Complies with Condition. The applicant has not met the standard for planting quantities, and has not met the standard for minimum size of mitigation area. The applicant has proposed an adjustment to these standards. The disturbance area is 848 square feet, which requires 1,696 square feet of mitigation area. The applicant proposes a smaller mitigation area due to the small size of the easement area controlled by the applicant. The proposed number of new trees and shrubs is fewer than required in Mitigation Option B, and the mitigation area is proposed as 1,464 square feet, which is less than the 1,696 square feet required.

The applicant proposes that only the easement area should be required for mitigation rather than the overall property, which is approximately 84,000 square feet or 1.9 acres. The reason for this requested

adjustment is due to the ownership of the parcel; the applicant only controls the easement area, not the remainder of the overall parcel.
The applicant must demonstrate compliance with the standards below in a report by an environmental professional – the applicant's plans were prepared by Leonard Rydell, a Civil Engineer and Land Surveyor. It does not appear that the plans were not prepared by an environmental professional.
Staff also recommends that the applicant provide the full planting quantities required by Mitigation Option B, and that the applicant provide additional mitigation area as discussed in 17.49.200.B. below.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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;*
Finding: Complies with Condition. The development on site is existing and is a violation of the NROD Chapter. The applicant is proposing to correct the violation through mitigation. The applicant is proposing an adjustment to the size of the mitigation area. Staff finds that the applicant has not sufficiently demonstrated the lack of feasible alternatives. In staff's opinion, there are alternatives that can meet the standard for the mitigation area size. Thus, staff proposes conditions of approval in 17.49.200.B below. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;*
Finding: Complies with Condition. The applicant did not sufficiently respond to this section.
Because the development is existing, this standard requires that the overall combined development plus mitigation would have fewer adverse impacts than if the applicant proposed the development today and met the mitigation standards in this Chapter.
The disturbance area is 848 square feet. The standards require a mitigation area of 1696 square feet, with planting requirements of 8 trees and 42 shrubs. The applicant has proposed only 1,464 square feet of mitigation planting, and fewer trees and shrubs. Mitigation of a smaller area than what is required cannot be found to have fewer adverse impacts; thus, the applicant's proposal does not meet this standard. The applicant shall complete the proposed mitigation with full planting quantities plus one of the following, in order to meet the mitigation area size requirement or to otherwise provide equivalent mitigation:

1. Add additional area of mitigation that will meet the 1,696 square feet minimum. This will require an additional 232 square feet of mitigation area. The applicant may plant some of the required trees and shrubs in this additional area.
2. Remove invasive plants in additional areas outside of the applicant's easement on the subject property. The area of invasive removal shall be larger than the required mitigation area to make up for the lack of mitigation planting area. The invasive removal area shall be double the mitigation area requirement: 1696x2=3392 square feet. The applicant proposes a mitigation area of 1464 sf on the applicant's easement area. 3392-1464 is 1928. Therefore, applicant shall add invasive removal of 1928 square feet on the subject property.

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3. Provide off-site mitigation of 232 square feet. The applicant may propose mitigation on private or public land with the permission of the property owner. A covenant compliant with this Chapter shall be required, if the mitigation is located on private property. The applicant may plant some of the required trees and shrubs in this additional area.
4. Provide enhanced mitigation planting within the 1,464 square feet proposed. This may come in the form of additional plants and highly functional/valuable/rare plant species. The applicant's mitigation report should explain how the enhanced plantings provide an improved outcome over the minimum required native plantings, and how they achieve the functional values in 17.49.010.

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

17.49.200.C*. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*
Finding: Not applicable. The applicant is submitting this application to gain approval for existing patio improvements installed by a previous owner.

17.49.200.D*. Fish and wildlife passage will not be impeded;*
Finding: Complies as proposed. The applicant is submitting this application to gain approval for existing patio improvements installed by a previous owner. The development does not cause additional wildlife passage impacts within the NROD other than those already present from the existing developments within the project vicinity.

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*
Finding: Complies as proposed. The applicant proposes to meet the planting requirements. Only the size of the mitigation area is proposed for the adjustment.

17.49.200.F*. The applicant has proposed adequate mitigation to offset the impact of the adjustment.*
Finding: Complies with condition. Please refer to the analysis in Section 17.49.200.B.

17.49.210 *Type II Development Permit Application*
Finding: Not Applicable. The applicant has proposed a Type III 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 with condition. The applicant's mitigation plan was stamped by a civil engineer, and it does not appear that the report was prepared by an environmental professional. Also, the submittal materials do not address letters B, C, and E above. The applicant shall provide a report prepared by an

environmental professional that fully addresses the requirements in Chapter 17.49.230. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.49.240 *Density Transfer*
Finding: Not applicable. The proposal does not include a density transfer.

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: Not applicable. The development proposal does not include a Verification of the NROD boundary.

17.49.260. *Type II Verification*
Finding: Not applicable. The development proposal does not include a Type II Verification request.

17.49.265 *- Corrections to violations.*
For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met then the applicant's remediation plan shall demonstrate that there will be:

A. No permanent loss of any type of resource or functional value listed in Section 17.49.10, as determined by a qualified environmental professional;
B. A significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional; and
C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

Finding: Complies with condition. The applicant's mitigation plan was stamped by a civil engineer, and it does not appear that the report was prepared by an environmental professional. The applicant proposes adjustments to the standards in this chapter; therefore, the plan must demonstrate compliance with A, B, and C above. The applicant has not addressed this code section in the mitigation plan. The applicant shall provide a report prepared by an environmental professional that fully addresses the requirements in Chapter 17.49.230 and 17.49.265. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.48 WILLAMETTE RIVER GREENWAY

17.48.010 - Designated.

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This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

Finding: Applicable. The purpose of this application is to obtain approval of the existing development on the Willamette River.

17.48.020 - Purpose.

The purpose of this chapter is to:

A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;
B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;
C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.

Finding: Complies with Condition. The applicant has submitted this applicant to correct actions done without permits in the past. The action includes development of a patio and stairs and may have involved grading and addition of fill material. The applicant shall meet the conditions of approval of this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.48.040 - Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

Finding: Complies as Proposed. The site is within the R-6 Single Family Dwelling District**.** The development on the property includes a patio and fire pit, which are typical yard/landscaping elements found in the residential zoning districts.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
C. Customary dredging and channel maintenance;
D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;
H. The use of a small cluster of logs for erosion control;
I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;
J. The maintenance and repair of existing flood control facilities;

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K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.

Finding: Not Applicable. The development is not an exception to this Chapter.

17.48.060 - Administrative procedure.

Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.

Finding: Complies as Proposed. The application is being processed pursuant to Chapter 17.50.

17.48.070 - Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.

Finding: Complies as Proposed. Section C.3.b of Goal 15 states: *"(1) Local, regional and state recreational needs shall be provided for consistent with the carrying capacity of the land; (2) Zoning provisions shall allow recreational uses on lands to the extent that such use would not substantially interfere with the long-term capacity of the land for farm use are defined in ORS 215.203 (3) The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable; (4) The public parks established by section 8a of Chapter 558, 1973 Oregon Laws, shall be set forth in Oregon Laws, shall be set forth on the appropriate comprehensive plans and zoning established which will permit their development, use and maintenance;"*

The recreational use of this property is private and is not a public park nor is it utilized for public recreation. The use does not interfere with farm uses.

B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.

Finding: Complies with Condition. Section C.3.d of Goal 15 states: *"Significant fish and wildlife habitats shall be protected;".* Fish and wildlife habitats are protected by the City's Natural Resource Overlay District and the Department of State Lands. The applicant shall meet the conditions of approval in Chapter 17.49 of this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.

Finding: Complies as Proposed. Section C.3.d of Goal 15 states *"identified scenic qualities and viewpoints shall be preserved;"* The development is located in an urban, developed area. It is not a viewpoint identified in the City Comprehensive Plan. The development does not disturb any scenic qualities.

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D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.
Finding: Not Applicable. The development is not timber resource.

E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.
Finding: Not Applicable. The development is not an aggregate extraction.

17.48.080 - Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.
B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.
C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.
D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.
E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.
F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Finding: Complies with Condition. The applicant has submitted this applicant to correct actions done without permits in the past. The action includes development of a patio and stairs and may have involved grading and addition of fill material. The subject property is privately owned and no public recreation use takes place on the site. The development does not impact public access. The development is a dock and patio; a water related use. No structures are proposed. In order to protect the vegetative fringe, staff recommends the conditions of approval found in Chapter 17.49 of this staff report. The applicant shall meet the conditions of approval of this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.48.090 - Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Finding: Complies as Proposed. The application is being processed pursuant to Chapter 17.50.

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17.48.100 - Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.
   1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.
   2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 17.48.080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter 17.52 to defray the costs of publication, investigation and processing.

Finding: Complies with Condition. The property is within the compatibility boundary. The applicant has submitted this applicant to correct actions done without permits in the past. The action includes development of a patio and stairs and may have involved grading and addition of fill material. The subject property is privately owned and no public recreation use takes place on the site. The development does not impact public access. The development is a dock and patio; a water related use. The applicant proposes to plant all undeveloped portions of the easement area with vegetation. No structures are proposed. In order to provide the maximum possible landscaped area, staff recommends the conditions of approval found in Chapter 17.49 of this staff report. The applicant shall meet the conditions of approval of this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.48.110 - Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Finding: Not Applicable. The development is not one of the above listed prohibited activities.

17.48.120 - Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:

A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
   1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
   2. Elevations of any proposed structures;
   3. Materials list for any proposed structures, including type and colors of siding and roofing; and
   4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
   2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Finding: Complies as Proposed. The application is being processed pursuant to Chapter 17.50. The applicant provided the necessary materials for review. No structures are proposed.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.020 - Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
B. The flood management areas which have been mapped include the following locations:
1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and
2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Applicable. The subject site is within the Flood Management Overlay District; compliance is required.

***17.42.040** - Compliance.*

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this Chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

Finding: Applicable. The subject site is within the 100 year floodplain and the 1996 flood inundation. Compliance with this Chapter is required.

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17.42.040.A *Development Permit.*

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Applicable. The subject site is within the 100 year floodplain and the 1996 flood inundation. The applicant submitted this application to determine compliance with this chapter.

17.42.110 *- Information to be obtained and maintained.*

The building official shall:

A. Where base flood elevation data is provided through the flood insurance study, FIRM or required as in Section 17.42.100, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in Section 17.42.080:

1. Verify and record the actual elevation (in relation to mean sea level); and

2. Maintain the floodproofing certifications required in Section 17.42.080C.3.;

3. Maintain for public inspection all records pertinent to the provisions of this Chapter.

Finding: Complies with condition. A building permit is not required for the construction of a patio slab or the stairs built on grade or for the landscaping walls based on Oregon Residential Specialty Code Section R105.2 exception #5 and interpretation from Oregon Building Codes Division 14-03. However, a Floodplain development permit is required to verify that applicant has proved adequate anchoring of any construction completed within a floodplain. A registered professional engineer report is required to determine that the aforementioned items are properly anchored and will not become dislodged during an event. An elevation certificate completed by a licensed surveyor is required to be submitted as part of the Floodplain Development permit. Prior to issuance of permits, the applicant shall submit adequate documentation to the building official to comply with OCMC 17.42.110. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.120 *- Alteration of watercourses.*

A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
Finding: Not Applicable. The applicant has not proposed to alter a watercourse with this development.

***17.42.130** - Map administration.*
Finding: Not applicable. The applicant has not proposed a map correction with this development application.

***17.42.140** - Appeals and variance procedure.*
Finding: Not applicable. The applicant has not proposed an appeal or variance.

***17.42.150** - Conditions for variances.*
Finding: Not applicable. The applicant has not proposed a variance to the floodplain.

***17.42.160.A** - Flood management area standards.*
Uses Permitted Outright:
1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).
Finding: Not applicable. The development included grading and construction of stairs and a patio within the floodplain. The development is not permitted outright.

***17.42.160.B** Provisional Uses.*
1. *All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.*

Finding: Complies as proposed. No change of use is proposed. This application is being submitted to obtain approval for existing facilities that have been in place for five years. The patio and dock are permitted within the flood plain.

***17.42.160.C** Prohibited Uses.*
1. *Any use prohibited in the base zone;*
2. *Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.*

Finding: Not applicable. The applicant did not propose prohibited uses.

***17.42.160.D.1** Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:*
This subsection 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: Not applicable. The proposed improvements are not in response to an emergency situation.

***17.42.160.D.2** No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

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Finding: Complies with condition. The applicant states:

"The purpose of this application is to obtain City approval for improvements installed by others prior to 22 July 2013 and prior to the applicant's purchase of the property and dock use easement in December 2014. No new work is proposed.
Based on a site survey and testimony of the contractor, cuts and fills on the site in 2013 were less than 25 cubic yards. The applicant is not requesting any new cuts or fills. The applicant is requesting approval of the existing improvements installed prior to 22 July 2013. The patio area is located on fill placed decades ago as part of constructing the railroad grade. The only imported materials were concrete blocks, fine gravel and concrete which totaled approximately 12 cubic yards.
The cross section area of the added material is approximately five square feet. Since the cross sectional area of the Willamette River at this point is in the range of 68,000 square feet, the impact of the added material is basically un-measureable.
The placement of a concrete block retaining wall on a previously unsupported loose rock fill may improve the stability of the existing bank and railroad grade and reduce erosion during the higher flood events."

Because the work was performed five years ago, it is not certain exactly how much fill was added to the site. The applicant has estimated that 12.1 cubic yards were brought in. The City provided LIDAR maps before and after the development that suggest a larger amount of fill, however, the applicant has identified potential inaccuracies and limitations of that data. In the absence of any better data sources, staff concurs with the applicant's estimate of the amount of fill.

The applicant has not proposed cut to balance the 12.1 cubic yards of fill that was added to the floodplain.

The applicant shall submit documentation from an engineer certifying that the project will not result in net fill within the floodplain. The applicant may utilize cut on other properties within the Willamette River 100-year floodplain, if that cut has not already been used to balance a fill. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.D.3 *Any excavation below bankfull stage shall not count toward compensating for fill.*
Finding: Complies with Condition. The applicant has not proposed excavation below bankfull stage. Any excavation used to balance the fill for the development must not be below bankfull stage. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.D.4 *Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*
Finding: Complies with condition. The applicant has not proposed cut to balance the 12.1 cubic yards of fill that was added to the floodplain. Excavation on the subject property would be at or near bankfull

stage, and much of the property supports the railroad embankment, so it may not be practicable to balance on the subject property.
The applicant shall submit documentation from an engineer certifying that the project will not result in net fill within the floodplain. The applicant may utilize cut on other properties within the Willamette River 100-year floodplain, if that cut has not already been used to balance a fill. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.D.5 *For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*
17.42.160.D.6 *For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.*
Finding: Not applicable. The property is not specifically identified by the City to remain dry or set during the summer.

17.42.160.D.7 *Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.*
Finding: Not applicable. The property does not contain a parking area.

17.42.160.D.8 *Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.*
Finding: Not applicable. No temporary fills are proposed.

17.42.160.D.9 *New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.*
Finding: Not applicable. The development is not a culvert, stream crossing, or transportation project.

17.42.160.D.10 *Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.*
Finding: Not applicable. The development is not a detention facility or levee.

17.42.160.E.1 *Construction Standards.*
1. Anchoring.
   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
   b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

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Finding: Complies with condition. A building permit is not required for the construction of a patio slab or the stairs built on grade or for the landscaping walls based on Oregon Residential Specialty Code Section R105.2 exception #5 and interpretation from Oregon Building Codes Division 14-03. However, a Floodplain development permit is required to verify that applicant has proved adequate anchoring of any construction completed within a floodplain. A registered professional engineer report is required to determine that the aforementioned items are properly anchored and will not become dislodged during an event. An elevation certificate completed by a licensed surveyor is required to be submitted as part of the Floodplain Development permit. Prior to issuance of permits, the applicant shall submit adequate documentation to the building official to comply with OCMC 17.42.160.E.1. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.E.2 *Construction Materials and Methods.*

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Finding: Complies with condition. A building permit is not required for the construction of a patio slab or the stairs built on grade or for the landscaping walls based on Oregon Residential Specialty Code Section R105.2 exception #5 and interpretation from Oregon Building Codes Division 14-03. However, a Floodplain development permit is required to verify that applicant has proved adequate anchoring of any construction completed within a floodplain. A registered professional engineer report is required to determine that the aforementioned items are properly anchored and will not become dislodged during an event. An elevation certificate completed by a licensed surveyor is required to be submitted as part of the Floodplain Development permit. Prior to issuance of permits, the applicant shall submit adequate documentation to the building official to comply with OCMC 17.42.160.E.2. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.42.160.E.3 *Utilities.*

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Finding: Not applicable. No utilities are proposed.

17.42.160.E.4 *Residential Construction*

a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.

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b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Finding: Not applicable. The development is not a residential structure.

17.42.160.E.5 *Nonresidential Construction.*

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;

ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Finding: Not applicable. The development is not a considered a structure for the purposes of this code section.

17.42.160.F *Recreational Vehicles.*

Finding: Not applicable. The development proposal did not include placement of recreational vehicles within the floodway.

17.42.160.G *Below Grade Crawlspaces.*

Finding: Not applicable. The development is not a structure with crawlspaces.

17.42.170 *- Review of building permits.*

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering

use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
Finding: Not Applicable. A building permit is not required for the construction of a patio slab or the stairs built on grade or for the landscaping walls based on Oregon Residential Specialty Code Section R105.2 exception #5 and interpretation from Oregon Building Codes Division 14-03.

17.42.180 *- Subdivision standards.*
Finding: Not applicable. The applicant has not proposed a subdivision with this proposal.

17.42.190 *- Floodways.*

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Finding: Complies with condition. The applicant indicates that the project is outside of the floodway. An elevation certificate completed by a licensed surveyor is required to be submitted as part of the Floodplain Development permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.
Finding: Complies with Condition. The application is being reviewed pursuant to the Type III process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper. The site is within the Historic Overlay District. Walls and fences are regulated within the historic overlay. The applicant shall obtain a certificate of appropriateness from the Historic Review Board for the concrete block wall, or shall modify the wall in order to obtain a certificate of appropriateness. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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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 18-21) on May 29, 2018. The land use application was submitted within 6 months of the pre-application conference on September 6, 2018. The application was deemed complete on October 6, 2018.

17.50.055 Neighborhood Association Meeting

Finding: Not Applicable. A neighborhood meeting is not required for NROD or Geologic Hazard applications.

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 land use application was submitted within 6 months of the pre-application conference on September 6, 2018. The application was deemed complete on October 6, 2018.The City has until February 2, 2019 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. The land use application was submitted within 6 months of the pre-application conference on September 6, 2018. The application was deemed complete on October 6, 2018.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300 feet of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general

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circulation newspaper. Staff provided email transmittal or the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.
Finding: Complies as Proposed. The site was posted with a sign at least 20 days prior to the public hearing.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that development at the site located at 1st Avenue between Miller and Jerome Streets, Clackamas County Map 2-1E-36DD, Tax Lot 200, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Staff recommends approval with conditions.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Geologic Hazard Memo from Tim Pfeiffer

Oregon City GIS Map

Legend

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

Notes

Overview Map

0 200 400 Feet

1: 2,400

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 10/22/2018

City of Oregon City
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I. File Name – ***"Popma Report Cover Letter"*** (1 page)

II. File Name – ***"Land Use Application Form - signature page"*** (1 page)

III. Land Use Application & Report - Popma Submittal Application

A. File Name – ***"Part #1-Land Use Application & Report - Popma Submittal Application"*** (60 pages)
B. File Name – ***"Part #2-Land Use Application & Report - Popma Submittal Application - 7 Drawings"*** (7 pages)

IV. Engineer Report-Canemah Club / (Additional Background Information)

A. File Name – ***"Part #1-Revised Popma Dock Report + Exhibits 1-4…"*** (23 pages)
B. File Name - ***"Part #2-Popma Dock report Exhibits 5-11"*** (22 pages)

LEONARD A. RYDELL, P.E., P.L.S., W.R.E. **Consulting Civil Engineer - Land Surveyor**

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 Mobile: (503) 781-4138
LARydell@Teleport.com

4 August 2018

Brant and Carolyn Popma
510 First Avenue
Oregon City, Oregon 97045

Re: Popma Patio and Dock Land Use Application

Dear Brant and Carolyn,

Enclosed, for your information and use, please find the land use application that I prepared to address the City of Oregon City Requirements for the existing dock easement with an existing patio, dock and dock ramp that was installed in 2013, prior to you purchasing the property and easement.

The Land use application consists of two reports:

"Engineering Report, Caneman Club" for the Popma Dock
Part 1 - Pages 1 through Exhibit 4 *Popma Dock Report Exhibits+Exhibits 1-4(R-2).pdf*
Part 2 - Exhibits 5 through 11 Popma Dock Report Exhibits 5-11.pdf

"Land Use Application, Brandt and Carolyn Popma"
Land Use Application and Report *Popma Submittal Application and DWGS.pdf*

To complete the application, a site investigation Geo-Hazard report will be submitted by Jim Imprie, P. E. of GeoPacific, Inc.

It was a pleasure working with you on this application, and should you have any questions, please feel free to contact this firm.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E., M.A.S.C.E.
LAR/lar
encl: as stated

OREGON CITY

Community Development – Planning

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LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
☐ Compatibility Review	☐ Extension	☐ Annexation
☐ Lot Line Adjustment	☐ Detailed Development Review	☐ Code Interpretation / Similar Use
☐ Non-Conforming Use Review	☒ Geotechnical Hazards	☐ Concept Development Plan
☐ Natural Resource (NROD) Verification	☐ Minor Partition (<4 lots)	☐ Conditional Use
☐ Site Plan and Design Review	☐ Minor Site Plan & Design Review	☐ Comprehensive Plan Amendment (Text/Map)
	☐ Non-Conforming Use Review	☐ Detailed Development Plan
	☐ Site Plan and Design Review	☐ Historic Review
	☐ Subdivision (4+ lots)	☐ Municipal Code Amendment
	☐ Minor Variance	☐ Variance
	☒ Natural Resource (NROD) Review	☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Type III Natural Resources Review & Geotechnical Hazards review for an existing boat dock, patio and access stairs.

Project Name: Popma Dock Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: No physical site address, North side of 1st Ave. between Miller & Jerome

Clackamas County Map and Tax Lot Number(s): 2-1E-36DD, Tax Lot 200

Applicant(s):

Applicant(s) Signature: Brant Z Popma Carolyn Popma

Applicant(s) Name Printed: Brant & Carolyn Popma Date: 9/1/2018

Mailing Address: 510 First Avenue, Oregon City, OR 97045

Phone: (503) 997-6755 Fax: _____ Email: bcpopma@gmail.com

Property Owner(s):

Property Owner(s) Signature: K Baysinger

Property Owner(s) Name Printed: Canemaha Club, Attn: Ken Baysinger Date: Sept 3 2018

Mailing Address: 516 First AvenueOregon City, Oregon 97045

Phone: (503) 502-5557 Fax: _____ Email: k.baysinger@comcast.net

Representative(s):

Representative(s) Signature: Richard E. Givens

Representative (s) Name Printed: Rick Givens, Planning Consultant Date: 9-1-2018

Mailing Address: 18680 Sunblaze Dr. Oregon City, OR 97045

Phone: 503-479-0097 Fax: 503-479-0097 Email: rickgivens@gmail.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.

LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625
(503) 538-5700 Mobile (503) 781-4138
LARydell@Teleport.com

LAND USE APPLICATION

Brandt and Carolyn Popma

For An Existing Patio and Dock Access

Located on the Bank of the Willamette River

City of Oregon City

Clackamas County, Oregon

30 August 2018

PREPARED FOR:

Brant and Carolyn Popma
510 First Avenue
Oregon City, Oregon 97045

Phone: (503) 997-6755
E-Mail: bcpopma@gmail.com

RENEWAL DATE 12/31/2018

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APPLICANT AND SITE INFORMATION

APPLICANT	Brant and Carolyn Popma 510 First Avenue Oregon City, Oregon 97045 Phone: (503) 997-6755 E-Mail: bcpopma@gmail.com
PROPERTY OWNER	Canemaha Club Attn: Ken Baysinger 516 First Avenue Oregon City, Oregon 97045 Phone: (503) 502-5557 E-Mail: k.baysinger@comcast.net
ENGINEER/SURVEYOR:	Leonard Rydell, P.E., P. L. S., W. R. E. 601 Pinehurst Drive Newberg, OR 97132-1625 Phone: 503-538-5700 E-Mail: larydell@teleport.com
GEOTECHNICAL ENGINEER:	James Imbrie, P.E. 14835 S. W. 72nd Avenue Tigard, OR 97224-7911 Phone: 503-849-7544 E-Mail: jimbrie@geopacificeng.com
LAND USE CONSULTANT:	Richard Givens 18680 Sunblaze Drive Oregon City, OR 97045 Phone: 503-351-8204 E-Mail: RickGivens@gmail.com
REQUEST:	Land Use and City Approval of an Existing Riverbank Patio and Stairway
TAX LOT:	Tax Lot 200, Map No. 2-1E-36DD
COMPREHENSIVE PLAN:	LR - Low Density Residential
ZONING:	R6 - Single Family Dwelling
SIZE:	336 Square Feet of Floating Dock plus 124 Square Feet of Ramp to Dock
LOCATION:	East Bank of the Willamette River above Willamette Falls at River Mile 27.25

BACKGROUND AND HISTORY OF THE POPMA DOCK SITE

The project is located on the East bank of the Willamette River, approximately 1,430 feet upstream of the Willamette Falls at Oregon City.

On 16 September 1865, the plat of "CANEMAH, OREGON TERRITORY" was "filed for record" by F. M. Bacon, Clerk. The dock site is across "Water Street" (now 1st Street) which fronts Lot 3, Block 2, the location of the Popma Residence. The widths of Water Street at this location is not shown on the original plat, but four lots, which are mostly now in the river, are platted across Water Street 172 feet East of the Popma Residence.

A railroad has been constructed between the Popma Residence and the Willamette River, and based on Google Earth Photos, it appears that there used to be three tracks to the Northeast, combining into two tracks between the Popma house and the dock site, one of which dead ends just South of the Popma residence and dock.

The entire bank along the river frontage in the area of this application appears to consist of materials imported as part of the construction of the railroad embankment. Materials noted include large rocks, large gravel and smaller gravel. The applicants and the contractor of the patio improvements covered by this application both have stated that the railroad routinely adds rock along the railroad grade.

Summer water levels also appear to be higher due to the dikes places along the upper side of the Willamette River Falls.

In conclusion, due to construction of the railroad and the multiple tracks, the site is not original undisturbed river frontage, nor has it been so for decades.

In an e-mail received on 3 August 2018, the contractor, Ryan Smith, stated, *"There has always been a natural shelf between the railroad line and the water that extends for several hundred feet along the waterfront."*

HISTORY OF THE PATIO IMPROVEMENTS

The current grading of the Popma site, the subject of this application, occurred prior to April 16th, 2013 based on a photo provided by Ryan Smith, the contractor for the Dock (Exhibit 1C of the Engineering Report for the Popma Dock.) The photo shows large rock forming the toe of the patio area and a concrete block "Manor Stone" type concrete wall along the edge of the cut bank. These are the improvements in place today and approval of these improvements is the subject of this land use application.

The original dock permit (Exhibit 1A of the Popma Dock Engineering Report) has the block checked that states, *"This project is not regulated by the local comprehensive plan and zoning ordinance."* It also stated under the Comments Section, *"Small residential docks are*

exempt from Planning Permits as long as no improvements are built on land."

A Google Earth image dated July 2013 (Exhibit A) shows that the dock, gravel patio (352 square feet), concrete patio (316 square feet), and the manor stone walls and stairway had been completed on the date of 16 April 2013 at the time of approval by the City that same day..

The site area from the top of bank to the water is approximately 2,312 square feet. The disturbance area enclosed by the back of walls, stairway, concrete and gravel is approximately 930 square feet, or 40% of the site.

The applicant and current owner purchased the property in December, 2014, a year after all construction was complete.

The City of Oregon City is requiring the Canemah Club, who owns the river front property (Tax Lot 200), to prepare a land use application to resolve planning concerns for two patio improvements constructed on the river bank. This application is a request by the owner of the Northeastern improvement and easement area, who acquired the easement area in December 2014, to obtain the required planning and engineering approvals of the improvementss constructed by the previous owner of the river front easement area in April 2013.

CITY OF OREGON CITY CONCERNS

One of the concerns listed by the City of Oregon City is the lack of a permit for the grading and improvements installed on the site. The purpose of this application is to determine what site grading was done, the amounts of cuts and fills, and meeting current applicable City excavation, fill and grading requirements along with storm water management and water quality requirements if applicable..

Due to the proximity to the river, the City of Oregon City has determined that storm water detention is not required.

The City of Oregon City requested volume calculations to determine the amount of material moved based on City Lidar Data. The Engineering Department of Oregon City provided a "Comma Separated Values x,y,z File" for the 2004 Lidar (before construction), and a CSV file for the 2014 Lidar (after construction). The 2004 file contained 368 data points and the 2014 file contained 6,046 data points.

In order to correlate the LIDAR data with the location of the physical improvements on the ground, the City of Oregon City provided a DXF file of the lot lines on the City Coordinate System. I plotted the original plat of "CANEMAH" in AutoCAD and moved and rotated it to get a fairly good fit with the lot lines of the City coordinate system.

I then imported a Google Earth Image into the drawing and scaled it so that the street improvements matched the City DXF file right-of-way lines and that the railroad tracks matched the surveyed railroad tracks.

I then imported my ground topography survey into the drawing and translated and rotated it to match the railroad rail location measurements to the City Coordinate System and the Google Earth aerial photo. I then used this base drawing to prepare the exhibits.

It should be noted that the Google Earth image in not an ortho photo, so it is hard to get it scaled properly when there is a substantial change in elevation. Therefore, while the street locations and railroad tracks match the photo, the actual dock location as surveyed does not.

In reviewing the 2004 LIDAR Data, it appears that out of the 356 points provided, only seven points are within the study area. This is not enough information to determine pre-developed site characteristics.

A map titled ”Oregon City 2004 Lidar Contours” using the 2004 City LIDAR data was prepared and is attached. In reviewing the map, one can note:

1. The surveyed top of bank along the abandoned rail lines does not match the LIDAR contours. The top of the stairway (constructed in 2013) was measured at 75.3 feet, but the LIDAR elevation is 73 feet. Other points in the area indicate a difference of approximately 2.5 feet.

2. The apparent toe of the bank at the water line extends matches fairly well with the current water line.

In conclusion, the 2004 LIDAR contour map does not appear to be a good basis to determine pre-development site conditions.

A map titled ”Oregon City 2014 LIDAR Contours” using the 2014 City LIDAR data was prepared and is attached. In reviewing the map, one can note:

1. The gravel bed railroad elevations along the railroad in front of the Popma Residence match the 2004 LIDAR elevations fairly closely.

2. The contours along the river match fairly well

3. The surveyed top of bank is closer to the river than shown by the contours. It tends to indicate a shift in position between the 2004 LIDAR data and the 2014 LIDAR data.

4. In reviewing the 2014 LIDAR Point Data, it appears that there is a large area containing 800 square feet of the development site that contains only four data points. This reduces the reliability of the data.

In conclusion, the 2014 LIDAR contour map does not appear to match the current conditions. This again, would skew the results of any comparison.

As another check on the data, the elevation of three points, one from each datum, were compared. The group of points are within one foot of each other. Elevations are as follows:

DATUM	Point 1	Point 2
2004 LIDAR	70.51	59.05
2014 LIDAR	66.90	60.01
Topography Survey	72.14	62.18

While the LIDAR elevations between all three surveys match fairly well along the railroad grade, they are inconsistent on the banks with differences up to five feet as shown above.

However, to meet the City requirement, two mathematical surfaces were created based on the supplied points. Then, a rectangle was drawn to include the area of the Popma's improvements from the top of the bank to the water level, and the volume differences between the two surfaces based on a one square foot grid was calculated. The calculated results are:

POPMA-FINAL
Cut = 92 yards Fill = 21 yards
Net = 71 yards CUT

Since no dirt was hauled off, and only about twelve cubic yards of concrete, gravel and concrete block walls and steps were imported, it appears that the LIDAR calculations have little to no relevance to what actually happened. Copies of the maps of the two LIDAR surfaces are attached.

In an attempt to clarify what actually happened, I performed a topography survey of the site to determine the size of the impervious areas and the limits of the work areas. The existing improvements and grades are shown by the "Finish Grading Plan" (Sheet 5 of 7).

I calculated the volumes of materials cut and fill based on using only grades at the top of the wall and the toe of the rocks between the patio and the river. This came up with 7 cubic yards of cut and 52 cubic yards of fill for a net 45 cubic yards of fill. However, the only fill is amount of cut plus the materials imported into the site, so I made an estimate of the imported fill as follows:

IMPORTED CONCRETE BLOCKS

DESC.	STEPS	BLOCKS	TOTAL	BLOCK VOLUME	TOTAL VOLUME	CUBIC YARDS
STEPS	17	189	189	0.433	81.84	3.03
North Wall	34	4	136	0.433	58.89	2.18
West Wall	30	5	150	0.433	64.95	2.41
					205.68	7.62

IMPORTED GRAVEL FILL AND CONCRETE

AREA	AREA SQ.FT.	ROCK DEPTH	CONC. DEPTH	TOTAL DEPTH	VOLUME CU.FT.	CUBIC YARDS
Concrete	316	3	4	7	81.93	3.03
Gravel	353	3	0	3	39.22	1.45
					121.15	4.49

TOTAL ESTIMATED IMPORTED FILL **12.10**

A cross section of the bank slope and improvements is attached. The total net fill would be the amount of cut (7 cubic yards) plus the imported fill of 12 cubic yards for a total of 19 cubic yards.

To balance, the cut should be 19 cubic yards, but since the calculated fill is 52 cubic yards, and the difference of 33 cubic yards can only be explained by the original bank not being a straight slope from the existing bank toe at the existing top of the block wall to the surveyed toe of the large rock embankment along the river. The only "fill" to make up the excess difference of approximately 33 cubic yards of fill would be if the original bank did not slope as calculated, but in fact there would have been a "shelf" along the bank. This would have little impact on the cut, but would decrease the fill.

I contacted the original contractor, Ryan Smith, regarding the work done at the site. He stated in an e-mail to me dated 6 August 2018, stated, *"We did not shave off the bank at all. It was and is in its original undeveloped condition. The only regrading to take place would have come from the railroad. They regularly add rock material to that area and have equipment to reshape their gravel berm.. There has always been a natural shelf between the railroad line and the water that extends for several hundred feet along the waterfront."*

I also asked him how many cubic yards of materials were imported, and his responses were:

1. How much material gravel below the concrete patio (cubic yards) did you import?

Answer: *3 yards total of fine gravel. The coarse railroad gravel is in abundance there so the fine was used to smooth out.*

2. How much fine gravel did you import (cubic Yards)?

Answer: *2-3 yards total, including under patio.*

3. How many cubic yards of concrete did you install?

Answer: *I"m guessing here, but I would say no more than 3 yards.*

To check those calculations, I did my own spreadsheet calculations (stated above) that matched his testimony.

My calculations based on my site survey of the developed gravel and concrete areas matches his recollection of what was done. It should be noted that importing materials would be difficult due to having to cross two railroad tracks or having to transport materials by water from the river.

Concrete block steps and walls were also installed. The blocks are 6" high, The North wall is four blocks high but only 1.75 ± feet above the gravel, and the South wall is five blocks high but only 1.4' ± feet above the concrete sidewalk, so any cuts and fills to finish grade would have likely been under two feet..

GRADING CONCLUSION

In conclusion, the LIDAR data is not reliable, and cannot be used to determine pre or post construction conditions or cut and fill volumes..

There is no way to reliably retroactively determine the original site topography, so it is not possible to calculate the cut and fills involved in the original construction.

Calculations showing an excess of fill calculated from a straight grade between the top of wall to toe of rocks indicate that the testimony from the builder is correct when he stated that there was originally a shelf along the river.

In conclusion, the original cuts and fills are well under 50 cubic yards and may be less than 20 cubic yards.

LANDSCAPING

The applicants have an easement from the Canemah Club to utiilize a portion of the river bank fronting their residence on First Street. The residence is located across First Street and the railroad tracks from the development site.

The site is a rocky bank of the railroad grade. The rocky bank consists of large rocks, rocks and fine gravel with some soil. Existing vegetation is a mixture of native plants, noxious plants, naturalized plants and ornamental plants. It is proposed that the ornamental plants remain, but not be replaced.

The site in located in a Natural Resource Overlay District. Section 17.49.180. A. of the Oregon City Code states that, *"Mitigation shall occur at a 2:1 ratio of mitigation area to proposed NROD disturbance area."* The improvement area is 848 square feet out of a total development site of 2,312 square feet. Therefore, the standard would require 1,696 square feet of mitigation, and if you add this to the 848 square feet, you get 2,544 square feet which is larger than the development site. Furthermore, the railroad grade at the top of bank is kept free of all vegetation which may further result in a reduction of the restoration area available.

Therefore, the applicant is requesting that the mitigation requirements be interpreted to apply only to the site under the applicants control, and that the intent of the standards be met for mitigation of the existing site only. This will require the site to contain eight (8) trees and forty three (43) shrubs.

The landscape plans submitted contain two sheets, Sheet 6 of 7 is a “Landscape Removal Plan” which shows the site and various noxious and non-native plants that have been observed and are to be removed. The site also contains ornamentals which the applicant requests approval for them to remain.

The second part of the landscape plan is Sheet 7 of 7, a “Landscape Planting Plan” which shows the location of the plantings (8 trees and 43 shrubs) to meet City requirements. It is requested that, due to the small area, that existing native trees and shrubs be included to meet the mitigation standard. In that the owner may have preferences, suggested plant species that are suitable to the different areas of the site are given rather than specific plants for specific locations. This is to recognize that not all plants are obtainable or affordable at the time of restoration.

The different planting areas are a) the River’s edge, b) the river bank below the patio, and c) the rocky bank from the back of retaining wall to the top of bank. Recommended trees and shrubs are recommended for each area. Portions of the Oregon City Development Code is included on the planting plan.

TYPE II NATURAL RESOURCE OVERLAY DISTRICT APPLICATION
Applicant's Submittal
30 August 2018

APPLICANTS: **Brant and Carolyn Popma**
510 First Avenue, Oregon City, OR 97045

OWNER: **Canemah Club**
510 First Avenue, Oregon City, OR 97045

REQUEST: **Permit for a riverside recreation area at an existing dock in an existing easement**

LOCATION: Map **# 2-1E-36DD**
Tax lot# **200**

I. BACKGROUND:

1. Existing Conditions:

The Applicant has river access through an easement that located on Tax Lot 200, Map No. 2-1E-36DD. The property is owned by the Canemah Club. The easement contains a permitted dock, and easement improvements including a concrete "Manor Stone" type block stairway for pedestrian access, low "Manor Stone" concrete block retaining walls, a rock retaining wall, a graded fine gravel patio with 356 square feet, and a Manor Stone block fire pit and approximately 259 square feet of a concrete patio.

2. Project Description:

The applicant is requesting approval for existing dock easement improvements including a concrete block stairway for pedestrian access, low concrete block retaining walls, a rock retaining wall, a graded gravel patio with a concrete block fire pit, and a concrete patio.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.050 *Emergencies*

Applicant's Response: **The improvements are accessible from both the river (via a floating dock with ramp up to the concrete and gravel pads), and by a concrete block stairway down to the concrete pad from the street and railroad tracks fronting the river.**

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 the applicant's intent to comply with current requirements.**

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: **A permit for the dock has been obtained from the Dept of State Lands and is effective through 2023 at which time a permit renewal will be required. The development site does not, nor did not contain wetlands.**

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.

Applicant's Response**:** **No new gardens, lawns, structures or improvements are proposed. Approval is being requested for existing facilities constructed in 2013 by a previous owner**.

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 subsection 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.

Applicant's Response: **The purpose of this application is to obtain approval of the existing improvements as "an approved development activity". No prohibited uses are proposed. No additional or new development is planned for this area.**

No dumping or storage of materials has occurred, and only non native blackberries and plants have been and will be removed.

17.49.[0]80 *–Uses allowed outright (Exempted).*
Applicant's Response: **This application may or may not contain uses that are allowed outright.**

17.49.090 *Uses Allowed Under Prescribed Conditions*
Applicant's Response: **This application may or may not contain uses that outright exempted.**

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: **One maple tree that had fallen and was growing horizontal was trimmed to allow only vertical growth, restoring it to its natural canopy**

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 the intent of the applicant to preserve, restore and permanently protect disturbed, unvegetated and landscaped areas with native plants.**

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: **Unvegetated areas will be planted with native plants appropriate to the site conditions from the Oregon City Native Plant List.**

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: **This section is not applicable to this existing dock and patio easement site because there are not structures existing or 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;*

Applicant's Response: **This section is not applicable to this existing dock and patio easement site because there are no structures existing or proposed.**

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

Applicant's Response: **This section is not applicable to this existing dock and patio easement site because there are no fences within the dock and patio 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: **This section is not applicable as no lighting exceeding 200 watts is proposed.**

***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 development is located in the 100 year flood plain and since 12 cubic yards (more than 10 cubic yards) is involved, it classifies as a "Development" under Section 17.04.300.

***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 development is located below the "top of bank". There is no vegetated corridor along this stretch of the Willamette River because of the existing site development and grading associated with the railroad. If one sets back 200 feet, it includes area occupied by the railroad tracks, a public street, and the applicant's and his neighbor's houses, so this vegetated corridor is inappropriate to be applied to this application. Even the development site appears to be placed on imported fill construction as part of the rail road grade.**

***17.49.120** Maximum Disturbance Allowance for Highly Constrained Lots of Record*

Applicant's Response: **This section is appears applicable as it is a separate tax lot and a "Highly Constrained "Lot of Record" and zoned R-6. It is constrained by the Willamette River on the North and the Southern Pacific Railroad Tracks on the South. However, no dwellings or any new improvements are proposed. The developed site area is 2,312 square feet. The concrete patio area is 316 square feet area, the gravel pad area is 353 square feet and the concrete block walls and stairs are 180 square feet for a total of 848 square feet.**

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.

Applicant's Response: **A Site Plan showing the general location of the existing improvements is included as part of this application. The improvements consist of two concrete anchor blocks for a floating dock, approximately 316 square feet of concrete patio and approximately 353 square feet of a fine gravel patio plus a manor stone stairway that allows pedestrian access to the site.**

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.

Applicant's Response: **This section allowing a Type II application does not apply as the disturbed area of 930 square feet exceeds 500 square feet.**

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: **As the original disturbance area exceeds 500 square feet, a Type III permit is required.**

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

Applicant's Response: **The site is a manmade rocky bank with a shelf that existed before the site was apparently graded sometime prior to 16 April 2013. The gravel bank appears to be part of the railroad grade that was constructed decades ago.**

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;

Applicant's Response: **The site is a manmade rocky bank with a shelf that existed before the site was regraded on or about April 2013 for construction of the concrete and gravel patio. The gravel bank appears to be part of the original railroad road bed.**

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:

Applicant's Response: **This section is not applicable, as there are no existing utilities, none have been added nor are any planned.**

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. 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: **This section is not applicable as none of the above exist or are proposed at the site.**

***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: **This section is not applicable as there are no road crossings. The only access is pedestrian across the railroad tracks or by water.**

***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: **The "Ordinary High Water Line" at the site at River Mile 27 per Sheet 9 of 57 or the Willamette River Public Lands Under Jurisdiction of Oregon State Land Board is approximately 58 feet. The patio elevation is approximately 66.7 feet, therefore approval from the Division of State Lands and/or the U. S. Army Corps of Engineers in not required.**

***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: **The developed area does not, and did not include a designated wetland.**

***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: **No additional work other than non native plant removal or native plant planting is being requested by this application. The application is being submitted to document existing improvements.**

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

Applicant's Response: **Mitigation is proposed based on Section 17.49.190 and will consist of the removal of noxious plants and replacement with native plants. As the site is small and consists of a steep rocky bank, an adjustment from the standards under Section 17.49.200 may be required.**

***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 to1/2 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 section is not applicable as the impervious area is less than 500 square feet. Detention is not required as the pre-application meeting notes state they are not necessary due to proximity to river. The only truly "impervious area" is the 316 square feet of concrete patio and water quality will be provided by vegetation surrounding the impervious concrete.**

17.49.160 *Standards for Land Divisions*

Applicant's Response: **This application is not a land division so this section is not applicable.**

17.49.170 *Standards for Trails*
The following standards apply to trails within the NROD:

Applicant's Response: **There are no trails on or near the site, nor is there public access, so this section is not applicable**.

17.49.180. *Mitigation Standards*
The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

Applicant's Response: **The condition of vegetation on the site is essentially the same as when it was acquired by the applicant in December, 2014. Pictures dated 2018 of the site are attached in the exhibits.**

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: **The applicant proposes to remove all non-native vegetation from the site and to replace it with native plants suitable to the site. Due to site constraints, a strict interpretation of a 2:1 ratio on the site is not achievable.**

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: **There are two right-of-ways in this area, but the boundary of both are unclear without extensive further research, and perhaps not even then. The original plat of "CANEMAH" showed lots and a public right-of-way to the East, and the railroad has a right-of-way. The plat is inconclusive in the area of this application, but there is a frontage road between the Popma residence and their dock easement. However, the applicant proposes mitigation of the river bank fronting the**

improvements and the mitigation consists of removing non-native vegetation and establishing native vegetation appropriate to the existing soil materials at the site.

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: The site area is approximately 2,312 square feet and is in the NROD area. The applicant proposes mitigation of the site by removing non-native vegetation and establishing native vegetation appropriate to the existing materials at the site.

17.49.180.D*. Invasive and nuisance vegetation shall be removed within the mitigation area;*

Applicant's Response: The applicant proposes mitigation of the site by removing non-native noxious vegetation and establishing native vegetation appropriate to the existing soil materials at the site. The total area of the site is approximately 2,312 square feet, and the developed area is approximately 848 square feet. The applicant proposes to mitigate the undeveloped areas of the site.

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: The Google Earth photo history shows greenery on the site, but the number and size of trees (if any) that existed in 2013 is difficult to determine. Therefore, the applicant proposes to landscape the site with native vegetation from the approved plant list according to Option 2.

17.49.180.E.2*. Mitigation Planting Option 2.*

17.49.180.E.2a. *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: Option 2 for 848 square feet of disturbed area requires eight trees and 43 shrubs that will be distributed over the 1,464 square feet of available area.

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: The applicant will conform as close as practical to these requirements. It should be noted that from the patio to the river will be mostly douglas spirea. The planting area from the wall to top of bank is a steep slope that is approximately 12-feet wide.

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: The applicant will conform to these requirements, but it should be recognized that it is a rocky bank, and that the planting of trees and grasses may not be appropriate due to the imported rock and gravel on the existing bank. The planting area is only about 12-feet wide. Plantings on the riverside of the improvements will be douglas spiria.

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: Irrigation will have to be hand watering by carrying water from the river. The bank is very steep, and access is difficult due to loose rock. The applicant will conform to these requirements as much as practical.

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: **It is the intent of the applicant will conform to these requirements.**

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: The applicant will conform to these requirements.

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: **The applicants do not own the property; they only have an easement, so the applicants cannot grant any easements to the City.**

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 it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.*

Applicant's Response: **The applicant will conform to these requirements if required.**

17.49.190 Alternative Mitigation Standards

Applicant's Response: **The applicant intends to meet the normal mitigation standards as far as practical due to the unusual characteristics of the site. The site is a steep loose gravel rocky bank.**

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: **The applicant's planting plan is intended to meet the practical application of normal mitigation standards so this section should not be necessary.**

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: **While the applicant intends to meet the normal mitigation standards, this is an existing site with improvements constructed by others and presents a challenge to meet the requirements due to the steepness and rocky character of the bank slope. Furthermore, insufficient land is available on the applicant's easement site to meet the twice the developed area requirement, so approval of the mitigation for the existing site only is requested.**

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: **The applicant desires that the proposed mitigation on the site meets the intent of the mitigation standards. It should be noted that the undeveloped property Northeast of the site is basically a rocky grassy bank with small trees at the water line.**

***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: **No new intrusions are proposed. The applicant intends to meet the intent of the mitigation standards by improving the site's vegetation and removing noxious species including reed canary grass.**

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

Applicant's Response: **No new construction other than landscaping to meet the mitigation standards is proposed, so 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*

Applicant's Response: **The applicant intends to meet the intent of normal mitigation standards by restoring and improving the vegetation on the easement site as shown by the noxious vegetation removal plan and the planting plan submitted as part of this application.**

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

Applicant's Response: **The applicant intends to have the submitted mitigation and planting plans to meet the intent of the vegetation mitigation standards of this code requirement.**

***17.49.210** Type II Development Permit Application*

Applicant's Response: **The applicant is submitting this application to gain approval for existing patio improvements installed by a previous owner.**

***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: **Several site plans are included with this application including a Tax Map (Sheet 1 of 7), Plat of "CANEMAH" (Sheet 2 of 7), 2004-LIDAR.DWG - Oregon City 2004 LIDAR Contours (Sheet 3 of 7), 2014-LIDAR.DWG - Oregon City 2014 LIDAR Contours (Sheet 4 of 7), Final Grading Plan -**

Topography Survey (Sheet 5 of 7), Noxious Plant Removal Plan (Sheet 6 of 7) and a Landscape Planting Plan (Sheet 7 of 7). There are no wetlands on the site. Existing improvements are shown on both maps. A FEMA map showing the flood plain is included, but it is not accurate for this site. The 100 year flood elevation for the site if 74 feet. The top of bank elevation is approximately 75 feet, so the 100 year flood event does not flood the railroad grade adjacent to the site.

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;

Applicant's Response: **An existing and proposed vegetation plan is included as part of this application.**

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;

Applicant's Response: **There is only one native Oregon maple (ACER macrophyllum) tree larger than 6-inches in diameter on the Popma easement area.**

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;

Applicant's Response: **Only non native vegetation from the top of the bank to the manor stone wall, and from the riverside of the patio to the river vegetation line will be removed and replaced with native plants. The areas are shown of the vegetation removal plan.**

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, therefore finish contours are the existing surveyed contours which are the finish contours from the initial work in 2013.**

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: **Access to the site is by foot from the Popma property. No motorized equipment will be used. Erosion control fencing is not required as all work will be removal and planting of individual plants. Since no heavy equipment is involved and work on the site is limited in nature, no measures to protect property outside of the planting area are necessary. Installation of a sediment fence would cause more erosion and site damage than the problem that it was designed to prevent.**

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;

Applicant's Response: No dams, weirs or other in-water features are proposed.

3. Distribution, species composition, and percent cover of ground covers to be planted or seeded;

Applicant's Response: The river bank consists of rocks and gravel, so establishment of soil would require materials to be imported into the flood plain, and would then be subject to erosion. Therefore, only trees, shrubs and ground covers are proposed except in areas where adequate soil cover exists for grasses.

3. Distribution, species composition, size, and spacing of shrubs to be planted;

Applicant's Response: A proposed landscape plan is included in this application.

4. Location, species and size of each tree to be planted;

Applicant's Response: A proposed landscape plan is included in this application.

4. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;

Applicant's Response: No storm water management features are required as the impervious area is less than 500 square feet. There is only 316 square feet of concrete sidewalk.

6. Water bodies or wetlands to be created, including depth;

Applicant's Response: No water bodies or wetlands are proposed as part of this application.

7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

Applicant's Response: Plants are to be hand watered with water carried from the river.

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: **This project to improve and enhance 1,464 square feet of a rocky river bank by removing non-native plants and planting 8 trees and 43 shrubs as shown by the attached Landscape Plan.**

17.49.240 *Density Transfer*

Applicant's Response: **This section is not applicable to this application. No residential development or density transfer is proposed.**

17.49.250 *Verification of NROD Boundary*

Applicant's Response: **The effective NROD boundary covered by this application extends from the top of the bank to the river, and from the East to the West ends of the Popma's easement .**

17.49.255 *Type I Verification*
17.49.256
Applicant's Response: **The City of Oregon City has determined that a Type III application is required to be submitted.**

17.49.260. *Type II Verification*

Applicant's Response: **The City of Oregon City has determined that a Type III application is required to be submitted.**

GEOLOGIC HAZARDS – CHAPTER 17.44

17.44.035 *- Exemptions.*
The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

Applicant's Response: **Based on the height of the manor stone wall on the bank side of the improvements, it appears that the maximum excavation based on finish grades is less than two feet. Since the calculated cut is 7 cubic yards and only 12 cubic yards were imported, the maximum fill would be 19 cubic yards. Therefore, the excavation is exempts this site from the provision of Chapter 17.44 of the Oregon City Code since the depth of excavation is two feet or less and the volume excavated is less that 25 cubic yards.**

B. A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;

Applicant's Response: **Based on the height of the rock and concrete wall along the river side of the patio area, it appears that the maximum fill depth is less than two feet. Imported materials include the manor stone steps and retaining walls plus the concrete and gravel patios for a total of 12.1 cubic yards of materials. Since this is less than 25 cubic yards, the fill placed on the site is exempt from Chapter 17.44.**

C. Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;

Applicant's Response: **No structures are on the property so nothing was, or is proposed, to be altered.**

D. Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;

Applicant's Response: **No utility lines are known to be located on the property.**

E. The removal or control of noxious vegetation;

Applicant's Response: **The removal or control of noxious vegetation is proposed and is a use that is not regulated under Geological Hazards.**

F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Applicant's Response: **No emergency activities are anticipated, but having a dock and access to 1st Street may be important due to potential river related emergencies.**

17.44.050 *Development - Application Requirements and Review Procedures and Approvals.*
Except as provided by subsection B of this section, the following requirements apply to all development proposals subject to this chapter:
A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
1) Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
a) The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
b) Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
c) Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
d) DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
e) "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

2)Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

3)Comprehensive information about site topography;

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

4)Opinion as to the adequacy of the proposed development from an engineering standpoint;

Applicant's Response: Due to excavation and fill limits, this requirement is not required to be met.

5)Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Applicant's Response: Due **to excavation and fill limits, this requirement is not required to be met.**

6)Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

7)Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

8)Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

9)Recommendations and types of considerations as appropriate for the type of proposed development:

a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,
b. Location of residence on lot,
c. Building setbacks from slopes,
d. Erosion control techniques applicable to the site,
e. Surface drainage control to mitigate existing and potential geologic hazards,
f. Subdrainage and/or management of groundwater seepage,
g. Foundations,
h. Embedded/retaining walls,
i. Management of surface water and irrigation water, and
j. Impact of the development on the slope stability of the lot and the adjacent properties.

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

10) Scaled drawings that describe topography and proposed site work, including:

a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;

b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.

c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills

.

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

11) For properties greater than 1 acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Applicant's Response: Due **to excavation and fill limits, this requirement is not required to be met.**

17.44.050.B. *Review Procedures and Approvals require the following:*

1) Examination to ensure that:

a) Required application requirements are completed;

b) Geologic assessme nt and geotechnical report procedures and assumptions are generally accepted; and

c) All conclusions and recommendations are supported and reasonable.

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

17.44.050.B.2 *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

17.44.050.B.3 *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*

Applicant's Response: **Due to excavation and fill limits, this requirement is not required to be met.**

17.44.050.C*. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city*

engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

Applicant's Response: The improvements have been in place for five year and have weathered at least one flood that has flooded the patio area. Therefore, it is requested that the City Engineer waive any requirement that is burdensome in nature and will not result in a significant public benefit.

17.44.060 *Development Standards.*
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.060.A *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*

Applicant's Response: It is requested that the proposed landscaping improvements allow the existing improvements to remain and approved.

17.44.060B *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.*

Applicant's Response: No **grading and drainage improvements are required, so this section is not applicable.**

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17.44.060.C *Designs shall minimize the number and size of cuts and fills.*

Applicant's Response: No additional cuts and fills are proposed so this section is not applicable.

17.44.060.D *Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.*

Applicant's Response: **The existing slope is the original slope, so while from the patio elevation to the top of fill is approximately 8.5 feet, it is an existing slope, not a constructed cut or fill slope.**

17.44.060.E *Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.*

Applicant's Response: **No structural fill is required for the proposed use. The existing improvements have been in place for five years, and no problems have been noted or are apparent.**

17.44.060.F *Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.*

Applicant's Response: **The retaining walls are less than 30 inches high and therefore are exempt from Oregon Structural Code Requirements. Furthermore, the walls have been in place for five years and no structural problems are evident**.

17.44.060.G *Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.*

Applicant's Response: **This section does not apply to this project as no roads are proposed.**

17.44.060.H *Density shall be determined as follows*

1)For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;

2)For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

3)For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.

Applicant's Response: **This section does not apply to this project as no residential development is proposed.**

17.44.060.I *For properties with slopes of twenty-five to thirty-five percent between grade breaks:*

1) For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;

2)An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.

3)No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.

4)For those portions of the property with slopes over thirty-five percent between grade breaks:

a. Notwithstanding any other City land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable City requirements as well as any applicable State, Federal or other requirements;

b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Applicant's Response: **This section does not apply to this project as existing slopes were not increased except by installation of a Manor Stone Wall and a rock wall along the river side of the patio..**

17.44.060.J *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*

Applicant's Response: **This section does not apply to this project as no grading is proposed. A site map is attached showing the finish grades based on a topography survey of the site.**

17.44.060.K *At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.*

Applicant's Response: **A geotechnical peer review should not be required as the site is exempt from the geotechnical report requirements based on cut and fill quantities.**

17.44.060.L *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Applicant's Response: **There appear to be no known hazards for this site unless a train derails and goes over the bank. The existing bank has weathered several flood events and has been in place for over five years.**

17.44.070 *Access to Property.*

A. *Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.*
B. *Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.*
C. *Points of access to arterials and collectors shall be minimized.*
D. *The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.*

Applicant's Response: **Access to the site is by walking across an existing road and the railroad tracks. There is no vehicle access to the site nor is there legal public access.**

17.44.080 *Utilities.*

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein.

Applicant's Response: **No new on-site of off-site utilities are proposed by this application.**

17.44.090 *Stormwater Drainage.*

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to City standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Applicant's Response: **This project created only 316 square feet of impervious area. This impervious area flows towards the river, over the edge of the patio into a vegetated filter strip prior to entering waters of the state. Due to its proximity to the river, the City is not requiring detention, and for large flood events, the whole patio area floods. The gravel area and concrete block walls allow infiltration on and through the site.**

17.44.100. *Construction Standards.*

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

17.44.100.A *All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.*

Applicant's Response: **No development activities are proposed, but removal on non native plants and planting of native plant materials are planned.**

17.44.100.B *No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.*

Applicant's Response: **This application is to gain approval of existing site improvements. No new site grading or improvements are proposed other than restoration of native plants on the project.**

17.44.100.C *Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).*

Applicant's Response: **This application is to obtain approval for existing improvements on the site. The measures described in this section are not applicable to the existing improvements for which approval is being requested.**

17.44.100.D *All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.*

Applicant's Response: **No grading is proposed. This application is for approval of existing site improvements that have been in place for five years.**

17.44.100.E *Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.*

Applicant's Response: **This section conflicts with City requirements to remove non-native vegetation and to replace it with native vegetation. All vegetation removal and planting will be done by hand. No site grading is proposed.**

17.44.100.F *Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.*

Applicant's Response: **This section does not apply to this project as the only water course is the Willamette River.**

17.44.100.G *All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.*

Applicant's Response: **This section does not apply to this project as the improvements and vegetation have been in place over five years. The site is a rocky bank, and no apparent erosion has been noted except for a small amount at the water's edge where waves lap up against the toe of the bank.**

17.44.100.H *All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.*

Applicant's Response: This section does not apply to this project as no lots are being created.

17.44.100.I *The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated.*

Applicant's Response: This section does not apply to this project as no excavation is proposed, cut and fill was less than two feet, and the improvements have been in place and stable for over five years.

17.44.100.J *Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.*

Applicant's Response: This section does not apply to this project as no new construction is proposed and the existing improvements have been in place and stable for over five years.

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:

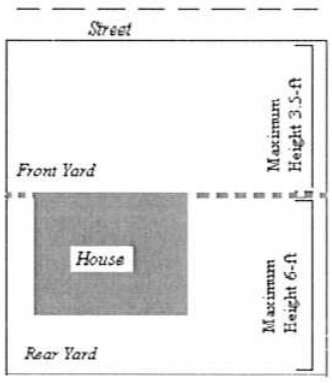


Diagram: Any fence, hedge or wall located in front of your home may be up to three and one-half-feet in total height.

Diagram: A fence, hedge or wall located next to and behind your home may be up to six feet in total height.

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including

fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.
3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.
B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:
1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

Applicant's Response: **This section does not apply to this project as there are no fences, and walls are less than two feet in height from finish grade.**

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 5/29/18 at the Oregon City Department of Planning**

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: **No new development is proposed, so this section requiring or suggesting a neighborhood meeting is not necessary.**

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.120 *- Alteration of watercourses.*
A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

Applicant's Response: **An Engineering Report for the floating dock has been prepared that addresses the effects of the dock improvements on the watercourse. The impact of the existing improvements is insignificant and essentially un-measureable. A copy of the report has previously been provided to the City of Oregon City.**

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Applicant's Response: **The water course of the Willamette River has not been altered or relocated, nor is it proposed.**

17.42.160.A *- Flood management area standards.*
Uses Permitted Outright:
1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

Applicant's Response: **Removal of non-native vegetation and planting native vegetation is an outright use.**

17.42.160.B *Provisional Uses.*

Applicant's Response: **No change of use is proposed. This application is being submitted to obtain approval for existing facilities that have been in place for five years.**

17.42.160.C *Prohibited Uses.*

Applicant's Response: **Patios are not disallowed in the R6 Residential zone.**

17.42.160.D.1 *Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:*
This subsection 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.

Applicant's Response: **The purpose of this application is to obtain City approval for improvements installed by others prior to 22 July 2013 and prior to the applicant's purchase of the property and dock use easement in December 2014. No new work is proposed.**

Based on a site survey and testimony of the contractor, cuts and fills on the site in 2013 were less than 25 cubic yards. The applicant is not requesting any new cuts or fills. The applicant is requesting approval of the existing improvements installed prior to 22 July 2013. The patio area is located on fill placed decades ago as part of constructing the railroad grade. The only imported materials were concrete blocks, fine gravel and concrete which totaled approximately 12 cubic yards.

The cross section area of the added material is approximately five square feet. Since the cross sectional area of the Willamette River at this point is in the range of 68,000 square feet, the impact of the added material is basically un-measureable.

The placement of a concrete block retaining wall on a previously unsupported loose rock fill may improve the stability of the existing bank and railroad grade and reduce erosion during the higher flood events.

17.42.160.D.2 *No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

Applicant's Response: The applicant purchased the property and dock easement after it was constructed. The applicant is not requesting that any new improvements are to be installed. The applicant is requesting that the existing improvements installed over five years ago by a different owner be approved. Based on a site survey and site analysis, approximately 12 cubic yards of material have been imported and placed at an elevation of 66' and above Summer measured water levels is approximately 59.5 feet.

17.42.160.D.3 *Any excavation below bankfull stage shall not count toward compensating for fill.*

Applicant's Response: No materials were removed by initial 2013 construction. Since the entire site is below the top of bank, no excavation would be permitted to compensate for the 12 cubic yards of fill.

17.42.160.D.4 *Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*

Applicant's Response: The applicant for the dock does not own the property, and no new construction, excavation or fills is being proposed. This application is being submitted at the City's request to review improvements installed over five years ago prior to the applicant's acquisition of the property. It is not practical , warranted nor is it a good idea to remove materials from an existing railroad embankment. Based on the "Popma Dock Engineering Report", the dock and fill have a negligible impact on river flood elevations.

17.42.160.D.5 *For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*

Applicant's Response: No excavation is proposed. The applicant is requesting approval for improvements installed over five years prior to the applicant's purchase of the site. Excavation at the site was at elevation 66.07 feet and above. Ordinary High Water per Exhibit 10 of the Popma Dock Report is 58.2 (NGVD 29). Adding 3.5 feet forNAVD 88 results in an ordinary high water level of 61.7 feet. Therefore, the lowest "excavated area" is about 4.3 feet above ordinary high water.

17.42.160.D.6 *For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.*

Applicant's Response: **This section is not applicable as the existing developed site does not remain wet in the summer.**

17.42.160.D.7 *Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.*

Applicant's Response: **This section is not applicable as the easement site does not include parking areas.**

17.42.160.D.8 *Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.*

Applicant's Response: **The improvements for which approval is being requested were installed prior to 22 July 2013, prior to the applicant obtaining the property. There are no "temporary fills) on the property. The applicant is submitting this application at the City's request to document existing improvements.**

17.42.160.D.9 *New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.*

Applicant's Response: **This section is not applicable as no new construction is proposed nor is the development a new culvert, stream crossing or transportation project.**

17.42.160.D.10 *Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.*

Applicant's Response: **This section is not applicable as no new construction is proposed, and the City has waived the requirement for detention improvements as the project is on the river bank, in the flood plain, and within a few feet from normal water levels. The impervious are of 316 square feet is below the 500 square feet threshold for water quality improvements.**

17.42.160.E.1 *Construction Standards.*

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground

anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

Applicant's Response: **No new construction is proposed, the work was done prior to 22 July 2013 prior to the applicants acquiring the property in December 2014. The dock and patio site have already experienced and weathered flood events with no damage. None of the materials used in the construction (rock, fine rock, concrete and concrete blocks) can float.**

17.42.160.E.2 *Construction Materials and Methods.*

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Applicant's Response: **No new construction is proposed, the work was done prior to 22 July 2013 prior to the applicants acquiring the property in December 2014. The dock and patio site have already experienced and weathered flood events with no known damage. Construction materials used for the existing improvements include concrete, rock and concrete blocks for retaining walls and the stairway. These materials are resistant to flood damage. There are no electrical, heating, ventilation, plumbing and air conditioning improvements installed in the development site.**

17.42.160.E.3 *Utilities.*

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Applicant's Response: **No new or replacement water supply, sanitary sewer and on-site disposal systems are proposed, so this section is not applicable.**

17.42.160.E.4 *Residential Construction*

a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.

b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Applicant's Response: **This section is not-applicable as no residential construction has been built or is proposed.**

17.42.160.E.5 *Nonresidential Construction.*

a. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

i. *Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*

ii. *Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*

iii. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*

iv. *Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*

v. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*

vi. *Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.*

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Applicant's Response: **No new construction is proposed, the existing improvements were installed prior to 22 July 2013 prior to the applicants acquiring the property in December 2014. The dock and patio site have already experienced and weathered flood events with no damage. Basically, the site was just regraded in 2013 to create an outdoor space next to the dock constructed on the Willamette River at that time.**

17.42.160.F *Recreational Vehicles.*

Applicant's Response: **This section is not applicable as the site is not usable, accessible, or intended to be usable for recreational vehicles.**

17.42.160.G *Below Grade Crawlspaces.*

Applicant's Response: **This section does not apply as no crawl spaces were constructed or are proposed.**

17.42.170 *- Review of building permits.*

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by

the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Applicant's Response: **This section is not applicable as the existing improvements for which approval is being requested were installed prior to 22 July 2013 prior to the applicant obtaining the property in December 2014. The site floods in the winter and is six to seven feet below the 1% flood stage. Photographs of the site taken during flooding are included in the exhibits.**

17.42.180 *- Subdivision standards.*

Applicant's Response: **This section does not applicable as this application is not for a subdivision**

17.42.190 *- Floodways.*

Applicant's Response: **The application is being submitted to get City approval for improvements installed prior to 22 July 2013 prior to the applicant obtaining the property in December 2014. The project is located in a flood plain but is outside the floodway as shown by the attached "FEMA FLOOD MAP". The site floods in the winter and is six to seven feet below flood stage. An Engineering Report for the Popma Dock" was prepared in October 2017 to review the floating dock performance and its impacts to the flood waters of the Willamette River.**

Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT[24]

17.48.010 - Designated.
This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

17.48.020 - Purpose.
The purpose of this chapter is to:

A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;

Applicant's Response: **The application is being submitted to get City approval for improvements installed prior to 22 July 2013 prior to the applicant obtaining the property in December 2014. The purpose of the project is to provide recreation water related activities for the applicant along the rivers on his easement. Recreational docks are a historic use along this section of the Willamette River.**

B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;

Applicant's Response: **The application is being submitted to get City approval for improvements installed prior to 22 July 2013 prior to the applicant obtaining the property in December 2014. The existing use is similar to adjoining issues. The site is an existing artificial river bank constructed as part**

of the railroad. The bank is, and has been stable, and the existing facilities for which approval is requested have minimized erosion, maintained bank stability and preserved water quality. The required landscaping improvements will remove non-native vegetation and replace it with native vegetation. Recreational docks are a historic use along this section of the Willamette River.

C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.

Applicant's Response: **It is the intent of this application to meet the goals of the Willamette River Greenway portions of the city comprehensive plan.**

17.48.040 - Uses allowed.
All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

17.48.050 - Permit required—Exceptions.
A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
C. Customary dredging and channel maintenance;
D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;
H. The use of a small cluster of logs for erosion control;
I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;
J. The maintenance and repair of existing flood control facilities;
K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.

Applicant's Response: **This section does not apply to this application.**

17.48.060 - Administrative procedure.
Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under

Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the community development director.

Applicant's Response: It is the intent of the applicant to conform to the requirements of the City of Oregon City.

17.48.070 - Development standards—Specific use.
In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:
Considerations for Specific Uses.
A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.
B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.
C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.
D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.
E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.

Applicant's Response The dock and patio uses are recreational in nature so the criteria under section C.3.b of Goal 15 – Willamette River Greenway are applicable. They are as follows:

b. Recreation –
(1) Local, regional and state recreational needs shall be provided for consistent with the carrying capacity of the land;

Comment: The dock and patio uses are consistent with providing local recreational opportunities along the Willamette River. This site is located in an urban section of the Willamette River Greenway which contains significant river-oriented recreational facilities. The dock and patio have been in place for more than five years without causing impact upon the carrying capacity of the land.

(2) Zoning provisions shall allow recreational uses on lands to the extent that such use would not substantially interfere with the long-term capacity of the land for farm use are defined in ORS 215.203;

Comment: The subject property is located within the Urban Growth Boundary and there are no lands designated for Exclusive Farm Use in the surrounding area. Further, the site is impacted by railroad development that involved the placement of rock along the river bank, thereby eliminating any agricultural potential this site may have once had. Thus, this use would not interfere with the long-term capacity of the land for farm use.

(3) The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable;

Comment: The use of the subject property is solely limited to the personal use of the applicants. Because of the minor scale of this use, there is no potential for disturbance of adjacent property.

(4) The public parks established by section 8a of Chapter 558, 1973 Oregon Laws, shall be set forth in Oregon Laws, shall be set forth on the appropriate comprehensive plans and zoning established which will permit their development, use and maintenance;

Comment: Not applicable. This application does not involve any lands that are in use as a public park.

17.48.080 - Development standards—General considerations.
The following considerations shall be applicable to all Willamette River Greenway permits.
A. Access. Adequate public access to the Willamette River shall be considered and provided for.

Applicant's Response: The existing improvements improved access to the river by providing a stairway, recreation area and a floating dock with a rap. The applicant and their guests are members of the public.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

Applicant's Response: The existing improvements improved access to the river by providing a stairway, recreation area and a floating dock with a ramp. A short fence and gate has been installed at the top of the concrete stairway to discourage public access from the railroad down to the dock, or from the dock up to the railroad and 1st Street.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

Applicant's Response: As outlined in previous sections of this response, the river bank is to be enhanced by removing non-native vegetation and replacing it with native vegetation.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

Applicant's Response: No development is being proposed by this application, approval is only being requested for an existing patio and stairway that was constructed by a previous owner. The City of Oregon City, by approving the existing improvements, can meet the goal by ensuring that "lands committed to urban uses within the Greenway …continue as urban uses."

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

Applicant's Response: The river access, patio, dock ramp and floating dock are water related and water-dependent uses. No structures are involved. The establishment of setbacks should not apply to the existing improvements and use.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Applicant's Response: The use does not involve any transportation facilities and, therefore, the Transportation Greenway Plan does not apply. The applicable section of Goal 15 relating to recreational uses has been addressed above. The Greenway policies of the Oregon City Comprehensive Plan are as follows:

Goal 15.1 Protect the Willamette River Greenway - Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.

Policy 15.1.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

Comment: This application does not propose the removal of any trees or native vegetation. Removal of invasive species will be mitigated through the planting of native materials, consistent with the intent of this policy.

Policy 15.1.2 Preserve major scenic views, drives and sites of the WRG.

Comment: Not applicable. The subject property is located below the railroad grade and is not visible from adjacent roadways.

Policy 15.1.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.

Comment: The Oregon City Park and Recreation Master Plan and Oregon City Waterfront Master Plan do not call for access to the river through the subject property. Because of the railroad right-of-way public access is not practicable in this location.

Policy 15.1.4 Restrict new substations and power line towers in the WRG and river view corridor.

Comment: Not applicable. No new substations or power line towers are proposed.

Policy 15.1.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.

Comment: Not applicable. There are no park and recreation areas along this stretch of the river.

Policy 15.1.6 Review uses proposed for inside the Willamette River Greenway Compatibility Review Boundary for consistency with local goals and policies for that area

Comment: Not applicable. To the applicant's knowledge, the subject property is not inside the Willamette River Greenway Compatibility Review Boundary.

17.48.090 - Procedure.
The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The community development director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this Code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the community development director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

Applicant's Response: The applicant requests that the existing improvements be approved with only the landscape modifications, and that any additional requirements not be burdensome.

17.48.100 - Compatibility review.
A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.
B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.
1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.
2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.
C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 17.48.080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter 17.52 to defray the costs of publication, investigation and processing.

Applicant's Response: This application is not a request for intensification of use; it is a request for an existing use that has been in place for the past five years to be approved by the City of Oregon City. The applicant only has an easement that allows use of the property; the applicant does not own the property.

17.48.110 - Prohibited activities.
The following are prohibited within the Willamette River Greenway:
A. Any main or accessory residential structure exceeding a height of thirty-five feet, except for areas located within the Willamette Falls Downtown District;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Applicant's Response: None of the above prohibited items apply to this project. There are no main or accessory residential structures, structural bank protection or sewer disposal drain fields on or proposed by this development.

17.48.120 - Additional procedural requirements.
In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:
A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
2. Elevations of any proposed structures;
3. Materials list for any proposed structures, including type and colors of siding and roofing; and
4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.
B.
1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Applicant's Response: Site plans showing the 2004 LIDAR Contours, 2014 LIDAR Contours, Existing Improvements and Landscaping, and Proposed Landscaping are included as part of this application. Other than required landscaping improvements, no structures or other improvements are proposed. This application is to obtain approval of the existing improvements and the proposed landscaping.

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: The site is a rocky river bank along the Willamette River. Only 848 square feet of the 2,312 square feet of the easement site has been modified by the installation of 180 square feet of manor stone walls and a manor stone stair way, a 316 square foot concrete patio, and a 352 square foot gravel recreation area. Only the concrete patio is considered impervious. The City of Oregon City Pre-Application Notes conceded that due to the site's location on the river, that storm water detention is not required.

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 site is approximately 2,312 square feet of a rocky bank constructed railroad grade. The project only contains 316 square feet of impervious area, therefore the Water Quality and Flow Requirements do not apply. However, improvement of the landscaping utilizing native plants should provide additional water quality benefits.

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 project is the river bank of the Willamette River. The top of the bank at the railroad grade is 75 feet. The 100 year flood elevation is 74 feet. The elevation of the patio areas is 66.7 feet. No storm drainage improvements should be required other than landscaping improvements.**

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: **None of these facilities apply to this project so no additional requirements apply.**

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: **In that no storm water facilities are required, the submittal requirements to submit plans for approval does not apply.**

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: **In that no storm water facilities are required, the submittal requirements to not apply.**

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: **In that no storm water facilities are required, the submittal requirements to not apply.**

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: **In that no storm water facilities are required, the submittal requirements to not apply.**

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: **No additional grading is proposed. The existing grading was done prior to 22 July 2013 by a previous owner. Approval is being requested for the existing improvements that have been in place for over five years. A grading permit is required for grading "in excess of ten cubic yards of earth", but calculations indicate only a net cut of 7 cubic yards, but since the assumptions to come up with those calculations do not result in a balance of the total cuts and fills due to no accurate information on the original grades, the determination of the amount of "cubic yards of earth" is undeterminable. Since no new grading is proposed, it is requested that no grading permit will be required and that approval of the existing site improvements be approved.**

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.

Applicant's Response: **Approval of an "Abbreviated Grading Plan" consisting of the finish grades shown by the Topography Survey of the site is hereby requested. Cuts and fills are less than 50 cubic yards, and the improvements have been in place for over five years and have weathered floods that have inundated the site without any impact.**

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.

Applicant's Response: **Since the project is small, was completed over five years ago, and involved less than 50 cubic yards of cuts and fills, and less than two feet of cut or fills to finish grade , it is requested that the "Final Grading Plan" based on a survey of the site be approved.**

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.

Applicant's Response: **None of these three conditions apply or were created by this project so a Geotechnical report is not required.**

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: This site is not a residential project, so this standard does not apply.

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: This section is not applicable as no new development or excavation is proposed other than removal of non native plants and installing the required trees and shrubs.

CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

Applicant's Response: This section is not applicable as the site is owned by others, and the applicant only has a right to use the property, but does not own it, nor can it be developed for any other use due to constraints such as the existing railroad location, the size and shape of the property, the existing slope, and location in the flood plain.

17.12.040.A. Minimum lot area, six thousand square feet;

Applicant's Response: The easement site is not part of a buildable lot.

17.12.040.B. Minimum lot width, fifty feet;

Applicant's Response: The easement site is not part of a buildable lot.

17.12.040.C. Minimum lot depth, seventy feet;

Applicant's Response: The easement site is not part of a buildable lot.

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

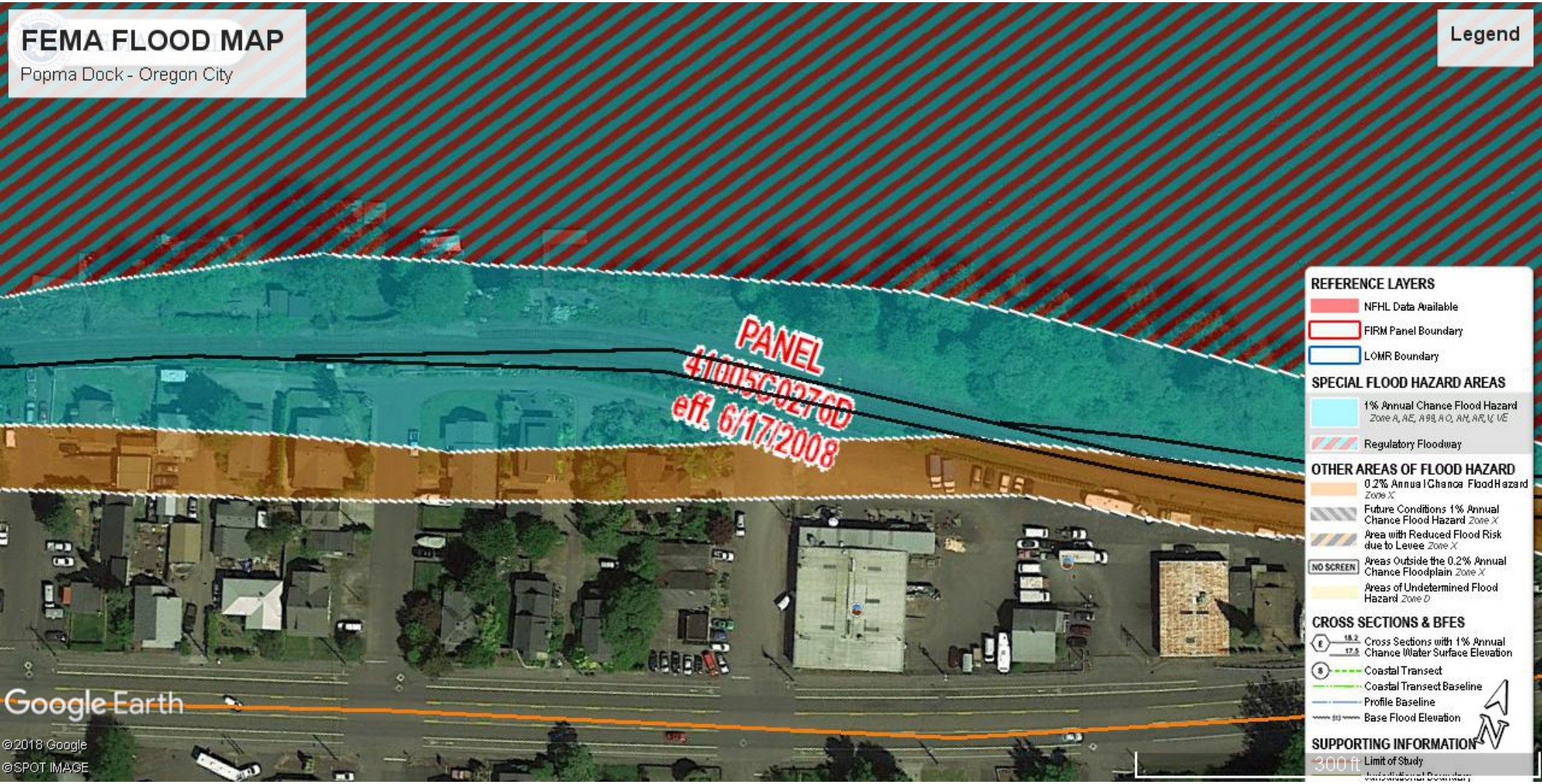
Applicant's Response: **The easement site is not part of a buildable lot, and no buildings are proposed.**

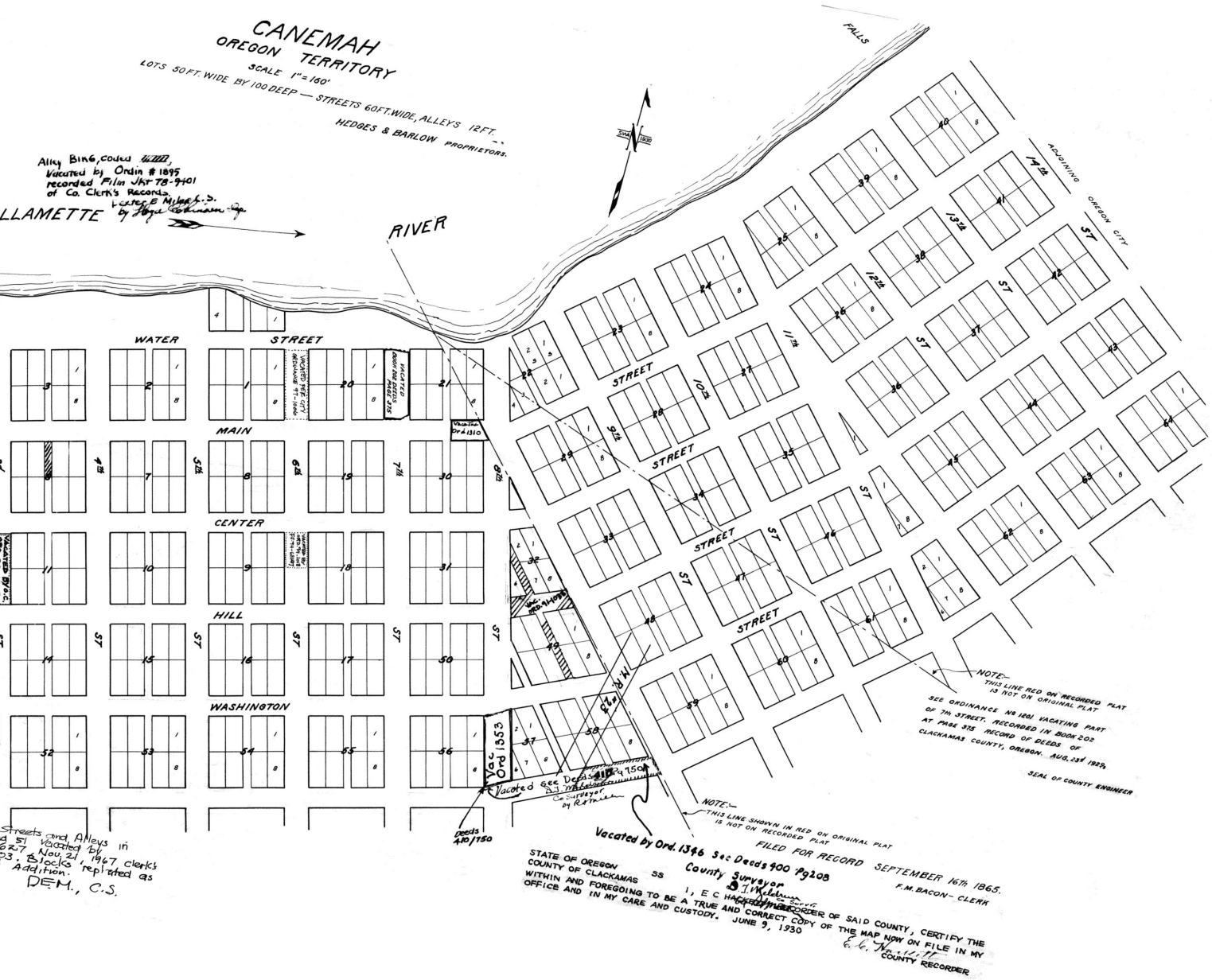
17.12.040.E Setbacks if an existing structure is being retained.
1. Front yard: ten feet minimum depth.
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty-foot minimum setback
7. Rear porch, fifteen-foot minimum setback.

Applicant's Response : **No buildings or other improvements other than landscaping enhancement is being proposed as part of this application. This application is being submitted by City request to obtain approval of the existing patio, low manor stone walls and manor stone steps installed by a previous owner prior to the applicant acquiring the property.**

17.12.040.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: : **There are no existing structures on or being proposed as part of this application.**

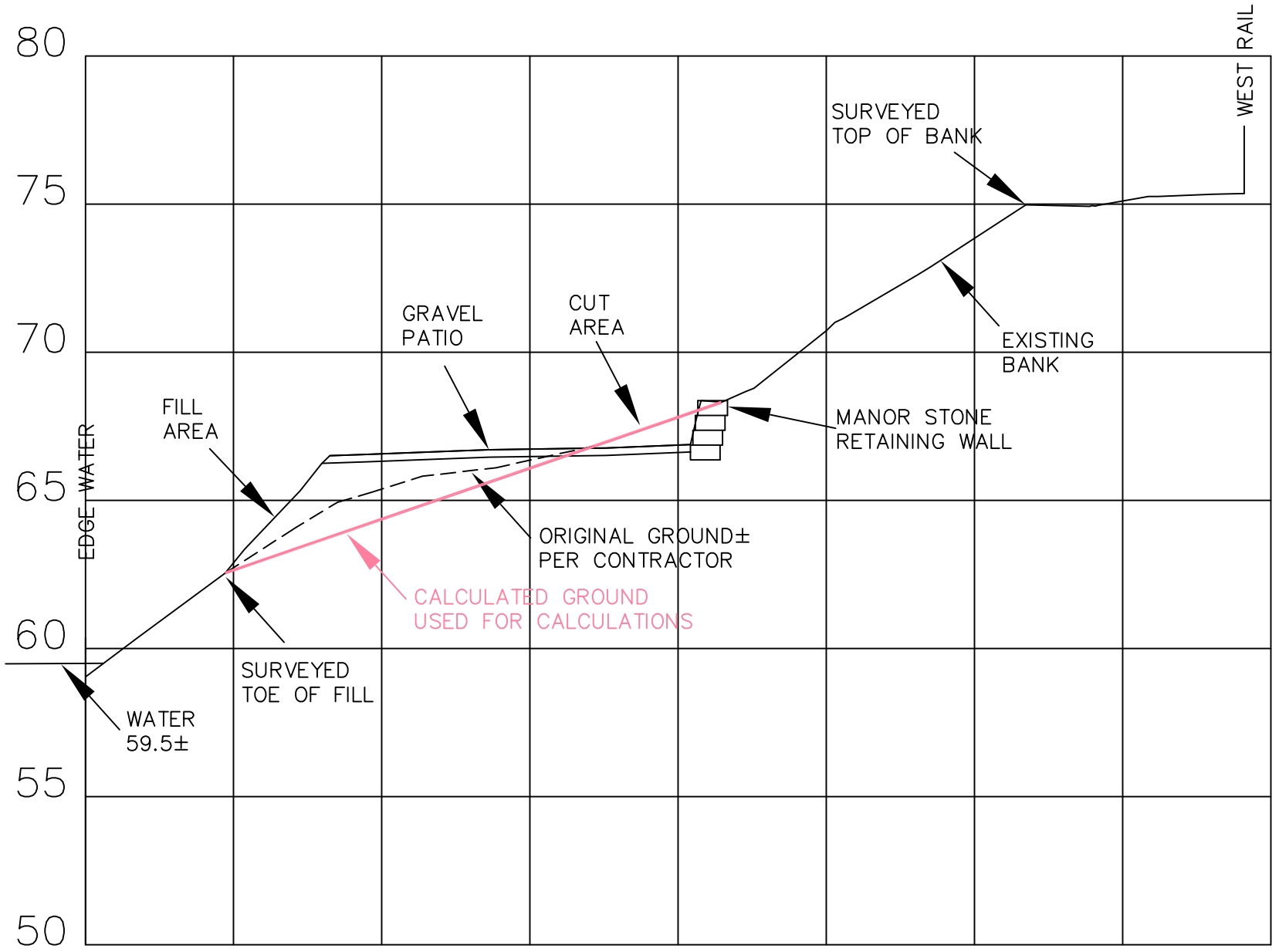

FEMA FLOOD MAP
Popma Dock - Oregon City
Legend
PANEL
41005C0276D
eff. 6/17/2008
REFERENCE LAYERS
NFHL Data Available
FIRM Panel Boundary
LOMR Boundary
SPECIAL FLOOD HAZARD AREAS
1% Annual Chance Flood Hazard
Zone A, AE, A99, AO, AH, AR, V, VE
Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD
0.2% Annual Chance Flood Hazard
Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee Zone X
NO SCREEN
Areas Outside the 0.2% Annual Chance Floodplain Zone X
Areas of Undetermined Flood Hazard Zone D
CROSS SECTIONS & BFES
Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Coastal Transect Baseline
Profile Baseline
Base Flood Elevation
SUPPORTING INFORMATION
Limit of Study
300 ft
N
Google Earth
©2018 Google
©SPOT IMAGE



Streets and Alleys in B 51 Vacated by 627, Nov 21 1967 clerks 23. Blocks replatted as Addition.
DEM., C.S.

9

6



BANK PROFILE

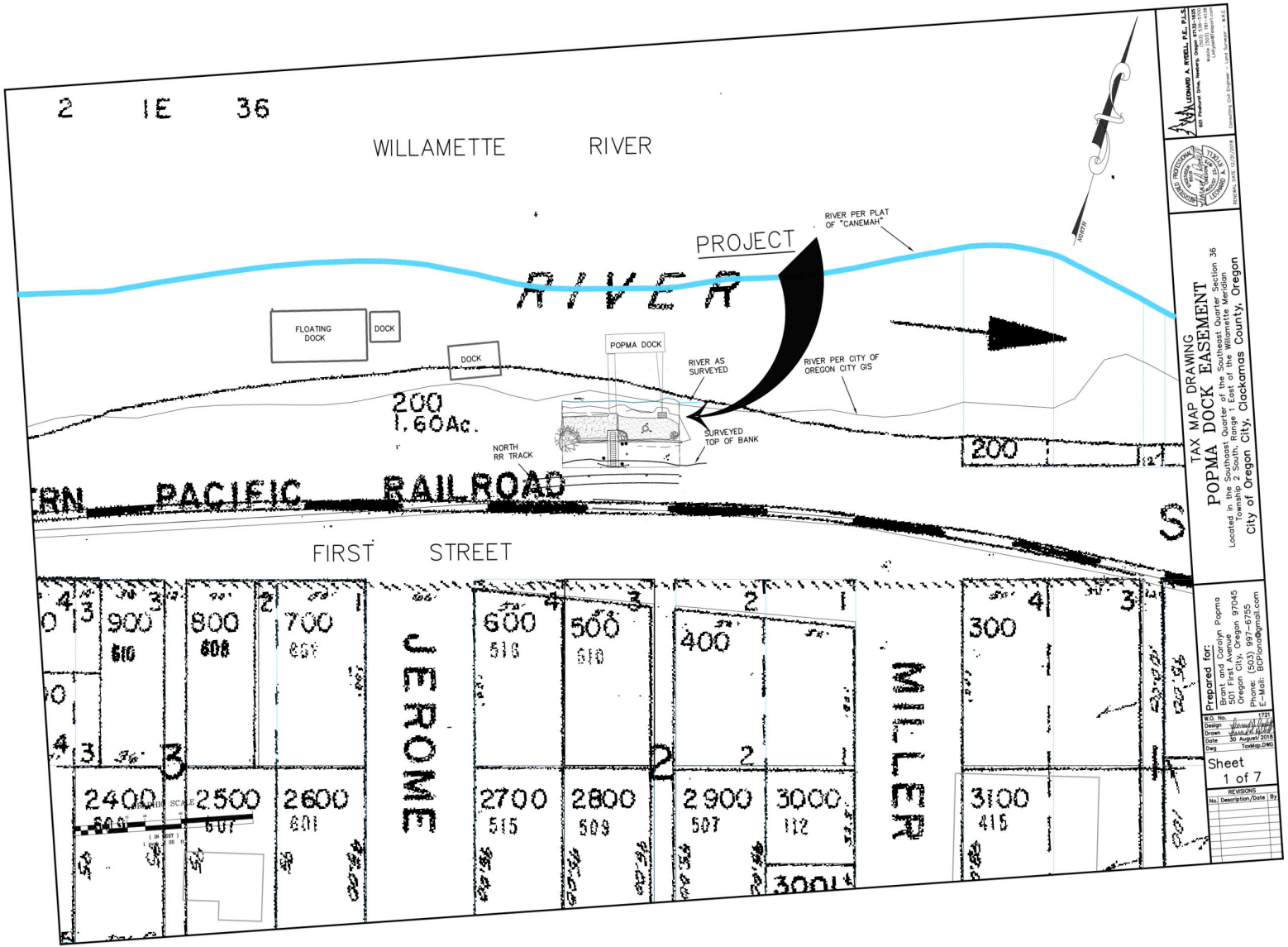
Scale: 1"=5'

RIVER BANK AND DOCK LOOKING NORTHEAST TOWARDS FALLS

RIVER BANK FROM DOCK LOOKING DOWNSTREAM

PATIO LOOKING UPSTREAM

PATIO DURING FLOODING


2 1E 36
WILLAMETTE RIVER
PROJECT
RIVER PER PLAT OF "CANEMAH"
RIVER
FLOATING DOCK
DOCK
DOCK
POPMA DOCK
RIVER AS SURVEYED
RIVER PER CITY OF OREGON CITY GIS
200
1.60Ac.
SURVEYED TOP OF BANK
NORTH RR TRACK
200
RN PACIFIC RAILROAD
FIRST STREET
900
510
800
608
700
601
600
513
500
510
400
2
300
2400
2500
607
2600
601
JEROME
2700
515
2800
509
2900
507
3000
112
3001
MILLER
3100
415
TAX MAP DRAWING
POPMA DOCK EASEMENT
Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1E East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon
Prepared for:
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P.D. No. 1721
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Drawn
Date 30 August 2018
Dwg TaxMap.DWG
Sheet 1 of 7
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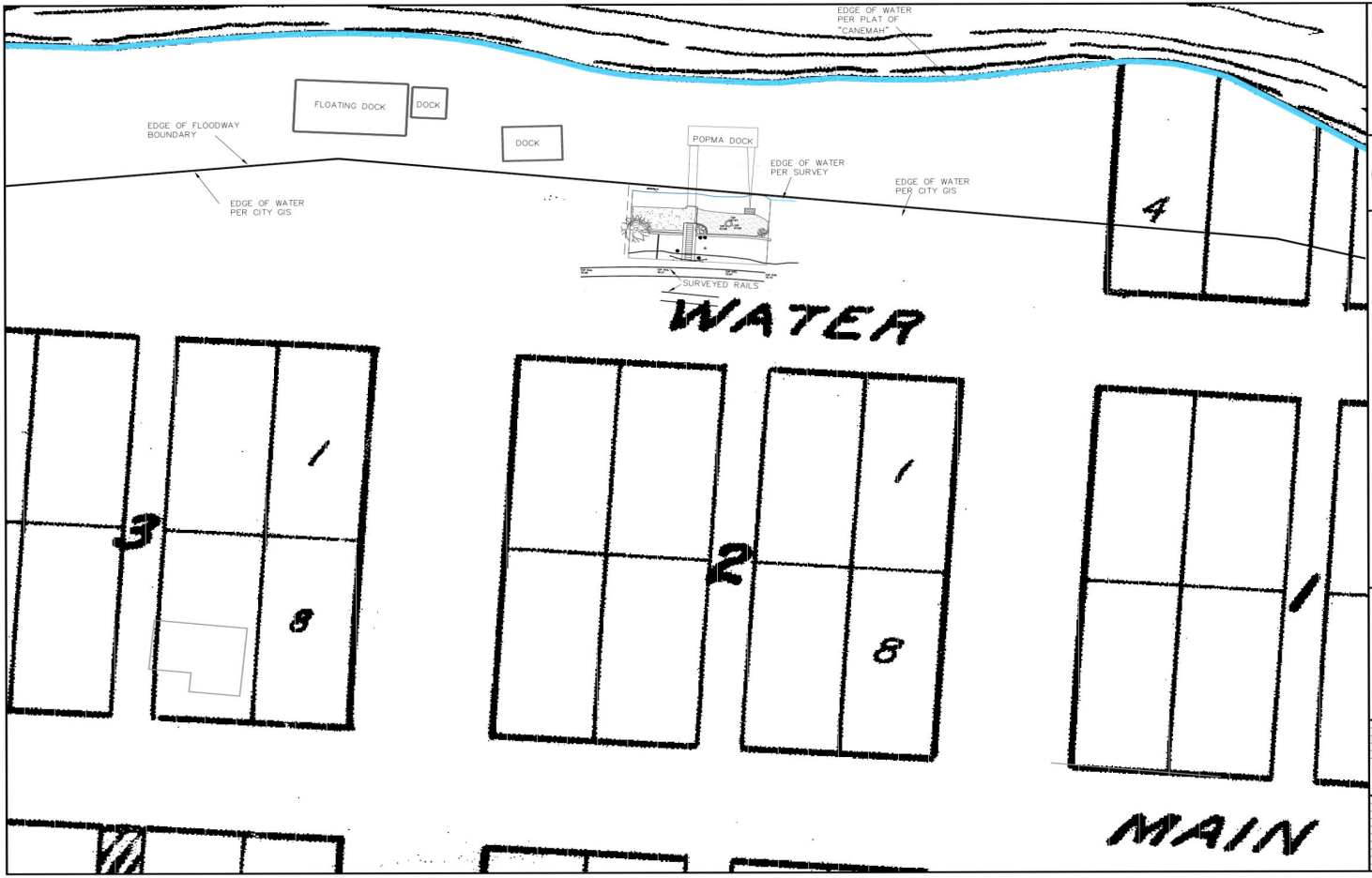
EXPIRES: 6/30/2019



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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1978
LEONARD A. PODELL
RENEWAL: DEC. 31, 2019

SUBDIVISION PLAT OF "CANEMAH" POPMA DOCK EASEMENT

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

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Design LAP
Drawn LAP
Date 30 August 2018
Dwg PLAT2of7.DWG

Sheet
2 of 7

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RENEWAL DATE: 12/31/2018

OREGON CITY 2004 LIDAR CONTOURS
POPMA DOCK EASEMENT

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

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Date	30 August 2018
Dwg	2014-LIDAR.DWG

Sheet
3 of 7

REVISIONS		
No.	Description/Date	By

Sheet 4 of 7

No.	Description/Date	By
	REVISIONS	

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Drawn	Leonard A. Rydell
Date	30 August 2018
Dwg	2014 LIDAR.DWG

OREGON CITY 2014 LIDAR CONTOURS
POPMA DOCK EASEMENT

Located in the Southaast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 10, 1979
LEONARD A. RYDELL
RENEWAL DATE 12/31/2018

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REGISTERED PROFESSIONAL ENGINEER — LEONARD A. RYDELL
RENEWAL DATE 12/31/2018

AS-CONSTRUCTED FINISH GRADING PLAN
POPMA DOCK EASEMENT

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
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W.O. No.	1721
Design	LAR
Drawn	MAS/LAR
Date	30 August 2018
Dwg	FIG-Surf2.DWG

Sheet
5 of 7

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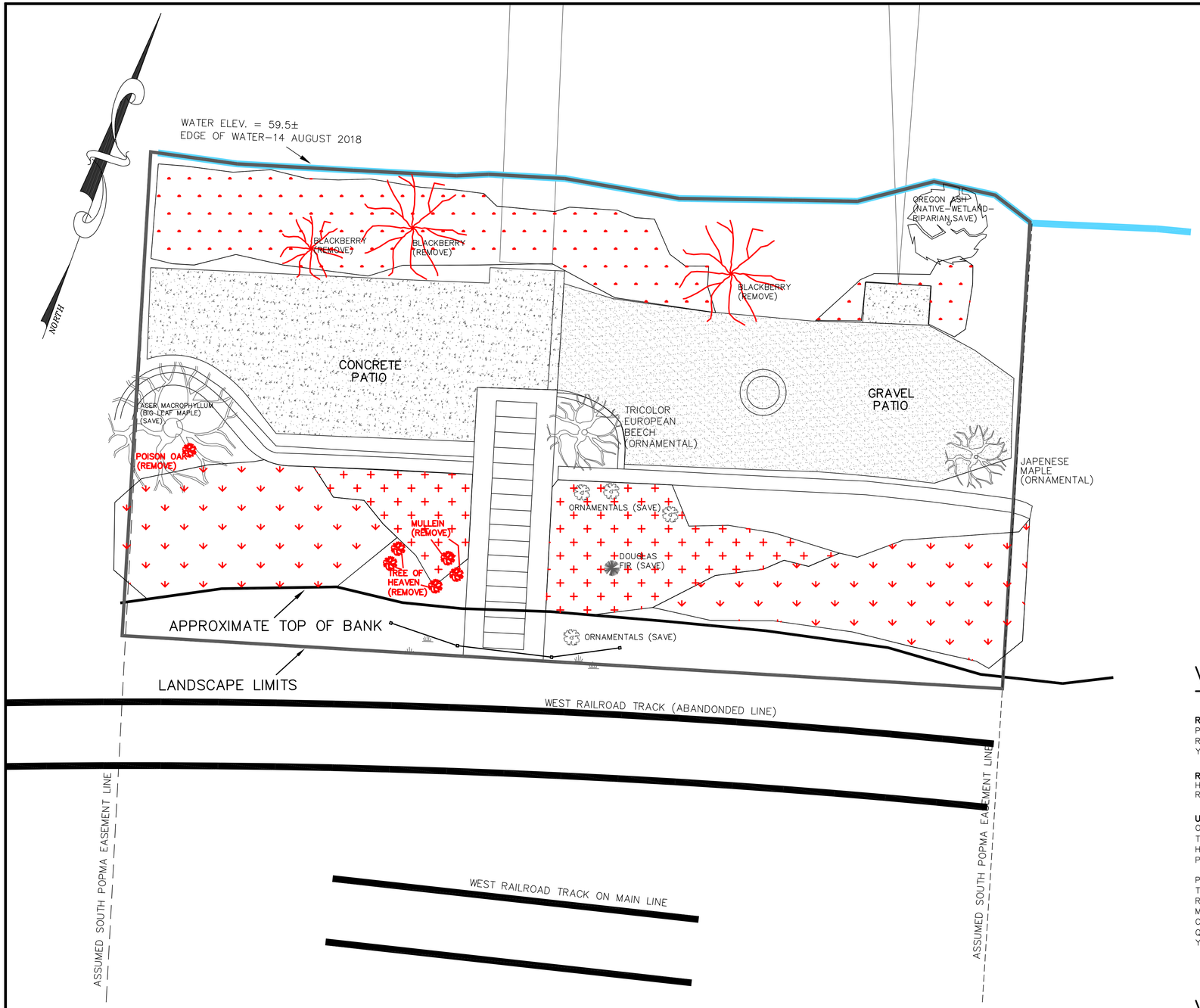

GRAPHIC SCALE

4 0 2 4 8 16

(IN FEET)
1 inch = 4 ft.

VEGETATION REMOVAL AREAS

- Remove Noxious Reed Canary Grass
- Remove Noxious Ox–eye Daisy
- Remove Noxious, Invasive or Non Native Annuals or Perennials
- Remove Blackberry
- Remove Invasive Shrubs

VEGETATION REMOVAL NOTES

River's Edge Noxious/Invasive/Non–Native Plant Species to Remove

Purple Loosetrife	Lythrum Salicaria (perennial; seeds/stem fragments)
Reed Canary Grass	Phalaris arundinacea (perennial; seeds/rhizomes/stem fragments)
Yellow Water Iris	Iris pseudacorus (perennial; stem fragments detach/float, seeds; all parts toxic)

River Bank Noxious/Invasive/Non–Native Plant Species to Remove

Himalayan Blackberry	Rubus discolor
Reed Canary Grass	Phalaris arundinacea

Upland Slope Noxious/Invasive/or Non–Native Plant Species to Remove

Ox–eye Daisy	Leucanthemum vulgare
Tree Of Heaven	Ailanthus altissima (noxious, allelotoxic, suckering by root sprouts, winged seeds)
Himalayan Blackberry	Rubus discolor (noxious, long runner roots)
Poison Oak	Toxicodendron diversilobum (hazardous)
Prickly Lettuce	Lactuca serriola (by seed annual and/or biennial)
Tansy Ragwort	Senecio jacobaea (biennial)
Robert Geranium	Geranium robertianum (annual, or biennial)
Mullein	Verbascum thapsis (biennial herb)
Common Field Horsetail	Equisetum arvense (nuisance in Oregon, rhizomes)
Queen Anne's Lace	Daucus carota (lg biennial/fast growth/long taproot)
Yellow Hawkweed	Hieracium floribundum (spread vegetatively from stolons, seeds)

VEGETATION RETENTION NOTES

River's Edge Native Plant Species to Retain (Neutral or Increase)

Douglas Spirea	Spiraea douglasii (increase)
Oregon Ash	Fraxinus latifolia

River Bank Native Plant Species to Retain (Neutral or Increase)

Douglas Spirea	Spiraea douglasii (increase)
Oregon Ash	Fraxinus latifolia

Various less significant very small–sized native wildflowers and weeds that will not affect remediation process

Upland Slope Native Plant Species to Retain (Neutral or Increase)

Big Leaf Maple	Acer macrophyllum
Douglas Fir	Pseudotsuga menziesii (seedling, make free–to–grow)
Foxglove (naturalized)	Digitalis purpurea
Common Evening Primrose	Oenothera biennis

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REGISTERED PROFESSIONAL ENGINEER OREGON JULY 25, 1978 LEONARD A. RYDELL

RENEWAL DATE 12/31/2018

VEGETATION REMOVAL PLAN
POPMA DOCK EASEMENT

Located in the Southaast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

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Date	30 August 2018
Dwg	Veg–Removal.DWG

Sheet 6 of 7

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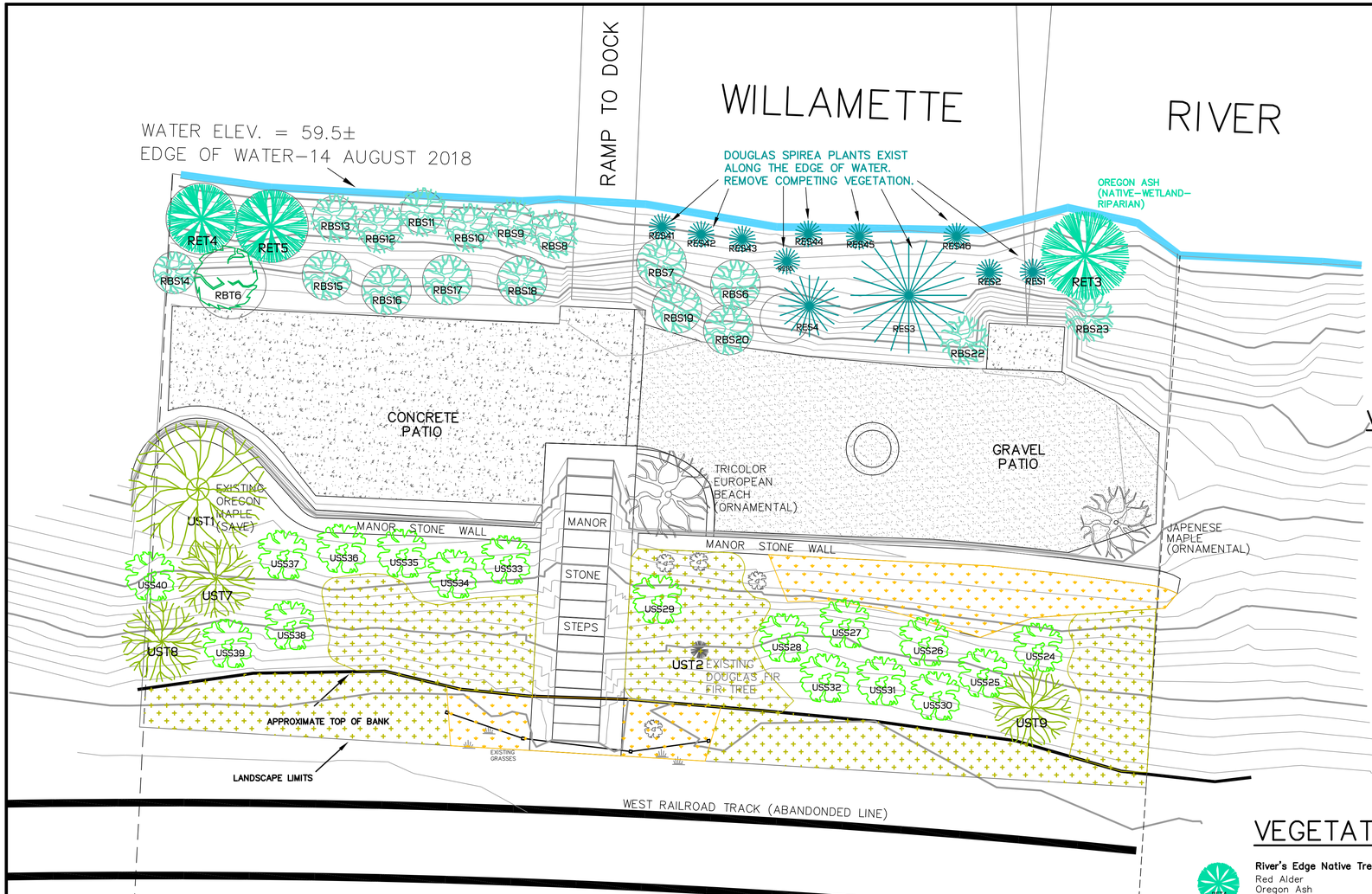

GRAPHIC SCALE

4 0 2 4 8 16

(IN FEET)
1 inch = 4 ft.

VEGETATION PLANTING SCHEDULE

- River's Edge Native Tree (RET#)
- River's Edge Native Shrub (RES#)
- River Bank Native Tree (RBT#)
- River Bank Native Shrub (RBS#)
- Upland Slope Bank Native Tree (UST#)
- Upland Slope Native Shrub (USS#)
- Upland Slope Native Ground Covers
- Existing Ornamentals (When Replaced, Replace with Natives)

OREGON CITY DEVELOPMENT CODE REQUIREMENTS

All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

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.

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.

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.

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.

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.

VEGETATION PLANTING SCHEDULE

River's Edge Native Tree Species (Moist or Wet Soil; Full Sun or Part Shade)

Red Alder	Alnus rubra (large deciduous tree 80ft tall, 30–40ft wide; tolerates seasonal flooding)
Oregon Ash	Fraxinus latifolia (large deciduous tree 70ft tall, 25ft wide; great wetland/riparian tree)
Bitter Cherry	Prunus emarginata (small deciduous tree 30ft tall, 20ft wide)
Scowler's Willow)	Salix scouleriana (small deciduous tree 35ft tall, 30ft wide)

River's Edge Native Shrub Species (Moist or Wet Soil; Full Sun or Part Shade)

Pacific Ninebark	Physocarpus capitatus (deciduous shrub 8–12ft tall, 4–7ft wide)
Swamp Rose	Rosa pisocarpa (deciduous shrub 6ft tall, 2–3ft wide)
Red Twig Dogwood	Cornus sericea (deciduous shrub 15ft tall, 6–9ft wide)
Douglas Spirea	Spiraea douglasii (deciduous shrub 6ft tall, 3–7ft wide; existing, increase)

Riverbank Native Tree Species (Dry or Moist Soil; Full Sun or Part Shade)

Vine Maple	Vine Maple Acer circinatum (small deciduous tree 20–25ft tall, 15–20ft wide)
Serviceberry	Serviceberry Amelanchier alnifolia (deciduous shrub 6–18ft tall, 10ft wide)

Riverbank Native Shrub Species (Dry or Moist Soil; Full Sun or Part Shade)

Nootka Rose	Nootka Rose Rosa nutkana var. nutkana (deciduous shrub 6–10ft tall, 3–4ft wide)
Thimbleberry	Thimbleberry Rubus parviflorus (deciduous shrub 4–6ft tall, 2–3ft wide)
Red–flowering Current	Red–flowering Current Ribes sanguineum var. sanguineum (deciduous shrub 4–10ft tall, 3–10ft wide)
Pacific Rush	Pacific Rush Juncus effuses sip. pacificus (evergreen perennial, grass–like 1–3ft tall, 3–4 ft wide)
Dagger–leaf Rush	Dagger–leaf Rush Juncus ensifolius (perennial, Iris–like 1–3ft tall, 3–4 ft wide)

Upland Slope Native Tree Species (Dry or Moist Soil; Full Sun)

Douglas Fir	Douglas Fir Pseudotsuga menziesii (120–240ft tall, 30ft wide; fast growing conifer)
Bigleaf Maple	Bigleaf Maple Acer macrophyllum (large deciduous tree 90ft tall, 70ft wide)

Upland Slope Native Shrub Species (Dry or Moist Soil; Full Sun)

Baldhip Rose	Baldhip Rose Rose gymnocarpa (small deciduous shrub 5ft tall, 2–8ft wide)
Common Snowberry	Common Snowberry Symphoricarpos albus (small deciduous shrub 3–6ft tall, 6–13ft wide)

Upland Slope Native Groundcover Species (Dry or Moist Soil; Full Sun)

Kinnikinnick	Arctostaphylos uva–ursi (small evergreen groundcover 5–8 inches tall, 2–15ft wide)
Yarrow	Yarrow Achillea millefolium (perennial 1–2ft tall, 2ft wide)
Showy Milkweed	Showy Milkweed Asclepius speciosa (perennial 3ft tall, 1–2ft wide)
Common Camas	Common Camas Camassia quamash (perennial 2–3ft tall, 0.5–1 ft wide, needs dry summer soil)
Woodland Strawberry	Woodland Strawberry Fragaria virginiana sip. platypetala (semi–evergreen perennial ground cover 0.2ft, 1ft)
Oregon Redwood	Oregon Redwood Sorrel Oxalis oregana (perennial ground cover, dry shade under Maple 0.5ft tall, 2–3 ft wide)
Oregon Stonecrop	Oregon Stonecrop Sedum oreganum (evergreen perennial succulent groundcover 0.6ft tall,1.5 ft wide)
Broadleaf Stonecrop	Broadleaf Stonecrop Sedum spathulifolium (evergreen perennial succulent groundcover 0.6ft tall,1.5 ft wide)

Plant native plants in the area that is being controlled after the bulk of the invasive plants are removed. This will help to repopulate the area with desired species and prevent new and recurring invasions. Monitor the site. It is crucial to recheck every 6–12 months to reassess the area and to pull the inevitable regrowth that has sprouted from vegetative below–ground reproduction and before new seed heads form. This will effectively prevent re–infestation.

Upland Slope Non–native Ornamental Plant Species to Possibly Retain (Neutral impact on natives)

Japanese Maple	Japanese Maple Acer palmatum (Asia)
Stonecrop	Stonecrop Sedum spp. L. (rapid spreading, not invasive)
Escallonia 'Pink Princess'	Escallonia 'Pink Princess' Escallonia x exoniensis 'Fradesii' (Escallonia spp. are native to N. and S.America)
Tricolor European Beach	Tricolor European Beach Fagus sylvatica (Europe)
Blue Fescue	Blue Fescue Festuca ovina glauca 'Elija Blue' (S.France)
Stella de Oro DayLilly	Stella de Oro DayLilly Hemerocallis 'Stella D'Oro'

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REGISTERED PROFESSIONAL ENGINEER OREGON JULY 9, 1985 LEONARD A. RYDELL 9P 8618

RENEWAL DATE 12/31/2018

LANDSCAPE PLANTING PLAN
POPMA DOCK EASEMENT

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
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Drawn	
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Dwg	Planting7of7.DWG

Sheet
7 of 7

REVISIONS

No.	Description/Date	By

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ENGINEERING REPORT

Canemah Club

An Existing Floating Dock on the Willamette River

City of Oregon City

Clackamas County, Oregon

1 August 2018

PREPARED FOR:

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Phone: (503) 997-6755

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RENEWAL DATE 12/31/2018

TABLE OF CONTENTS

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Information Required 6

Analysis 7

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- Does the Dock Restrict Flood Flows 8
- Can the Dock Rise and Fall During a 100 Year Event 8
- Is the Dock Sufficiently Anchored to Survive Flood Events 9
- Does the Patio, Wall, and Dock Anchor improvements Affect Flood Elevations. . 10
- Division of State Lands Cut and Fill Regulations 10

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1B. Waterway Structure Registration Application - Page 2

1C. Pre-Development Site Location Picture

1D. Sketch of Dock Size

1E. Portland Maps - Site Location

1F. Site Location on Tax Map

1G. Upstream of Site Picture

1H. Oregon DSL Registration Letter - 22 April 2013

1I. Oregon DSL Registration Transfer Letter - 5 February 2015

2 Clackamas County Tax Map

3. Oregon City Community Assistance Visit (CAV) 2016

4. FM41005C0276D Firmette

5. Willamette River Flood Maps

   5A. River Widths Upstream of the Popma Dock

   5B. Dock, Flood Way and Flood Plain Detail

6. Flood Gage Location Map and Historic Flood Elevations

7. Dock Pictures During December 2015 Flood

   7A. Dock and Ramp Looking Down Stream

   7B. Ramp at Flood Stage

   7C. Ramp at Flood Stage

   7D. Patio Looking Downstream at Flood Stage

   7E. Patio Looking Upstream at Flood Stage

8. Dock and Ramp Construction Details

   8A. Dock Plan View and Ramp and Stabilizer Arm Structures

   8B, Dock and Ramp Profile Showing Logs, Dock Details and Ramp

   8C. Dock Logs and Structural Details

   8D. Ramp and Stabilizer Dock Attachment Details

   8E. Ramp and Stabilizer Shore Attachment Details

9. Popma Dock Profiles and Various Elevations

10. Division of State Lands Jurisdiction - Sheet 9 of 57

11. Site Visit Pictures

   11A. Ramp and Dock Looking to Northwest

   11B. Dock Cables and Anchors Looking Southeast

   11C, Ramp Looking Northeast-Ramp, Stabilizer and Cables

   11D. Dock Looking Southwest to Ramp and Cables

   11E. Ramp Anchoring

   11F. Stabilizer Anchoring

   11G. Dock to Ramp Anchoring

APPLICANT AND SITE INFORMATION

APPLICANT	Brant and Carolyn Popma 501 First Avenue Oregon City, Oregon 97045 Phone: (503) 997-6755 E-Mail: bcpopma@gmail.com
PROPERTY OWNER	Canemaha Club Attn: Ken Baysinger 516 First Avenue Oregon City, Oregon 97045 Phone: (503) 502-5557 E-Mail: k.baysinger@comcast.net
ENGINEER/SURVEYOR:	Leonard Rydell, P.E., P. L. S., W. R. E. 601 Pinehurst Drive Newberg, OR 97132-1625 Phone: 503-538-5700 E-Mail: larydell@teleport.com
REQUEST:	Approval of an Existing Dock
TAX LOT:	Tax Lot 200, Map No. 2-1E-36DD
COMPREHENSIVE PLAN:	LR - Low Density Residential
ZONING:	R6 - Single Family Dwelling
SIZE:	320 Square Feet of Floating Dock plus 128 Square Feet of Ramp to Dock
LOCATION:	East Bank of the Willamette River above Willamette Falls at River Mile 27.25
SPECIFIC REQUESTS:	FEMA and Oregon City Approval of an Existing Residential Dock

BACKGROUND INFORMATION

In April 2013, Ryan A. Smith applied for a Division of State Lands permit for a floating dock on the Willamette River at River Mile 27.25. This dock is located just above the Willamette Falls at Oregon City and just upstream of USGS Stream Gaging Station 14207740, "Willamette River Above Falls, at Oregon City, OR". A copy of the application is attached.

The property is identified as Tax Lot 200 of Map No. 2S-1E-36DD. It is owned by the Canemah Club. The Popma property is identified as Tax Lot 500 of Map No. 2S-1E-36DD and has an easement for a dock on the Canemah property..

The dock application required a "City/County Certificate of Compliance" (Section 4, Page 2 of the application). The application was signed on 16 April 2013 by Christina Robertson-Gardner, Planner for Oregon City. The first box stating, *"This project is not regulated by the local comprehensive plan and zoning ordinance"* is checked, but a qualification was listed under the comments section that stated, "Small Residential Docs (sp) are exempt from Planning Permits as long as no improvements are built on land."

A drawing of the dock is attached to the application (Exhibit 1D), but it only shows that the dock is 10' by 30'. No additional details are shown.

Two pictures are included in the application. One (Exhibit 1C) apparently is the waterfront area where the dock will be located, and shows the edge of water, some rocks at the water's edge, a rocky slope and a manor stone concrete block wall farther up the bank. The second picture (Exhibit 1G) is a view looking up the river showing the existing bank, trees and docks.

The Division of State Lands approved the permit by letter dated 22 April 2013 (Exhibit 1H), Registration No. 53636-RG. On 5 February 2015, it was transferred to Brant and Carolyn Popma (Exhibit 1I).

The dock was constructed in 2013.

On 13 May 2016, FEMA (Federal Emergency Management Agency) notified the City of Oregon City that they scheduled a Community Assistance Visit (CAV) on 2 June *2016 "to discuss with local officials how the local implementation of the NFIP (National Flood Insurance Program) are being enforced."* This included *"an examination of floodplain permits and variance files; provided a summary report to rectify any identified administrative or structure violations; and a discussion of any training needs."*

The Community Assistance Visit resulted in seven properties with concerns (Exhibit 3) the first being the "Canemah Club's property dock easement for 510 First Avenue".

The purpose of this report is to address those concerns.

INFORMATION REQUIRED

The 2016 CAV from FEMA requested *"Permits and No-Rise" Certificate".* According to the FEMA Website, *"Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community's permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM)."* Since this is a floating dock, the Flood Boundary and Floodway Map will be used to determine potential impacts to the flood elevation.

Information received by an e-mail from Carolyn Popma on 15 August quotes an e-mail from Mike Roberts, theOregon City Building Inspector which states:

"I still have not received approval to release the draft as I mentioned to you last time we spoke. I also mentioned to you that if you had an engineer write a report stating that the dock is anchored to withstand a flood and will not become dislodged or will not have any ill effects or create any adverse conditions that the dock would be approved, as you stated below."

Oregon City has regulations, but not application forms. Applicable code sections include Sections 17.42.030-190 of its Development Code which states:

17.42.190 - Floodways.

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

ANALYSIS

Dock Exposure to Floodway Flows

The improvement is a floating dock on the Willamette River that is anchored to shore by cables and a hinged ramp that allows the dock to float up and down based on the water level. The site of the dock is shown by a FEMA Firmette (Exhibit 4) which shows a portion of the official 2008 Flood Insurance Rate Map (FIRM), Map No. 41005C0276D, Sheet 275 of 1175..

An updated map is with a more recent aerial photo is available on the FEMA web site and this image was inserted into a scaled drawing (Exhibit 5A). A second map (Exhibit 5B) shows that the dock is located in the flood way and the ramp and concrete patio is located in the flood plain. The flood way is where the flood waters flow, and the flood plain is backwaters that flood but are not subject to the higher velocities.

In a review of the Exhibit 5A, one can note that the width of the Willamette River varies. The width of the flood way 1590 feet upstream is 960 feet wide, the floodway width 970 feet upstream is 860 feet wide and the flood way width at the Popma dock is 1,220 feet wide. Therefore, the river narrows upstream of the Popma dock, then widens substantially in front of the Popma dock. This widening would tend to result in lower velocities with lower risk during flood events.

Flood history at this location is shown by Exhibit 6. Historic highs at the stream gaging station range from 68.50 ft in 1943 to 71.3 in 1990. The 100 year flood elevation at the Popma Dock is 74 feet as shown by Exhibit 4.

The highest flood event that the Popma Dock has experienced is 63.6 feet in December 2015. Pictures taken at that time are attached (Exhibit 7). If you look at the water flows, the water appears to be calm along the shore. This would be expected as this area is in the flood plain versus the flood way.

Therefore, there is exposure of the dock itself to flood way flows, but the ramp appears to be outside of the flood way.

Does the Dock Restrict Flood Flows?

Drawings of the ramp and dock are attached (Exhibit 8).

The dock is supported by five float logs of 18" to 20" in diameter, and based on the photos, it appears that they are submerged approximately half of their depth. Based on a log diameter of 20 inches, the end area of each log is 2.2 feet, and if half submerged, would displace 1.1 feet of flow area per log. Multiply that by five logs and the river restriction from the dock is 5.5 feet.

Based on the USGS map of the Willamette River, the River Bottom is approximately 18 feet, so for a rough calculation just for obtaining perspective on the impact, the cross section area of the floodway is roughly (76 feet minus 18 feet deep) times 1220 feet wide or a cross sectional area of 68,000 square feet. Therefore, a cross sectional area obstruction of 5.5 square feet for the floating dock is insignificant.

In conclusion, the dock and ramp will have little to no effect on existing and historic flood way and flood plain elevations.

Can the Dock Rise and Fall During a 100 Year Event?

Drawings of the ramp and dock are attached (Exhibit 8).

A site visit was made on on 13 September 2017 and pictures were taken on that date (Exhibit 11). During the inspection, Brant Popma, Ken Baysinger, Ryan Smith and Doug Tiner were present.

The dock was constructed by Captain Pacquet Company, a business owned by Ryan Smith and Doug Tiner.

The dock is anchored to the shore at an elevation of approximately 62 feet. The elevation of the anchor point was provided by Ken Baysinger of the Canemah Club who is knowledgeable with several years of history of the site and previous flood elevation surveys.

There are several anchors to the dock as shown by the plans and photographs of the site as follows:

1. Four anchor points, two on land and two on the dock at each end of the ramp structure.

2. Two anchor points on the dock and one anchor point on the land for the Stabilizer Arm Structure.

3. Two Diagonal Bracing wires of 7/16" Stainless Steel Cable running from the two inside dock corners diagonally across the dock to anchor points on land.

4. An additional cable tying the South end of the dock to land.

As noted on the “Gage Location Map” (Exhibit 6), the highest historical crest is 71.30 feet in 1990.

Furthermore, pictures provided by Brant Popma are attached (Exhibit 8) which were taken of the Popma Dock during the December 2015 flood. The elevation of this flood was 63.6 feet (Exhibit 7).

Attached, is a drawing prepared by this firm (Exhibit 9) that shows how the dock and ramp will move during different water elevations including a typical summer low of 54.5 feet, the December 2015 flood of 63.6 feet and a “100 year flood event” of 71 feet. It should be noted that a “100 year event” is one that has a 1% chance of happening in any one year.

In conclusion, based on the design, observed conditions, and pictures from the December 2015 flood event, the dock is designed, constructed and able to rise and fall with changing water levels from summer lows to the 100 year flood event.

Is the Dock Sufficiently Anchored to Survive Flood Events?

The dock and anchoring system was constructed by the Captain Pacquet Company. The Captain Pacquet Company has installed several ramps and docks.

As stated the above and as shown by the plans (Exhibit 8) and pictures (Exhibit 7), the dock appears to be well anchored and is able to move up and down during all of the anticipated river levels including the 1% (100 year) event.

Pictures taken during the Site Inspection on 13 September 2017 are attached (Exhibit 11).

Furthermore, the pictures from the December 2015 flood event (Exhibit 7) show that while the dock is located in the flood way, the ramp is located more in the backwaters of the flood plain and thus will be subject to smaller stresses. The pictures also demonstrate that the dock is able to weather flood flow velocities.

In conclusion, based on the dock location just inside of the flood way, the ramp location in the flood plain, the “like new” conditions of the dock, the ramp and anchoring system construction together with the documented pictures of the dock during the highest flood event during the last four years(Exhibit 7), the dock and ramp is designed and able to

remain fully anchored during all water levels between summer lows and historic flood events.

Does the Patio, Wall,and Dock Anchor improvements Affect Flood Elevations?

Prior to construction of the dock and ramp, there was a level area with a rock wall on the river side and a concrete manor stone wall on the bank side (Exhibit 1C). It appears that prior to dock construction that the bank was cut into approximately two to three feet, and the cut materials placed closer to the water to create a level area. Local testimony places the level area at approximately 62 feet and while in the flood plain, is above the Ordinary High Water line of 58 feet (Exhibit 10).

It appears that little additional material other than the concrete anchors and a concrete patio was added to the site since the preconstruction photo (Exhibit 1C).

A rough estimate of the concrete volume of the anchor blocks and patio is approximately 5 to 6 cubic yards. The Division of State Lands allows 50 cubic yards to be placed/removed without a permit.

Based on observations during a site visit and review of the pre-dock construction photo, it appears that the placement of the concrete anchors and concrete patio have little to no effect on the flood elevation and flood storage. .

Division of State Lands Cut and Fill Regulations

Regulations are summarized on the Oregon Division of State Lands web site which states:

Oregon's Removal-Fill Law (ORS 196.795-990) requires any person who plans to "remove or fill" material within "waters of the state" to obtain a permit from the Department of State Lands. Removal means taking rock, gravel, sand, silt, other inorganic substances, and large woody debris from the bed or banks of a waterway, or their movement by artificial means within the bed or banks, including channel relocation. Fill means the deposit by artificial means of any material (organic or inorganic) at any one location in the bed or banks. Waters of the state include wetlands on private and public land.

Types of "waters of the state" and jurisdictional limits:

Pacific Ocean: extreme low tide to 3 miles out
Tidal Bays and Estuaries: highest measured tide or upper edge of wetland
Perennial Streams, Lakes and Ponds: to ordinary high water
Intermittent Streams: to ordinary high water

Wetlands: wetland boundary as determined by delineation report
Artificial Ponds and Ditches: ordinary high water
Artificial Wetlands: wetland boundary
Reservoirs: normal operating pool level or upper edge of adjacent wetland

For most waters, a permit is required if a project ***will involve 50 cubic yards*** *of fill and/or removal (cumulative) within the jurisdictional boundary. For activities in designated Essential Salmonid Habitat waters, State Scenic Waterways and designated compensatory mitigation sites, a permit is required for any amount of removal or fill. Removal is calculated on an annual basis. Fill is calculated on a cumulative basis.*

Exhibit 10 is a plan and profile (Sheet 9 of 57) of the Willamette River showing the "Public Lands" of the Willamette River at the Popma Dock. As shown by the profile, the "Ordinary High Water Level" at the Popma Dock is approximately 58 feet. Since the patio elevation is stated to be approximately 62 feet, it would appear that the cut and fill on the river bank is outside of the Division of State Lands area of regulation. Furthermore, as calculated above, the threshold of 50 cubic yards is not met.

CONCLUSIONS

Based on a site inspection, review of existing conditions, documentation of the improvements prepared and submitted by others, personal testimony of residents, review of FEMA Flood Maps, site pictures of existing summer and flood conditions, the dock and patio improvements will not result in a measurable rise in flood way or flood plain water elevations.

Based on a site inspection, the location of the dock just inside of the edge of the flood way around the corner of a bend in a wider backwater portion of the river, the ramp location in the flood plain, the "like new" conditions of the dock, ramp and anchoring system construction, the documented pictures of the dock during the highest flood event during the last four years, the dock and ramp as installed does not represent a significant risk to the public of failure during present and future flood events.

Exhibit 1A

Waterway Structure Registration Application

RECEIVED
APR 22 2013
DEPARTMENT OF STATE LANDS

www.oregonstatelands.us

Mail completed application with the non- refundable application fee, made payable to: Oregon Department of State Lands.

We accept Visa & Master Card; please call (503) 986-5253.

(West of the Cascade Crest)
WESTERN REGION
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
503-986-5200
FAX: 503-378-4844

(East of the Cascade Crest)
EASTERN REGION
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, OR 97701
541-388-6112
FAX: 541-388-6480

Please complete the sections or forms based on the option you select below

☒ Applying for a new structure registration	Sections 1, 2, 3, 4, 5; Sign page 2
☐ Renewal of an existing Registration, with no changes →	Sections 1 & 2; Sign page 2
☐ Amendment to an existing Registration →	Sections 1, 2, 3, 4, 5; Sign page 2
☐ Adding additional structures to an existing registration	If any of the boxes to the left are checked, please provide your registration number. NA -RG
☐ Modifying an existing registration (e.g. add sq. ft.) Changes fee class	
☒ Moving the structure to a different location (e.g. a new taxlot)	
Change of Ownership—STOP and please submit the following form →	*Change of Ownership* form

1 - APPLICANT INFORMATION

Applicant's Name: Ryan A Smith	Home Phone:
Mailing Address: 602 1st Ave	Business/Other Phone: 503-880-9138
City: Oregon City	Fax:
State: Or Zip: 97045	Email Address: ryan@verdictbarandgrill.com
Structure Address 510 1st Ave Oregon City, Or 97045	

2 - STRUCTURE TYPE (check applicable boxes)

Dock or Float Only	Boat House Only	Dock with Boat House	Fee (per 5 Year Term)
☑ Less than 1,000 sq ft	☐ Less than 1,000 sq ft	☐ Less than 1,000 sq ft	$150
☐ 1,001 to 2,000 sq ft	☐ 1,001 to 2,000 sq ft	☐ 1,001 to 2,000 sq ft	$300
☐ 2,001 to 2,500 sq ft	☐ 2,001 to 2,500 sq ft	☐ 2,001 to 2,500 sq ft	$360
Floating Recreational Cabin (must be less than 1,500 sq ft) See OAR 141-82-0020(24)			$420
NO FEE CATEGORY ☐ **Revetments, attenuators, retaining walls, riprap, tidegates, etc.**			$0
NO FEE CATEGORY ☐ **Structures maintained by a Drainage District** (ORS 547)			$0
NO FEE CATEGORY ☐ **Rights-of-way established for City or County roads prior to Nov. 1, 1981**			$0
NO FEE CATEGORY ☐ **Voluntary Habitat Restoration Projects**			$0
☐ **Other** (e.g. boat ramp, mooring buoy, piling, etc.) _____			$150.00/ other structure
		TOTAL:	$ 150 00

Exhibit 1B

3 - STRUCTURE INFORMATION

Waterway	River Mile	County
Willamette River	27.25	Clackamas

Are you the owner of the above referenced tax lot?
☑ Yes ☐ No (If no, please provide the owner's name and address):

Legal Description

Township	Range	Section	Quarter	Tax Lot No.(s)
02S	01E	36	SE	500

4 - CITY/COUNTY CERTIFICATE OF COMPLIANCE

(Submit to local planning official for completion)

☒ This project is not regulated by the local comprehensive plan and zoning ordinance.
☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
☐ This project has been reviewed and is **NOT** consistent with the local comprehensive plan and zone ordinance.
☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

A. Conditional Use Approval B. Development Permit C. Plan Amendment D. Zone Change

E. Other _____

An application ☐ has ☒ has not been made for local approvals checked above.

Comments: Small Residential Docs ~~are not subject to~~ are exempt from Planning permits as long as no ~~permanent~~ improvements are built on land.

Signature of local planning official	Title	City/County	Date
	Planner	Oregon City	4/16/13

Print Name: Christina Robertson-Gardiner

5 - ATTACH ALL THE FOLLOWING FOR APPROVAL OF NEW REGISTRATIONS

☐ Section 4 – To be Completed by City or County Planning Official.
☑ A street or highway location map with road directions to the site from the nearest main highway or road.
☑ County Assessor Tax Map showing the location of structure.
☑ Photos of existing structure, or of the site of proposed structure (land and water view).
☑ Drawing(s) of the existing structure or the proposed, with measurements of structure. (boat well included)

INCOMPLETE APPLICATIONS WILL BE RETURNED ***Please Make a Copy for Your Records***

By signing this application, I certify to the best of my knowledge, the structure identified in this application meets all applicable local, state and federal laws including the local comprehensive land use plan and zoning ordinance requirements. Failure to do so will invalidate this registration and result in a trespass, subject to civil penalties provided in OAR 141-082-0130.

Applicant Signature _____ Date _____

FOR AGENCY USE ONLY

AGENCY USE			
	Fee received: $	Registration No. _____ - RG	
	Effective Date:	Expiration Date:	

Version 2, 11/5/2012

Exhibit 1C

From: Ryan Smith <ryan@verdictbarandgrill.com>
Date: 4/16/2013 2:44 PM
To: ryan@verdictbarandgrill.com

photo.JPG

Sent from my iPhone

Attachments:

Exhibit 1D

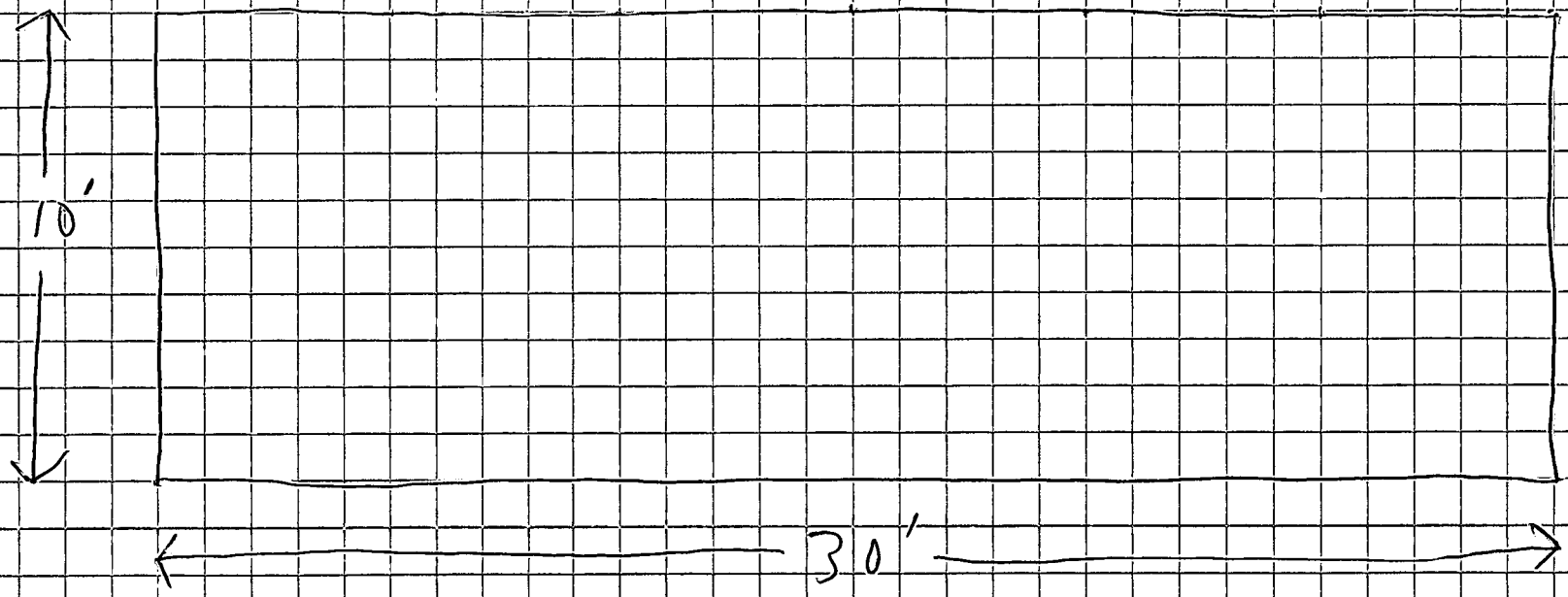
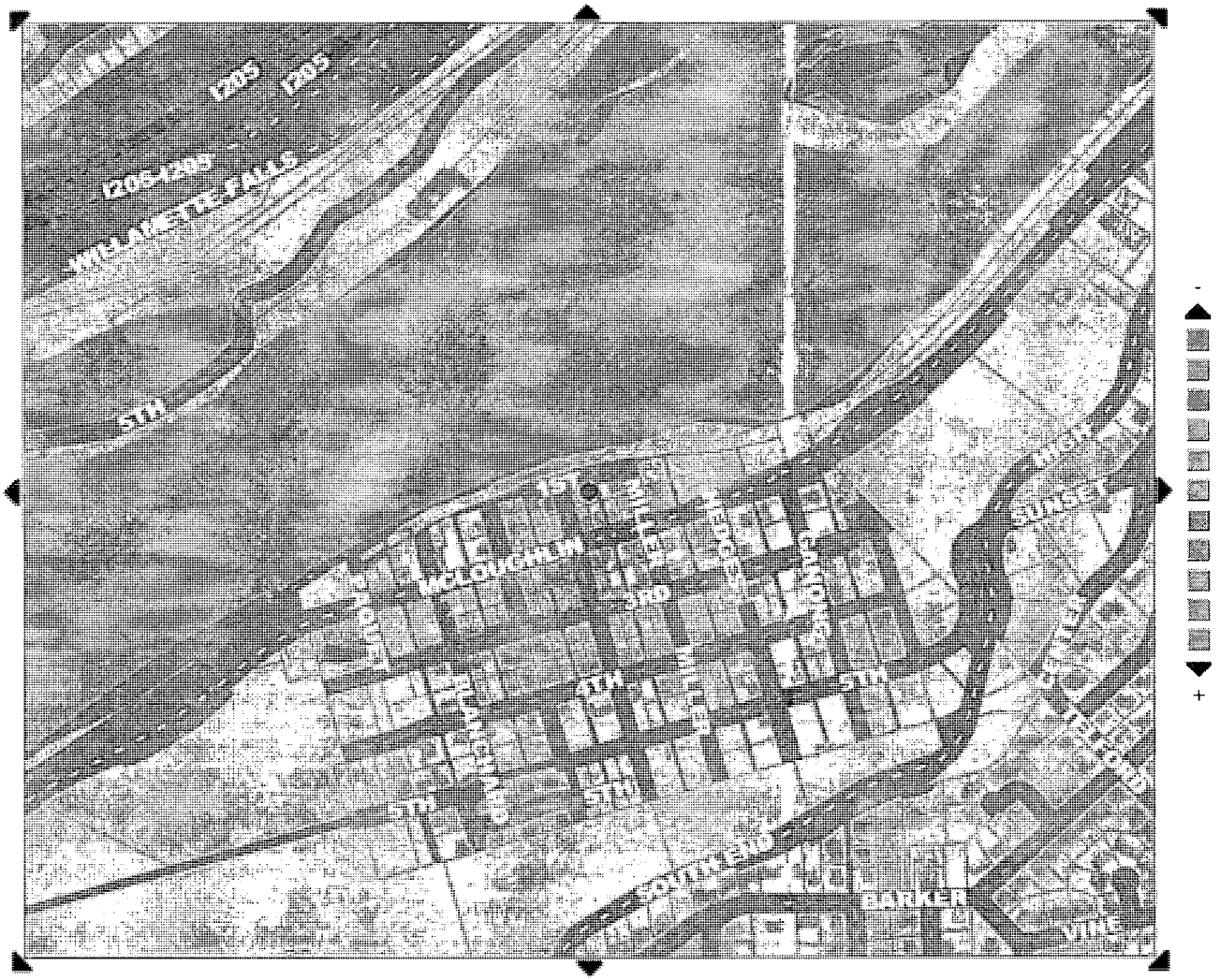


Exhibit 1E

PortlandMaps

Property Detail Long -122.62277 Lat 45.34743



Property 0 700 FT

City of Portland, Corporate GIS 4/4/2013

THE GIS APPLICATIONS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY OF DATA FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. THE CITY OF PORTLAND MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE USER OF THESE APPLICATIONS SHOULD NOT RELY ON THE DATA PROVIDED HEREIN FOR ANY REASON. THE CITY OF PORTLAND EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. THE CITY OF PORTLAND SHALL ASSUME NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THE APPLICATIONS IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREUNDER. FOR UPDATED INFORMATION ABOUT THE MAP DATA ON PORTLANDMAPS PLEASE REFER TO CITY'S METADATA. FOR QUESTIONS ABOUT ASSESSMENT INFORMATION PLEASE CONTACT THE COUNTY ASSESSORS OFFICE IN YOUR COUNTY.

Exhibit 1F

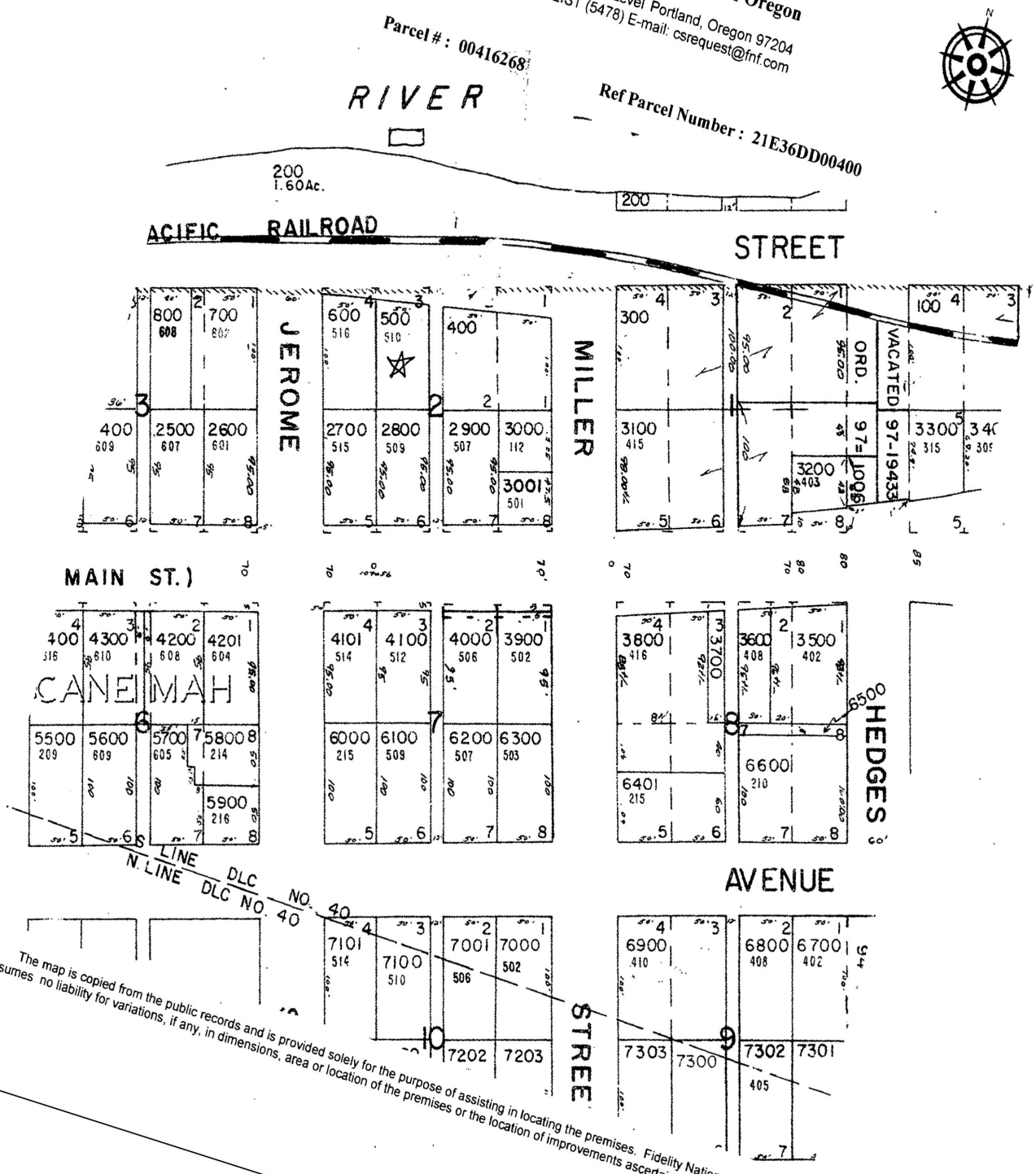
Fidelity National Title

Company Of Oregon

900 SW 5th Ave., Mezzanine Level Portland, Oregon 97204
Phone: (503) 227-LIST (5478) E-mail: csrequest@fnf.com

Parcel # : 00416268

Ref Parcel Number : 21E36DD00400



The map is copied from the public records and is provided solely for the purpose of assisting in locating the premises. Fidelity National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.

Exhibit 1G

From: Ryan Smith <ryan@verdictbarandgrill.com>
Date: 4/16/2013 3:02 PM
To: ryan@verdictbarandgrill.com

photo.JPG

Sent from my iPhone

Attachments:

Exhibit 1H

Oregon

John A. Kitzhaber, MD, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us

State Land Board

John A. Kitzhaber, MD
Governor

Kate Brown
Secretary of State

Ted Wheeler
State Treasurer

April 22, 2013

CA410/53636-RG
RYAN SMITH
602 1ST. AVE.
OREGON CITY, OR 97045

REGISTRATION
53636-RG

Dear Mr. Smith:

This letter is to inform you that your dock has been authorized. The issue date is May 1, 2013 and the expiration date is April 30, 2018.

Under OAR 141-082-0160(4) you will still be required to notify the Department of any of the following changes:

a) Change in the location of registered structure ninety (90) days prior to such change.
b) Change in ownership of a registered structure within ninety (90) days of the transfer of ownership.

Your registration must be renewed every five (5) years. The Department will notify you by mail and provide a form to renew the registration ninety (90) days prior to the expiration date of the registration.

Sincerely,

Nancy Austin
Authorized Signature

Western Region Manager
Title

Land Management Division

C: Clackamas County Assessors
Clackamas County Planning
Oregon State Marine Board

Exhibit 1I

Oregon

John A. Kitzhaber, MD, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us

State Land Board

John A. Kitzhaber, MD
Governor

Kate Brown
Secretary of State

Ted Wheeler
State Treasurer

February 5, 2015

CRL410/53636-RG
BRANT AND CAROLYN POPMA
510 1ST AVE
OREGON CITY OR 97045

REGISTRATION
53636-RG
Transferred from: Ryan Smith

Dear Property Owner:

This letter is to inform you that your dock of less than 1,000 sq. ft., located at 510 1st Ave, on the Willamette River, in Clackamas County (legal description: 02S01E36DD500), has been registered with the State of Oregon. This registration is valid from May 1, 2013 until April 30, 2018.

Under OAR 141-082-0330 (3) you will still be required to notify the Department of any of the following changes:

a) Change in the location or size of a registered structure ninety (90) calendar days prior to such change.

b) Change in ownership of a registered structure or use as a result of a sale or conveyance within ninety (90) calendar days of the transfer of ownership.

c) Change in ownership by operation of the law resulting from a bankruptcy, foreclosure, estate settlement, or the like within thirty (30) calendar days of the final settlement or decision. Failure to notify the Department of a change in the location, size, or the ownership of a registered structure or use within the time provided will result in the automatic termination of the registration.

Your registration must be renewed every five (5) years. The Department will notify you by mail and provide a form to renew the registration ninety (90) calendar days prior to the expiration date of the registration. **Please submit a photo of the newly installed dock to the Department of State Lands.**

Sincerely,

Christina Leas

Waterways Technician

Aquatic Resource Management

cc: Clackamas County Assessors
City of Oregon City Planner
Oregon State Marine Board

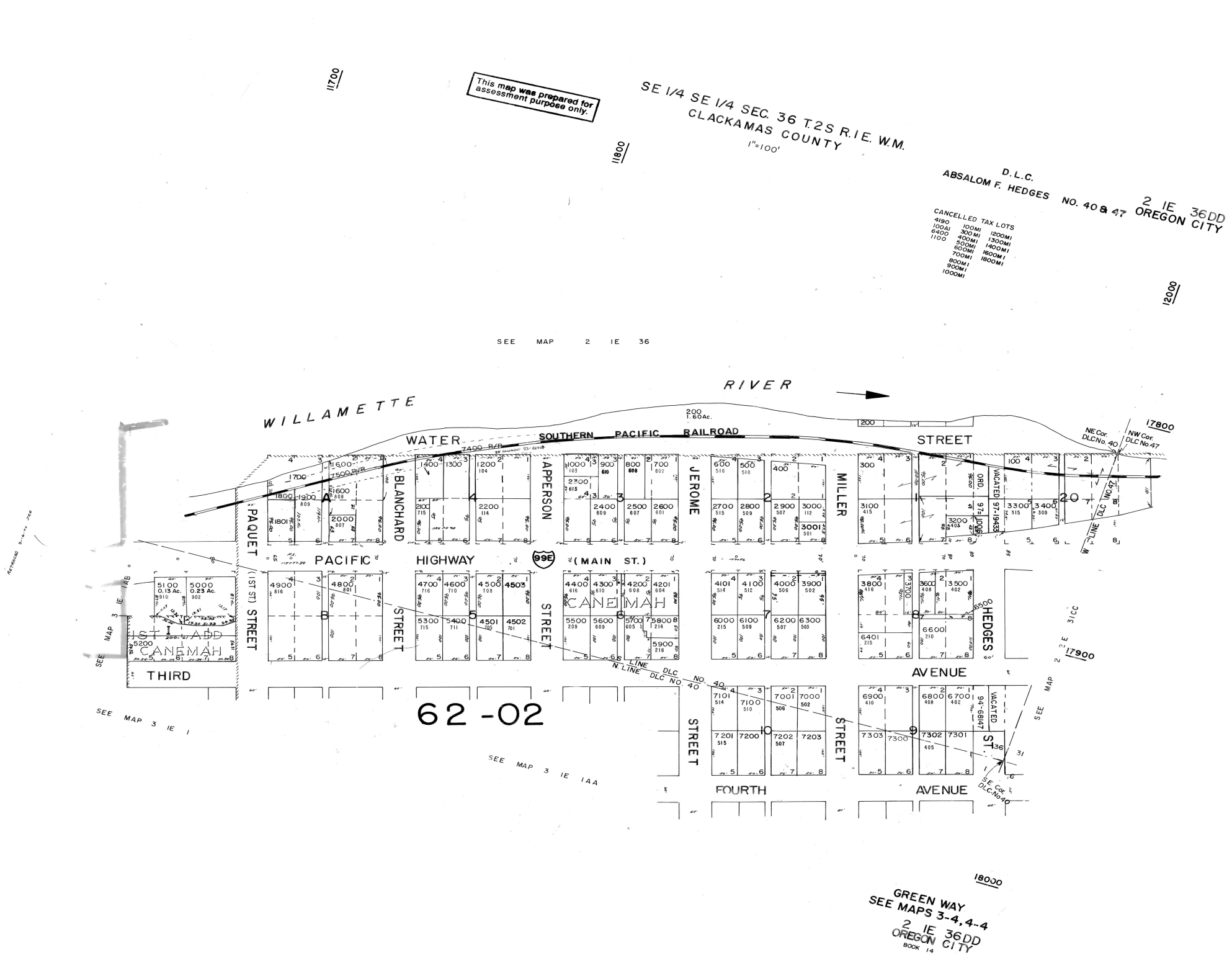

This map was prepared for assessment purpose only.
SE 1/4 SE 1/4 SEC. 36 T.2S R.1E. W.M.
CLACKAMAS COUNTY
1"=100'
D. L. C.
ABSALOM F. HEDGES NO. 40 & 47
2 1E 36DD
OREGON CITY
CANCELLED TAX LOTS
4190
1000
6400
1100
100MI
300MI
400MI
500MI
600MI
700MI
800MI
900MI
1000MI
1200MI
1300MI
1400MI
1600MI
1800MI
11700
11800
12000
17800
17900
18000
SEE MAP 2 1E 36
RIVER
WILLAMETTE
WATER
SOUTHERN PACIFIC RAILROAD
STREET
200
1.60Ac.
NE Cor. DLC No. 40
NW Cor. DLC No. 47
PAQUET (1ST ST.)
BLANCHARD
APPERSON
JEROME
MILLER
HEDGES
PACIFIC HIGHWAY 99E (MAIN ST.)
CANEMAH
1ST ADD CANEMAH
THIRD
FOURTH
AVENUE
ST.
VACATED ORD. 97-1043
VACATED 94-68147
N LINE DLC NO. 40
S LINE DLC NO. 40
SE Cor. DLC No. 40
62-02
SEE MAP 3 1E 1AB
SEE MAP 3 1E 1
SEE MAP 3 1E 1AA
SEE MAP 3 1C
GREEN WAY
SEE MAPS 3-4, 4-4
2 1E 36DD
OREGON CITY
BOOK 14

Exhibit 3

Oregon City CAV 2016

address	Date Built	issue	information requested
510 1st Ave	2012	dock in floodway. Concrete patio and stairs in floodplain	Permits and no rise cert
1900 Clackamette Dr	2005?	Dock, grading and concrete in floodway. Restroom and grading in floodplain	Permits, EC, and No-rise certification
1757 Washington	2009	new railroad station and parking lot	permit and EC
2002 Washiington street	2001	New Home Depot in SFHA	Permit and EC
13001 Clackamas River Dr	2002	gas station in SFHA	permit and EC
clackamas river drive and washington st	2010	New road and interchange (roundabout) in SFHA	permit
16098 S Park PL CT	2014?	shed and storage of materials	permit

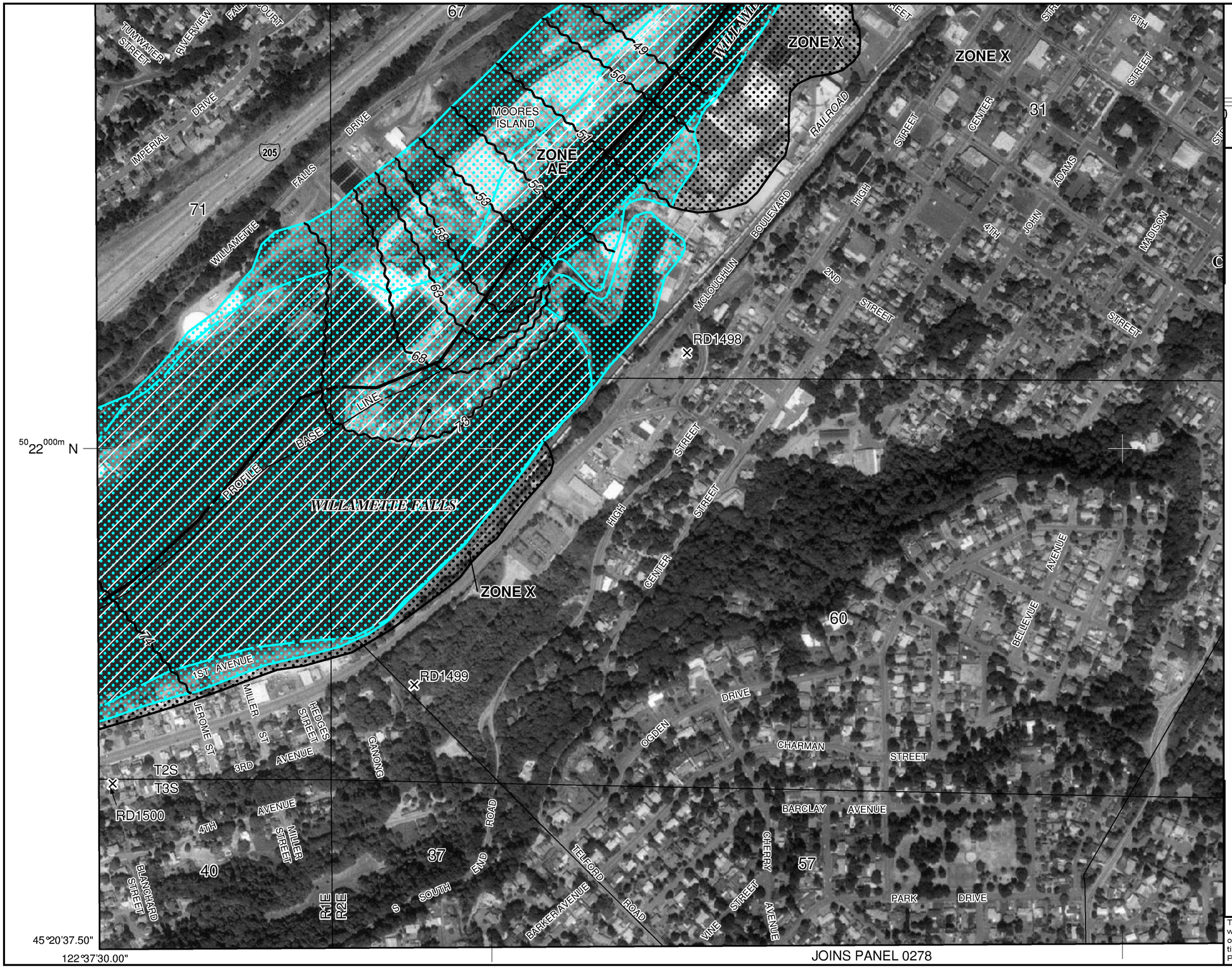


Exhibit 4

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0276D

FIRM

FLOOD INSURANCE RATE MAP

CLACKAMAS COUNTY, OREGON

AND INCORPORATED AREAS

PANEL 276 OF 1175

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
GLADSTONE, CITY OF	410017	0276	D
OREGON CITY, CITY OF	410021	0276	D
WEST LINN, CITY OF	410024	0276	D

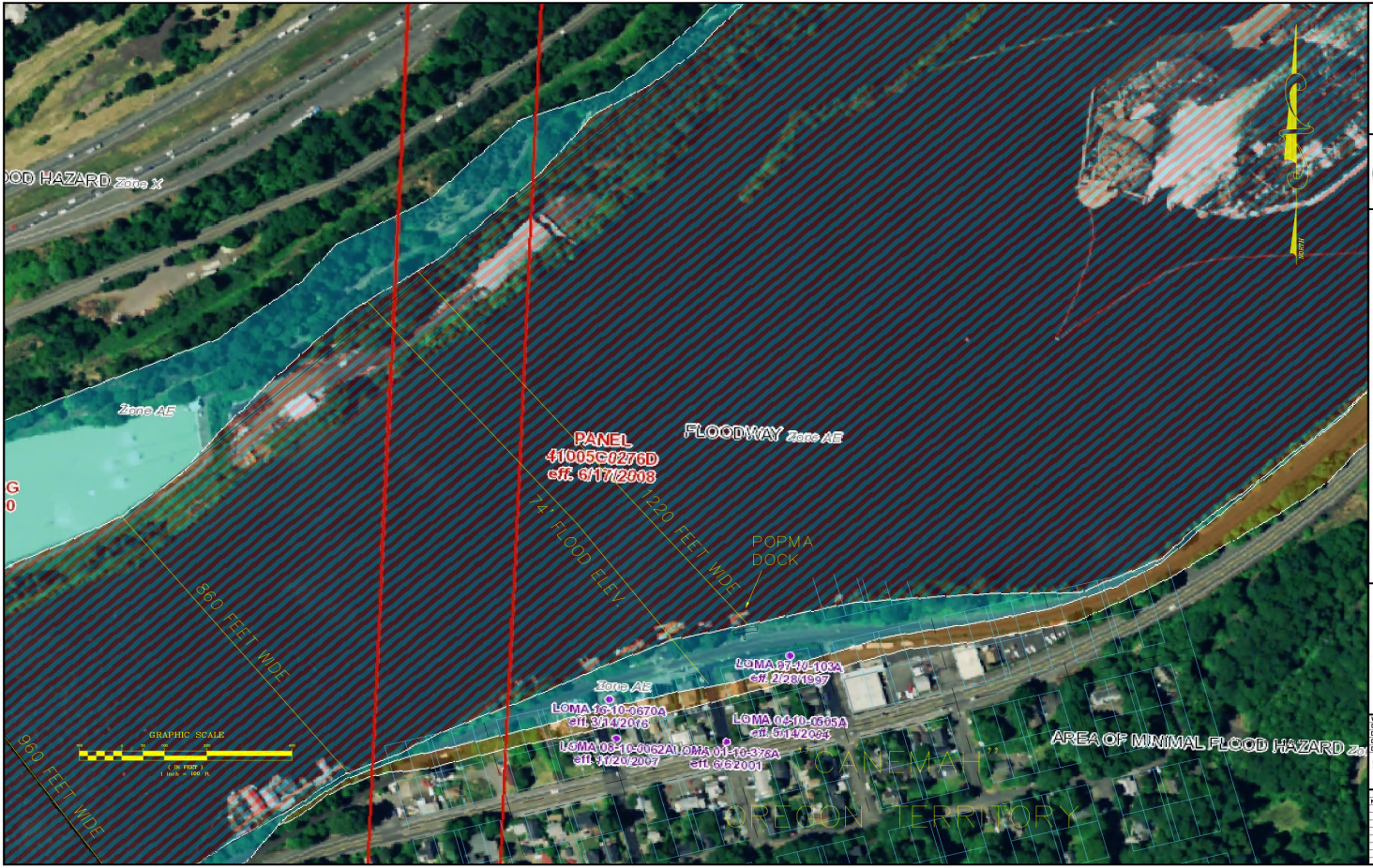
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
41005C0276D

EFFECTIVE DATE
JUNE 17, 2008

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



LEONARD A. RYDELL, P.E., P.L.S.
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Mobile: (503) 781-4119
LRydell@Frontier.com
Consulting Civil Engineer - Land Surveyor

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 15, 1975
LEONARD A. RYDELL
RENEWAL DATE: 12/31/2016

WILLAMETTE RIVER WIDTH
POPMA DOCK LOCATION

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
Brent and Carolyn Popma
801 First Avenue
Oregon City, Oregon 97045
Phone: (503) 997-6755
E-Mail: BCPiona@gmail.com

W.O. No. 1107
Design
Drawn
Date 6 April 2015
Dwg 1107SITE.DWG

Sheet
1 of 1

REVISIONS

No.	Description/Date	By

LEONARD A. RYDELL P.E., P.L.S.
601 Portland Drive, Newberg, Oregon 97132-1603
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LeRydell@msn.com
Consulting Civil Engineer - Land Surveyor - AKA

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 1976
LEONARD A. RYDELL
EXPIRES: JUNE 30, 2018

ORIGINAL DATE: 12/27/2006

WILLAMETTE RIVER FLOODWAY DETAIL
POPMA DOCK LOCATION

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
Brent and Carolyn Popma
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Oregon City, Oregon 97045
Phone: (503) 997-6755
E-Mail: BCPiano@gmail.com

W.O. No.	1721
Design	
Drawn	
Date	12 October 2017
Dwg	Popma Dock.DWG

Sheet
1 of 1

REVISIONS

No.	Description/Date	By

Exhibit 6

Flood Categories (in feet)

Major Flood Stage:	67
Flood Stage:	64
Action Stage:	62
Low Stage (in feet):	0

Historic Crests
(1) 71.30 ft on 02/05/1990 **(P)**
(2) 70.10 ft on 12/25/1964
(3) 69.47 ft on 02/09/1996
(4) 69.40 ft on 01/09/1923
(5) 68.50 ft on 01/03/1943
Show More Historic Crests

(P): Preliminary values subject to further review.

Recent Crests
(1) 65.24 ft on 01/22/2012
(2) 62.01 ft on 11/28/1999
(3) 64.74 ft on 12/30/1998
(4) 66.43 ft on 01/02/1997
(5) 69.47 ft on 02/09/1996
Show More Recent Crests

(P): Preliminary values subject to further review.

Low Water Records
(1) 0.00 ft on 09/02/1934
(2) 0.00 ft on 08/13/1915
(3) 0.10 ft on 10/31/1928
Show More Low Water Records

Zoom Level:16

KML

Gauge Location

Disclaimer

Latitude/Longitude Disclaimer: The gauge location shown in the above map is the approximate location based on the latitude/longitude coordinates provided to the NWS by the gauge owner.

Exhibit 7A
View Downstream

Exhibit 7B
Ramp at Flood

Exhibit 7C
Ramp at Flood

Exhibit 7D
Looking Downstream

Exhibit 7E
Looking Upstream

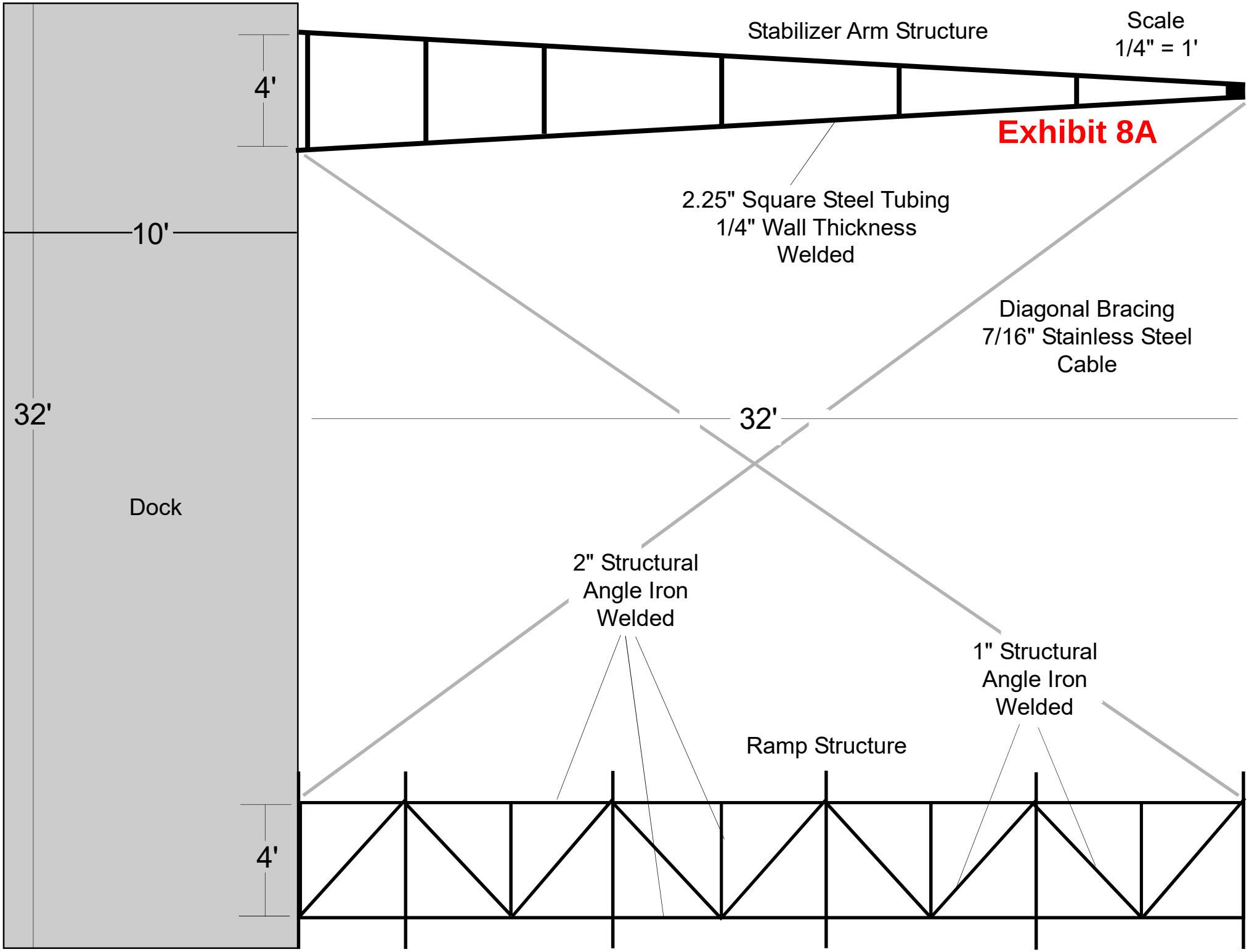
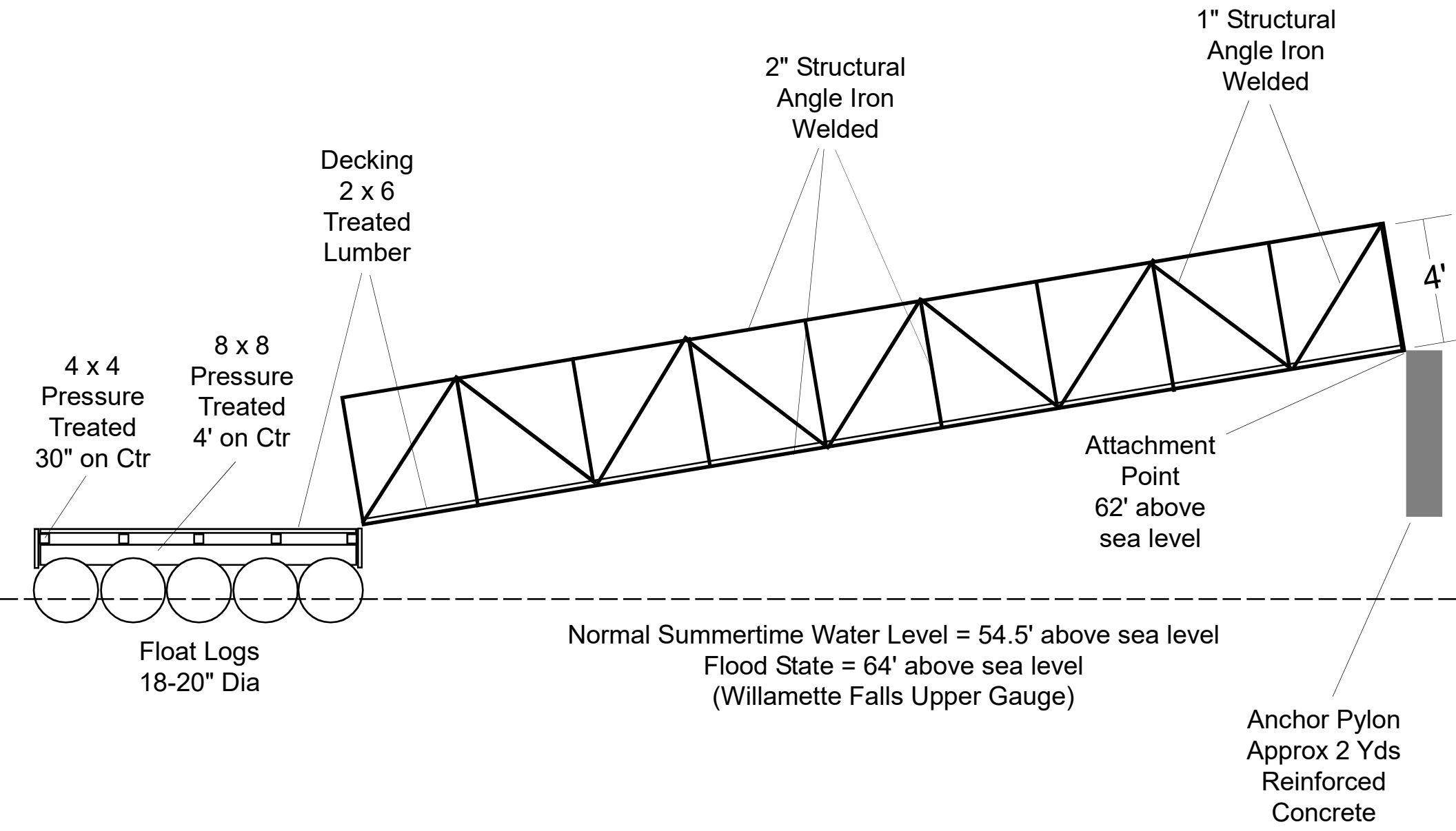
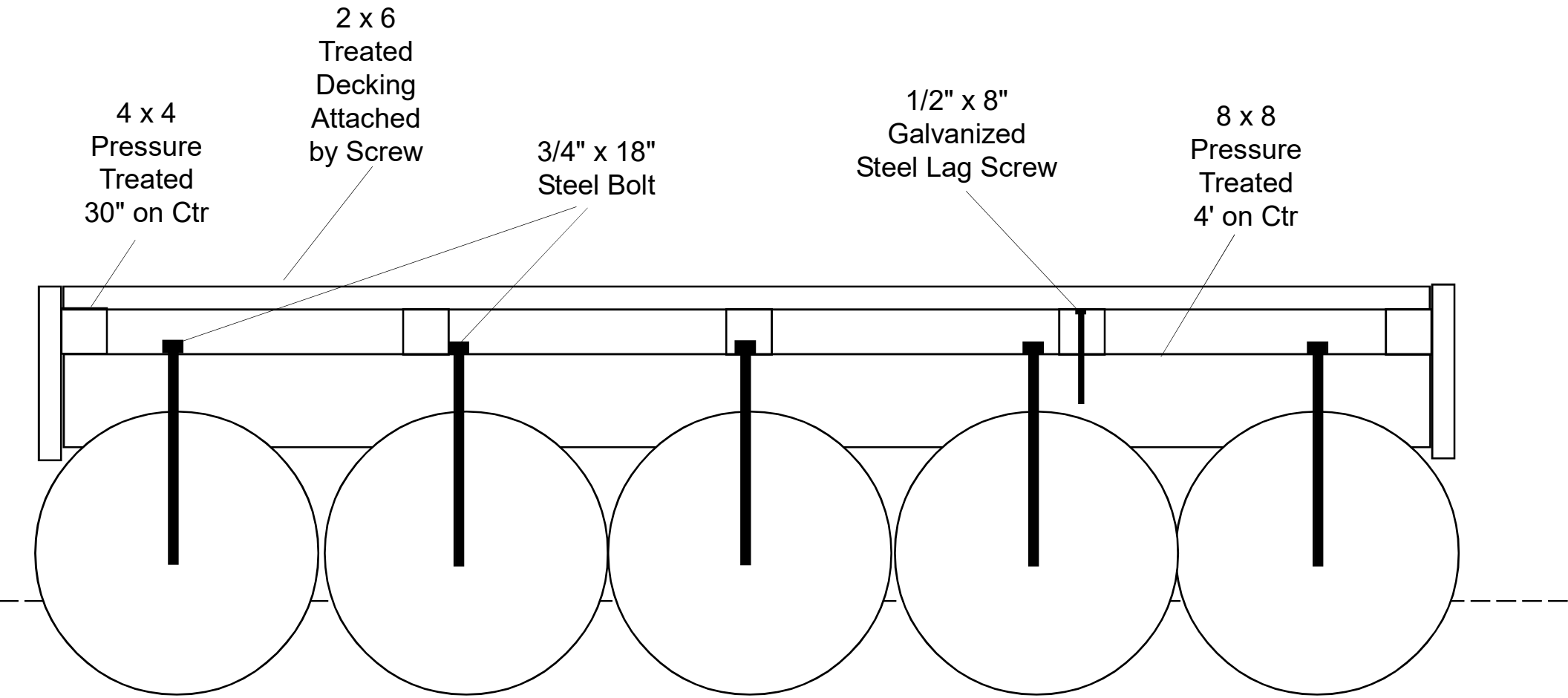

Stabilizer Arm Structure
Scale
1/4" = 1'
Exhibit 8A
4'
10'
2.25" Square Steel Tubing
1/4" Wall Thickness
Welded
Diagonal Bracing
7/16" Stainless Steel
Cable
32'
32'
Dock
2" Structural
Angle Iron
Welded
1" Structural
Angle Iron
Welded
Ramp Structure
4'

Exhibit 8B



Scale
1/4" = 1'

Exhibit 8C

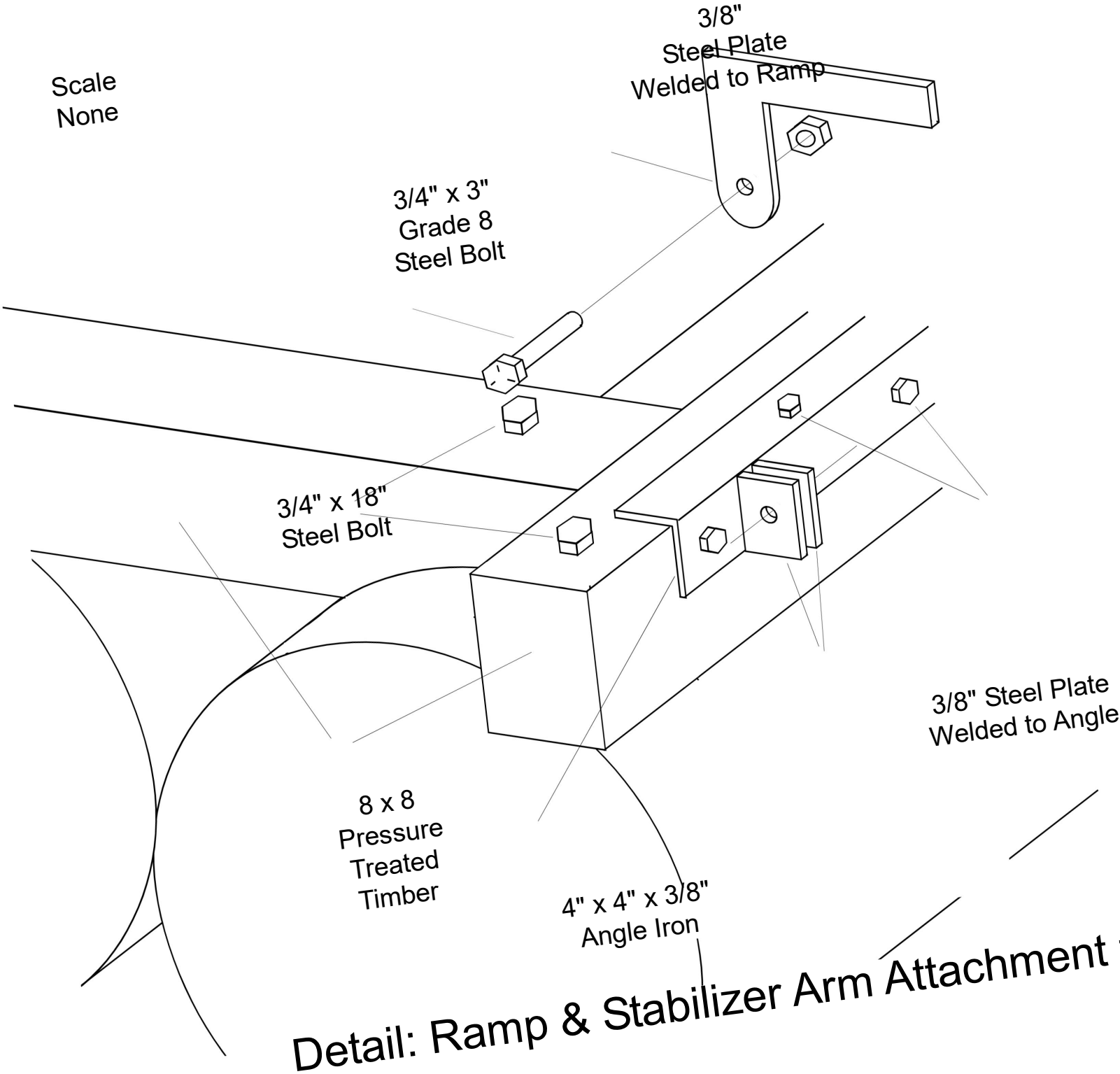


5 Float Logs
18-20" Dia

Construction Detail

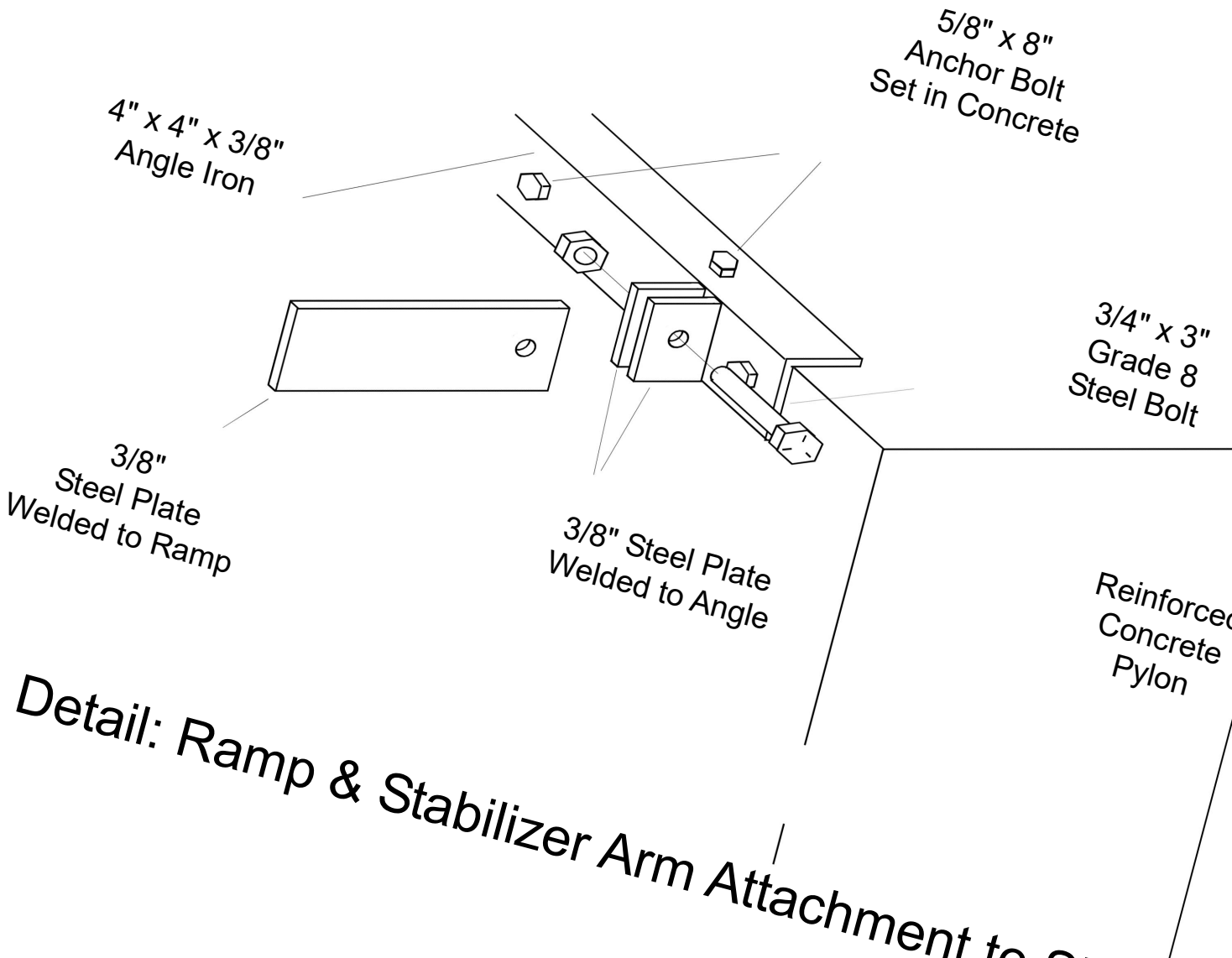
Scale
1" = 1'

Ex



Detail: Ramp & Stabilizer Arm Attachment

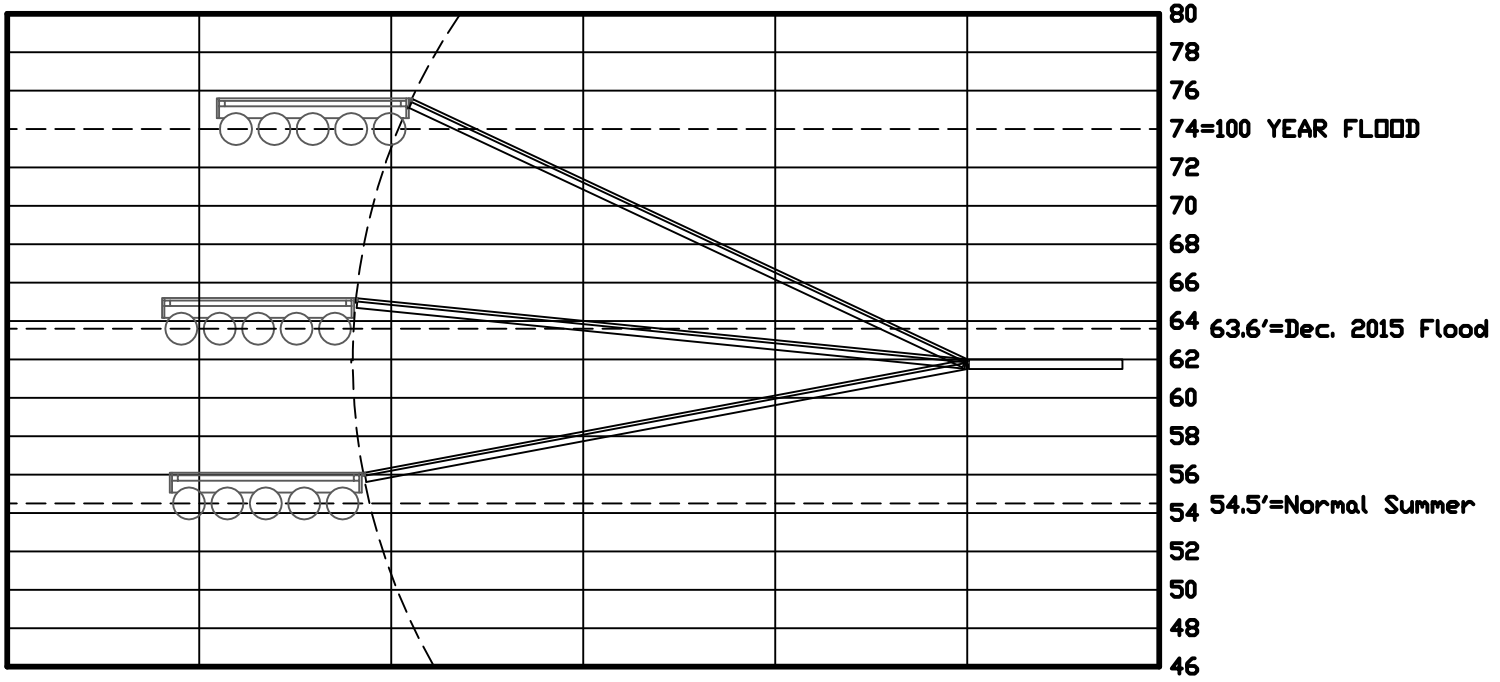
Exhibi



Detail: Ramp & Stabilizer Arm Attachment to Sl

Exhibit 9

POPMA DOCK PROFILES AT VARIOUS ELEVATIONS



Scale: 1" = 10'
Date: 6 October 2017
DWG: Dock Levels Profile.DWG

REGISTERED PROFESSIONAL ENGINEER
8518
Leonard A. Rydell
OREGON
AUGUST 22, 1975
LEONARD A. RYDELL

RENEWAL DATE 12/31/2018

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Mobile (503) 781-4138
LARydell@Teleport.com

Consulting Civil Engineer – Land Surveyor – W.R.E.

Exhibit 10

INFORMATION SOURCES

UNITED STATES ARMY CORPS of ENGINEERS
- 1874 General River Survey (Portland to Eugene)
- 1895 General River Survey (Portland to Eugene)
- 1932 General River Survey (Portland to Eugene)
- 1936 Photo Mosaic (Portland to Eugene)
- 1971 Low Water Profile
- Miscellaneous Maps, Charts, and Aerial Photos

UNITED STATES WEATHER SERVICE

UNITED STATES GEOLOGICAL SURVEY

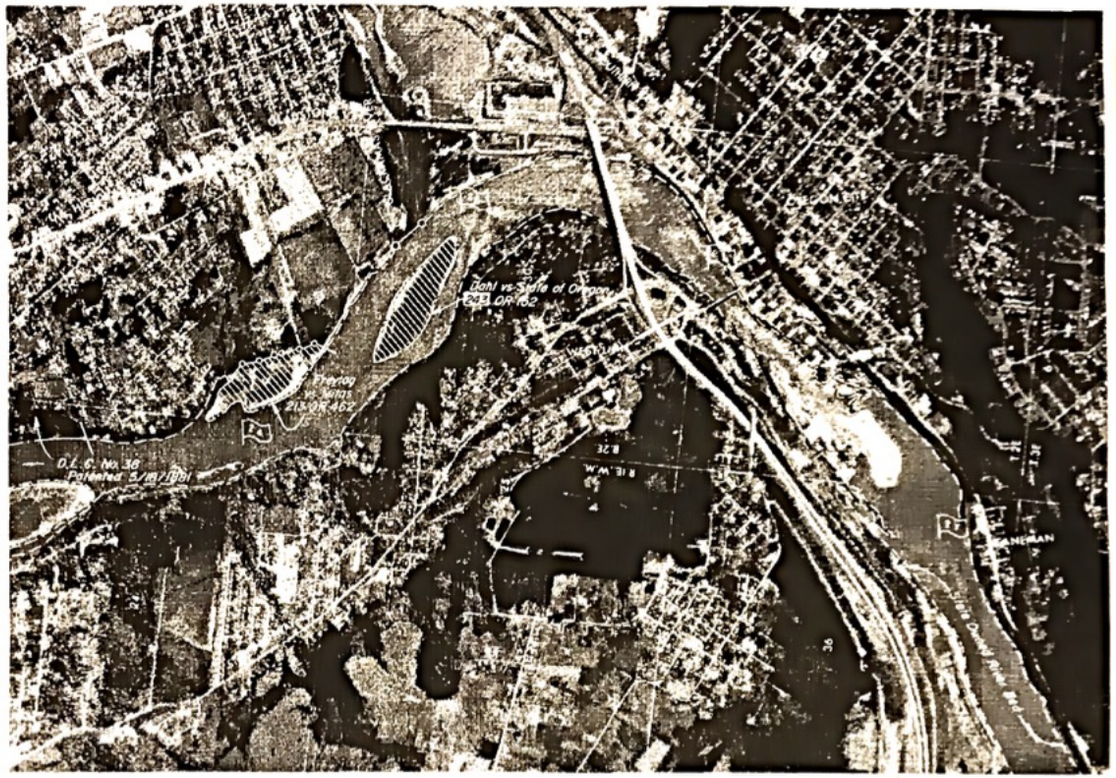
BUREAU of LAND MANAGEMENT
- 1850-1853 General River Survey (Portland to Eugene)

COUNTIES

BENTON	MARION
CLACKAMAS	MULTNOMAH
LANE	POLK
LINN	YAMHILL

DIVISION of STATE LANDS
- State Deeds, Plats, and Records

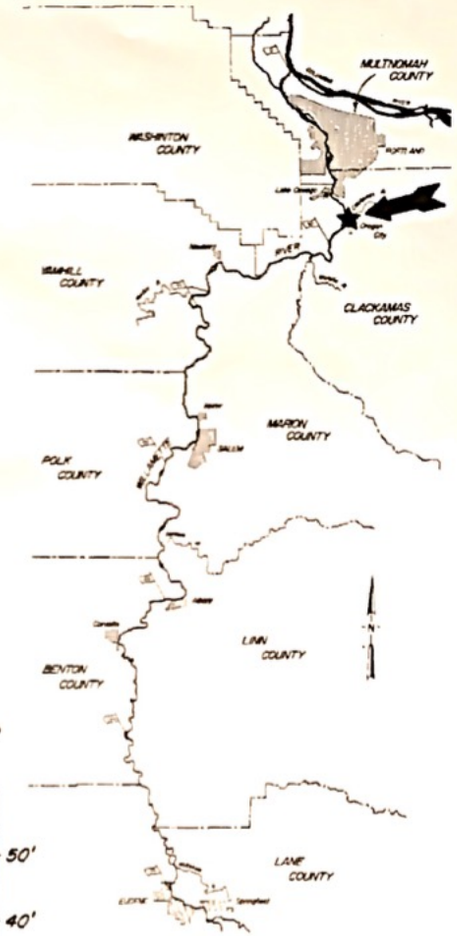
LEGEND

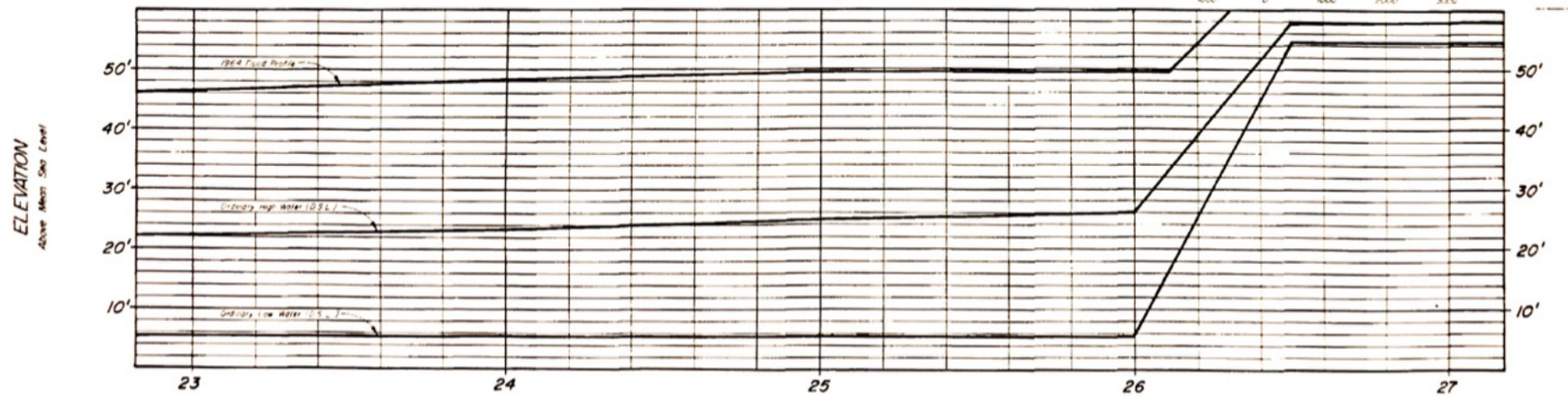


USCE Aerial Photography May 2, 1972

State ownership of the riverbed extends to either Ordinary Low Water or Ordinary High Water and is symbolized on the photograph by two types of lines. These lines do not necessarily trace the actual location of the low or high water boundary.

SCALE IN FEET
1000 0 4000 7000 9000





WILLAMETTE RIVER

PUBLIC LANDS

Under Jurisdiction of

OREGON STATE LAND BOARD

PREPARED BY

DIVISION of STATE LANDS

William S. Cox, Director

Stanley F. Hamilton, P.E., Staff Engineer

March 1975 Sheet 9 of 57

Exhibit 11A
Ramp and Dock

Exhibit 11B
Dock Anchors

Exhibit 11C
Looking Northeast

Exhibit 11D
Dock Looking Southeast

Exhibit 11E
Ramp Anchoring

Exhibit 11F
Stabilizer Anchor

Exhibit 11G
Dock to Ramp Anchoring

LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

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(503) 538-5700 Mobile (503) 781-4138
LARydell@Teleport.com

RETAINING WALL REPORT

Brandt and Carolyn Popma

For An Existing Patio and Dock Access

Located on the Bank of the Willamette River

City of Oregon City

Clackamas County, Oregon

10 October 2018

PREPARED FOR:

Brant and Carolyn Popma
510 First Avenue
Oregon City, Oregon 97045

Phone: (503) 997-6755
E-Mail: bcpopma@gmail.com

RENEWAL DATE 12/31/2018

TABLE OF CONTENTS

Table of Contents 2
Applicant and Site Information 3
History of the Popma Patio and Retaining Wall Site 4
Retaining Wall Design Requirements 4
Site Characteristics 5
The Problem 5
Understanding the Problem 6
Bank Profiles 8
Proposed Solutions 10
Recommendation 11

EXHIBITS

Natural Angle of Repose
Manor Stone Information (Old)
Manor Stone Information (New)

PHOTOS

East Bank and East Patio from Dock
Rocky Bank Above Wall
North Bank Gravel Patio and Wall
South Bank Concrete Patio and Wall
East Gravel Patio and Wall
Manor Stone Stairway

DRAWINGS

Popma Wall Profile Map . . . . . Sheet 1
Profile No. 1 . . . . . Sheet 2
Profile No. 2 . . . . . Sheet 3
Profile No. 3 . . . . . Sheet 4
Profile No. 4 . . . . . Sheet 5
Profile No. 5 . . . . . Sheet 6

APPLICANT AND SITE INFORMATION

APPLICANT	Brant and Carolyn Popma 510 First Avenue Oregon City, Oregon 97045 Phone: (503) 997-6755 E-Mail: bcpopma@gmail.com
PROPERTY OWNER	Canemah Club Attn: Ken Baysinger 516 First Avenue Oregon City, Oregon 97045 Phone: (503) 502-5557 E-Mail: k.baysinger@comcast.net
ENGINEER/SURVEYOR:	Leonard Rydell, P.E., P. L. S., W. R. E. 601 Pinehurst Drive Newberg, OR 97132-1625 Phone: 503-538-5700 E-Mail: larydell@teleport.com
GEOTECHNICAL ENGINEER:	James Imbrie, P.E. 14835 S. W. 72nd Avenue Tigard, OR 97224-7911 Phone: 503-849-7544 E-Mail: jimbrie@geopacificeng.com
LAND USE CONSULTANT:	Richard Givens 18680 Sunblaze Drive Oregon City, OR 97045 Phone: 503-351-8204 E-Mail: RickGivens@gmail.com
REQUEST:	Engineering Approval of Existing Manor Stone Retaining Wall and Stairway
TAX LOT:	Tax Lot 200, Map No. 2-1E-36DD
COMPREHENSIVE PLAN:	LR - Low Density Residential
ZONING:	R6 - Single Family Dwelling
SIZE:	336 Square Feet of Floating Dock plus 124 Square Feet of Ramp to Dock
LOCATION:	East Bank of the Willamette River above Willamette Falls at River Mile 27.25

HISTORY OF THE POPMA PATIO AND RETAINING WALL SITE

The project is located on the East bank of the Willamette River, approximately 1,430 feet upstream of the Willamette Falls at Oregon City.

On 16 April 2013, the City of Oregon City approved a "State of Oregon Waterway Structure Registration Application" for a floating dock with a ramp from the river bank. The application was approved by the City of Oregon City with the check item that stated, "This project is not regulated by the local comprehensive plan and zoning ordinance." The permit did state that, "Small residential docs (sp) are exempt from Planning Permits as long a no improvements are built on land".

A photo dated 13 April 2013 of the site shows that the river bank was graded to create a level patio area with a Manor Stone retaining wall installed on the bank side and large rocks place on the river side of the level patio area.

A photo of the site dated 16 April 2013 by Ryan Smith, the site's contractor, is attached, and may have been included as part of the original application..

Now, the City of Oregon City has requested a land use application and Geotechnical Report for the site.

The purpose of this report is to address the installation of the existing Manor Stone wall and stairway as part of the Geotechnical Report.

RETAINING WALL DESIGN REQUIREMENTS

The Oregon Home Builder's Association lists the following guidelines for retaining walls:

"The building code lists several kinds of structures and work exempt from permits and inspection. One of the items on the list may sometimes be exempted and sometimes not. Retaining walls may or may not need a permit. Whether a retaining wall is exempt depends of several things. Building Codes Division has issued an interpretation to try to clear up any confusion. Here is a summary of that interpretation.

Some retaining walls must always have a permit and undergo plan review and inspection and are never exempt. Retaining walls which would impact buildings, parking and exiting required by the code are not exempt. Here are some examples of non-exempt retaining walls. A retaining wall which supports material that supports a building must inspected to be sure it provides adequate support for that building. A wall close to a building which holds back earth that would fall against the building should the wall collapse requires a permit. A wall supporting a required parking area for the building is not exempt. Walls which support or could fall on a required path of travel are not exempt, such as the walkway from the entrance of a house to the street.

Retaining walls which do not require permits are walls which do not impact a building regulated by the building code. Examples would include walls that only used for landscaping; walls on a property line that would not impact the building on that property if they were to collapse; retaining walls that protect a private road; and walls that protect a non-required walkway in the yard. None of the exempt walls would cause damage to the building or create a hazard for people leaving the building should they collapse."

The retaining walls on the site would be automatically exempt except for any potential concern that the embankment has been constructed for the railroad tracks at the top of the bank. There are two tracks, and the track nearest the top of the bank dead ends at the site and is apparently abandoned. Any review and design should address whether or not the wall therefore supports the railroad track. Based on the site geometry, any potential affect would be most likely to affect the abandoned line rather than the active line.

In that the improvements have been in place for five years, have weathered high water events, and apparently are not objected to by the railroad, an engineering analysis of the wall should not be required as there is no risk to the public. However, this report will address the existing site conditions in more detail to help with the understanding of the existing improvements and site conditions.

SITE CHARACTERISTICS

The river bank appears to be fill placed due to construction of the railroad construction. There are two railroad tracks between the Popma Residence and the Willamette River, and based on Google Earth Photos, it appears that there used to be three tracks to the Northeast, combining into two tracks between the Popma house and the dock site, one of which dead ends just South of the Popma residence and dock.

The entire bank along the river frontage in the area of this application appears to consist of materials imported as part of the construction of the railroad embankment. Materials noted include large rocks, large gravel and smaller gravel. The applicants and the contractor of the patio improvements covered by this application both have stated that the railroad routinely adds rock along the railroad grade.

In conclusion, due to construction of the railroad and the multiple tracks, the site is not original undisturbed river frontage, nor has it been so for decades.

THE PROBLEM

Generally, retaining walls over three feet high are designed by professional engineers. The maximum height of this wall is five blocks or two and a half feet. Two firms were

contacted to review the existing wall construction. One firm was reluctant to so and both were concerned about the lack of site documentation including foundation materials, backfill materials and the proximity of the railroad. During exploratory contact with the two firms, several options were discussed, but the options, as discussed more fully below, appears to create new and additional concerns greater than the existing conditions..

UNDERSTANDING THE PROBLEM

To help understand the existing site conditions, five profiles were plotted showing the improvements, the wall heights and the location of the river, patio, wall, top of bank and the railroad. These profiles were based on a topography survey of the site. A map of the profile locations and drawings of the five profiles are included as part of this report.

The fifth profile is the existing bank downstream of gravel patio, and it was plotted to determine a typical bank slope along the riverbank along the railroad. The existing bank slope is sightly flatter than two horizontal to one vertical (2:1). A 2:1 slope is a typical construction standard for fill slopes.

A second fill slope is the natural angle of repose. A chart from Structx is attached that shows that the angle of repose for broken granular materials is 45E (2 horizontal to 2 vertical) for wet conditions and 35E (2 horizontal to 1.4 vertical) for dry conditions. Typical slopes of 2 horizontal to 1 vertical and 2 horizontal to 1.4 vertical (35E)are used in this report, and these slopes are superimposed on the five profiles of the improved and undisturbed site. The banks above the wall consist of crushed rock and appears to be well drained.

It should be noted that Ryan Smith, contractor for the site stated in an e-mail to me dated 6 August 2018 that, *"We did not shave off the bank at all. It was and is in its original undeveloped condition. The only regrading to take place would have come from the railroad. They regularly add rock material to that area and have equipment to reshape their gravel berm.. There has always been a natural shelf between the railroad line and the water that extends for several hundred feet along the waterfront."*

This, and testimony from the Contractor, indicates that the existing slopes may be approximately the original slopes that existed at the site prior to construction of the patio improvements.

The retaining walls and stairway are constructed using Manor Stone concrete blocks. Manor Stones have a concrete lip on the back of the block that laps over the block below to prevent the block from sliding. Two versions of the Manor Stone Wall installation guidelines is attached.

The first chart is probably 20 years or more old. It limits wall heights to 3.0 feet for level walls, and 3.5 feet for walls tilted into the bank. The newer design guidelines do not

address sloped walls and the maximum height is 3.0 feet. Both the new and old standards do not allow sloped banks above the back of wall.

The existing walls appear to sloped into the bank. Based on the old standards, these walls could be 3.5' high for gravel soils with no bank above the wall. The maximum wall heights for the new guidelines are 3.0 feet high. The maximum wall height in this project is five blocks or 2.50 feet which is less than the guidelines for no surcharge above the top of wall.

Design considerations for the existing improvements include:

a. **Manor Stone retaining wall design software -** It appears that the manufacturer does not have design software for walls. Retaining wall design would require site investigations to determine subsurface soil conditions such as test pits, borings, etc., then further disturbance to remove and install an engineered wall. Site disturbance for pre-construction design purposes and final construction would be more damaging than any potential wall failure of the existing walls. There appears to be no stability problems with the existing walls that have been in place for over five years.

b. **Surcharge loads from the railroad mainline -** The site is subject to several trains a day including freight and passenger on the tracks farthest back from the wall. Heavy axle rail cars can handle up to 286,000 lbs or 315,000 lbs gross weight, but whether or not this represents existing use has not been determined. However, it can be noted that the railroad has been in service for decades. The observed fill appears to be rock, gravel mixed with some soil, and has apparently been in place for decades. The mainline tracks are twenty feet from the top of the existing bank. The railroad has not raised any issue regarding the development.

c. **Vibration of Fill Materials from Freight Trains** - The site is subject to several trains a day including freight and passenger, and their passage creates vibration in the surrounding area. The application of vibration and weight is an established method of soil compaction. Since the railroad has been there for decades of travel and has been subject to weight and vibration from several trains a day, it is a reasonable assumption that the fill slopes fronting the project are generally stable

d. **Risk from a Cascadia Subduction Zone earthquake -** The area is in the Cascadia Subduction Zone, and occurrence of earth quakes is a reasonable expectation. While the general impacts to the site vicinity are being addressed by others, the failure of the patio and retaining walls present little to no risk to public safety as it is not open to or accessible by the public. The patio area is only subject to infrequent use by the easement owner. There are no structures to collapse or structures supported. The river bank (15 feet from summer water level to top of bank) is at or near the natural angle of repose. Occupancy is

generally limited to the applicant's family and occasional guests during spring, summer and fall conditions.

e. Do the existing improvements represent a risk to the public safety, health, safety and welfare? - The improvements have already weathered a flood that has inundated the patio site with no damage. The Manor Stone retaining walls appear to be in good condition with no settlement or apparent movement over the five years since installation. Even if the bank slopes sluff off to the angle of repose, there will be little to no impact to the site or the owner's use of it.

Furthermore, the rocky and gravelly fill appears to be well drained and the concrete block wall design will not result in a buildup of hydrostatic pressures.

BANK PROFILES

To get a clearer understanding of the site conditions, five profiles of the existing bank and improvements were drawn. Comments, observations and recommendations for each profile are as follows:

Profile No. 1

This profile is located on the upstream patio at an existing bulge of the retaining wall at an existing maple tree. The overall slope from the edge of water to the top of bank is approximately 2H to 1V. A portion of the bank above the wall is steeper than a 2H to1V slope (2 to1.4), but it is unclear whether or not it was an existing slope or a slope constructed by the patio construction.

There is no evidence of wall or bank failure other than some loose gravel on the existing bank. Should the bank sluff off and erode to a 2H to 1V slope, the new top of bank would not impact the railroad as shown on the profile.

Potential Mitigation: There is an area between the retaining wall and the concrete patio that is unvegetated. One suggestion to improve the stability of the wall is to install paver stones between the concrete patio and the base of the wall to improve the stability of the wall by preventing the base of the wall from sliding towards the river.

Vegetation on the gravel bank slope as proposed by the land use application should also help stabilize the bank and hold the existing slopes in place.

Profile No. 2

This profile is located between the wall bulge and the Manor Stone Stairway. The existing bank slope is approximately 2H to 1.4V which is the natural angle of repose.

The existing natural angle of repose slope of 2 H to 1.4V from the top of wall extends to a point about six feet from the railroad ties at the outer edge of the abandoned railroad tracks.

A 2H to 1V slope from the water level extends to a point about 2.5 feet from the edge of railroad ties.

There is no evidence of wall or bank failure other than some loose gravel on the existing bank. Should the bank erode to a 2 to 1 slope, the new top of bank would not impact the railroad.

Potential Mitigation: There is an area between the retaining wall and the concrete patio that is unvegetated. One suggestion to improve the stability of the wall is to install paver stones between the concrete patio and the base of the wall to improve the stability of the wall by preventing the base of the wall from sliding towards the river.

Vegetation on the gravel bank slope as proposed by the land use application should also help stabilize the bank and hold the existing slopes in place.

Profile No. 3

This profile is located downstream (Northeast) from the Manor Stone Stairway. The existing bank slope is approximately 2H to1.4V which is the natural angle of repose.

An angle of repose slope of 2 H to 1V from the water level to the top of bank is two feet from the assumed edge of railroad ties.

There is no evidence of wall or bank failure other than some loose gravel on the existing bank. Even if the wall failed and the bank erodes to a 2 to 1 slope, the new top of bank would not impact the railroad.

Potential Mitigation: Vegetation on the gravel bank slope as proposed by the land use application should help stabilize the bank and hold the existing slopes in place.

Profile No. 4

This profile is located downstream (Northeast) from Profile No. 3 and the end of the retaining wall. A portion of the existing bank slope is sightly steeper that the natural angle of repose of 2H to1.4V. If the bank naturally adjusts to a 2H to1.4V slope, it will not erode over the wall as shown.

An angle of repose slope of 2 H to 1V from the water level to the top of bank is three feet from the assumed edge of railroad ties.

There is no evidence of wall or bank failure other than some loose gravel on the existing bank. Even if the wall failed and the bank erodes to a 2 to 1 slope from the toe of bank, the new top of bank would not impact the railroad.

Potential Mitigation: Vegetation on the gravel bank slope as proposed by the land use application should help stabilize the bank and hold the existing slopes in place.

Profile No. 5

This is a profile of the existing bank downstream of the project, and is shown to show the existing bank slope downstream and outside of the project boundary.

PROPOSED SOLUTIONS

Should the City of Oregon City still have a concern regarding the stability of the wall, the following "Proposed Solutions" are listed along with the potential impacts to the site or the financial burden to the owner.

Check the Existing Wall Design

An engineering review of the wall design is expensive and may be inconclusive. One proposal required an up front fee pf $2,500 with final billing based on actual cost. Any design review would require foundation exploration, an analysis of railroad traffic, earthquakes and would likely require removal and replacement of the existing wall. Site and bank disturbance would be substantial and expensive. The design would likely require one of the solutions described below. Since the existing wall has been stable, effective, attractive and problem free for the last five years, the expense and site disturbance from this solution appears more disruptive to the site than the existing conditions.

Replace the Wall with Ultra Blocks

Ultra Blocks are much larger, 2.46' square and 4.92 feet long. They require heavy equipment to excavate and place. The equipment and blocks would either have to cross the rail road tracks or come in by barge. Site and bank disturbance would be substantial and expensive.

Remove the Manor Stone Wall and Let the Slope Achieve its Natural Repose Angle

While this removes the "safety problem" of potential wall failure, it results in bank disturbance of the entire frontage of the site as it naturally achieves then natural angle of repose over several years, affecting the vegetation and creating a river bank more susceptible to movement. An option would be to leave the wall in place and let the bank achieve its natural angle of repose if it hasn't during the last five years.

Remove the Manor Stone Stairway

Removing the Manor Stone Stairway would also create some instability on the bank, and would require a more dangerous pedestrian access to the dock ramp. The best solution appears to be to leave the current improvements in place.

REPORT RECOMMENDATION

The patio area is private property and has no public access. The improvements have been in place over five years and have weathered floods. The bank appears stable and no indications of wall failures or mass soil movement are present.

Solving the “problem” would create more site impacts than leaving the existing wall in place.

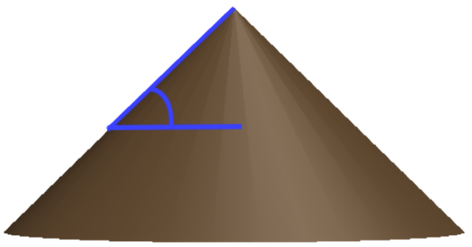
It is the recommendation of this report that the Manor Stone Stairs and retaining walls remain in place and undisturbed.

Beam/Frame/Plate
Stress and Strain
Unit Conversion
Geometric Properties
Soil and Foundations
Material Properties
Design Tables
Mathematics First Aid
Popular Articles
Handy Calculators

Issue 1 V1.10
Details Here

Typical Angle of Repose Values for Various Soil Types

More Properties



Soil Type	Dry	Moist	Wet
Top Soil; Loose	35 - 40		45
Loam; Loose	40 - 45		20 - 25
Peat; Loose	15	45	
Clay/Silt; Solid		40 - 50	
Clay/Silt; Firm		17-19	
Clay/Silt; Loose		20 - 25	
Puddle Clay			15-19
Silt		19	
Sandy Clay		15	
Sand; Compact		35 - 40	
Sand; Loose	30 - 35		25
Sandy Gravel; Compact		40 - 45	
Sandy Gravel; Loose		35 - 45	
Sandy Gravel; Natural		25 - 30	
Gravel; Medium Coarse	25 - 30		25 - 30
Shingle; Loose		40	
Shale; Hard		19 - 22	
Broken Rock	35		45

Notation and Units

Critical Angle of Repose

Page last modified on: 06/30/2018 19:50:01

The angle of repose or the *critical angle of repose*, of a granular material is the steepest angle relative to the horizontal plane which a material can be piled without slumping or the surface material sliding.

The internal angle between the surface of the pile and the horizontal surface (typically the surface which the material is piled on is known as the angle of repose and is related to the density, surface area, liquid content, shapes of the particles, and the coefficient of friction of the material under consideration.

The above values have been provided in the unit of angular degrees. As with all calculations care must be taken to keep consistent units throughout. A guide to Soil Types has been provided by StructX and additional information has been provided below.

Better than rockery or wood:

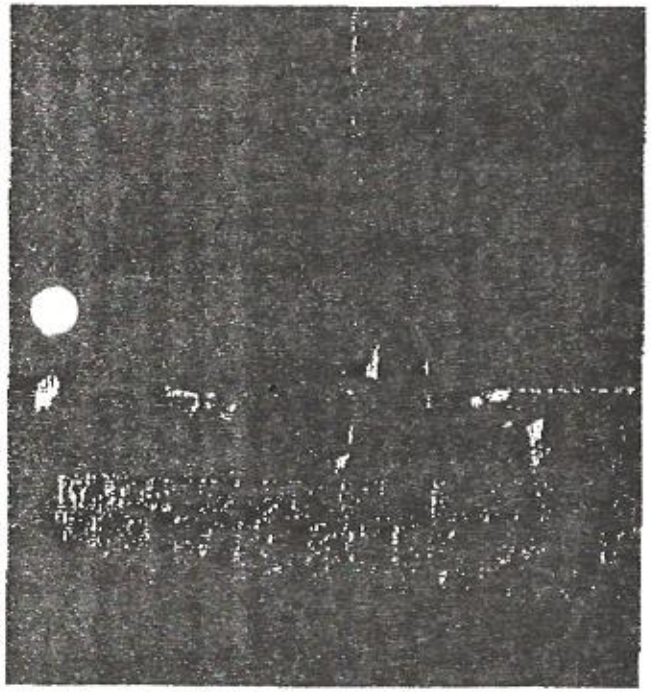
ManorStone blocks are easy to stack, and they are made with high strength concrete for durability.

Better than poured concrete:

ManorStone blocks require no concrete footing, just a compacted granular base. Also, no expensive forms are needed, allowing easy construction of both straight and curved walls.

Better than other segmental block systems:

ManorStone blocks do not need expensive pins, clips, or special cap units.



Quantity Estimation Table

Number of ManorStone block needed:

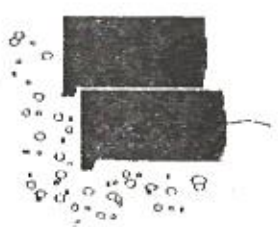
Wall Height	Number of Courses	Length of Wall 12 ft.	24 ft.	36 ft.
0'-6"	1	9	18	27
1'-0"	2	18	36	54
1'-6"	3	27	54	81
2'-0"	4	36	72	108
2'-6"	5	45	90	135
3'-0"	6	54	108	162
3'-6"	7	63	126	189

Design Table

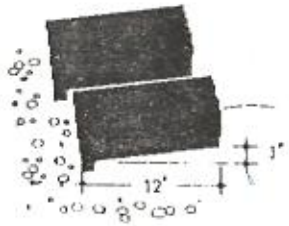
Maximum Wall Height:

	Soil Type: Clays & Silt	Sandy Loam	Sands & Gravels
Level Footing	2'-0"	3'-0"	3'-0"
1" Sloped Footing	2'-0"	3'-6"	3'-6"

For higher walls, the use of a sloped footing will improve performance. Use a level attached to a 2 x 4 screed board, tapered 1" (for every 12" of footing width).



Level Footing



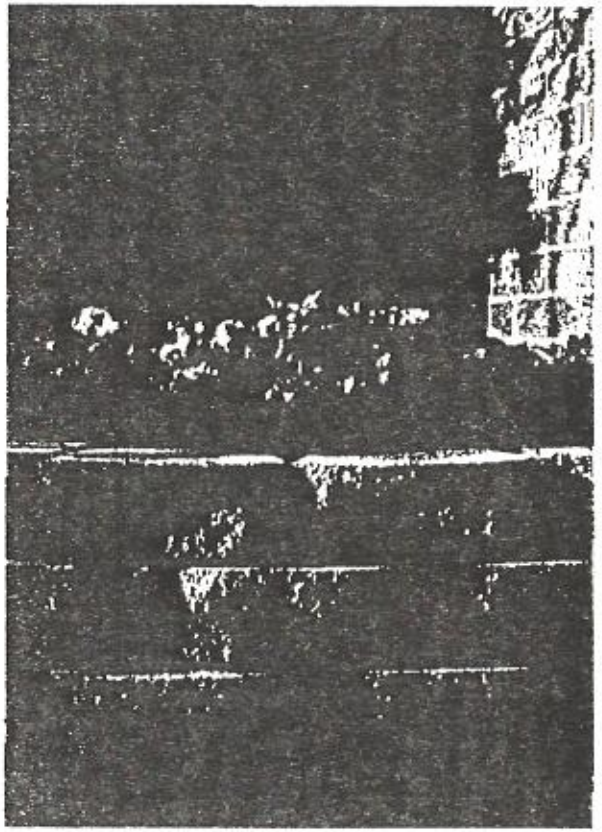
1 inch sloped footing

Wall heights should not exceed these limits unless a professional engineer is consulted.

HARDSCAPES ARCHITECTURAL PRODUCTS
24285 S.W. STAFFORD RD.
TUALATIN, OR 97062
1-800-551-2737

ManorStone™

Retaining Wall Blocks



Home is Whatyoumakeit

ManorStone™ retaining wall blocks are the economical solution to your terracing needs.

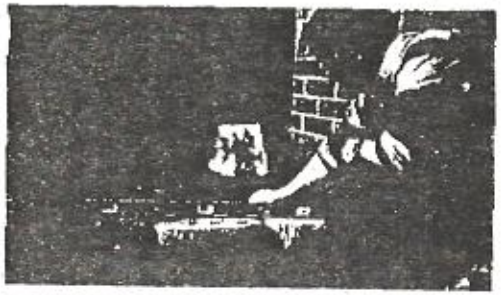
These easy-to-use stacking concrete units can be used throughout your yard and garden. They offer greater economy than smaller retaining wall units on larger projects. They're perfect for...

retaining walls • tree rings • borders
planters • edgings • terraced gardens

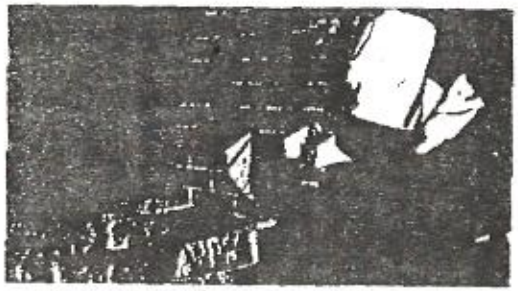
Installation Instructions

You can achieve spectacular results by following these steps when installing ManorStone blocks in your yard:

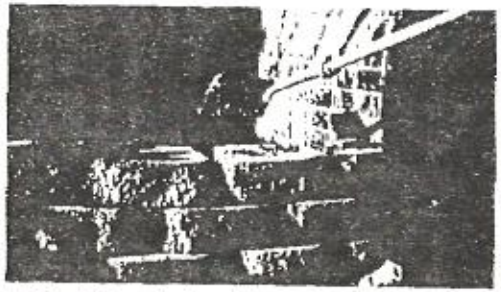
1. **Excavate and prepare the base.** Dig a shallow trench to a minimum depth of 3 inches, then compact and level the soil.



2. **Install the base course.** Set the first unit, ensuring that it is level. Lay additional units checking front to back and side to side alignment with the first unit.



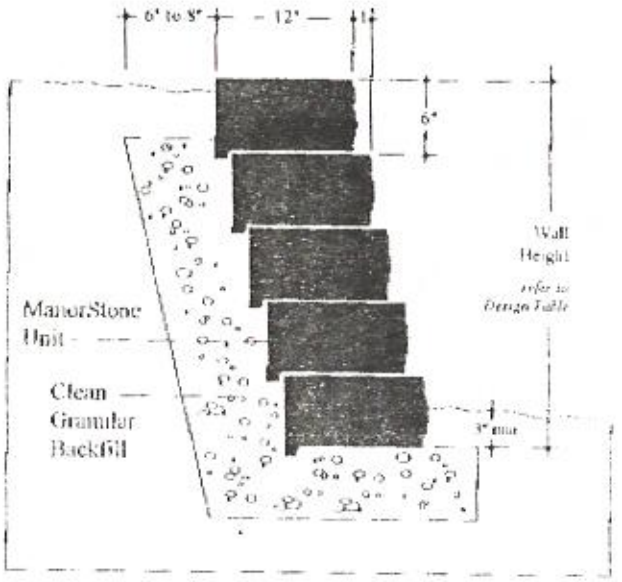
3. **Set additional courses.** Install additional courses. Pull block forward to ensure that the lip on the bottom of each block fits snugly over the top of the block below.



4. **Backfill.** After installing each course, backfill with clean, granular fill.

VOLUME = C.S. of Cross Volume

Wall Section

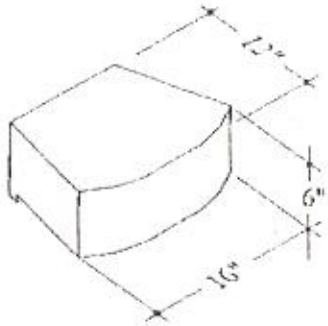


Tools Needed

With just a few simple tools, you will be able to install your ManorStone retaining wall.

- ✓ **Shovel**
- ✓ **Level**
- ✓ **Hammer**
- ✓ **Chisel**
- ✓ **Stakes**
- ✓ **String**

Unit Dimensions



MANORSTONE®

ManorStone® retaining wall blocks offer the versatility and ease-of-use that makes them the ideal landscaping product for a wide variety of projects. Available in radius and flat-face and straight and tapered units. Mix and match units to create visual interest, capping your wall, or create staircases. In addition, the bottom of each unit is scored so that you can easily create half units.

ManorStone is perfect for retaining walls up to 3 feet.

PRODUCT DATA*

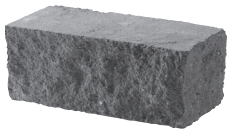
	Coverage	Units / Pallet	Coverage / Pallet	Weight / Piece	Weight / Pallet
Radius Face Tapered-Sides	1.5 pcs / ft² (16.2 pcs / m²)	45	30 ft² (2.79 m²)	62 lb. (28 kg)	2,840 lbs (1,289 kg)
Radius Face Straight-Sides	1.5 pcs / ft² (16.2 pcs / m²)	45	30 ft² (2.79 m²)	75 lb. (34 kg)	3,425 lbs (1,554 kg)
Flat Face Tapered-Sides	1.5 pcs / ft² (16.2 pcs / m²)	45	30 ft² (2.79 m²)	64 lb. (29 kg)	2,930 lbs (1,329 kg)
Flat Face Straight-Sides	1.5 pcs / ft² (16.2 pcs / m²)	45	30 ft² (2.79 m²)	79 lb. (36 kg)	3,605 lbs (1,636 kg)
Corner Unit	1 pc / ft²	60	60 ft²	56 lb. (25.5 kg)	3,410 lbs (1,547 kg)
Cap Unit	0.8 pcs/Ln ft	72	90 Ln ft	45 lb. (20.4 kg)	3,290 lbs (1,493 kg)

All **Weight per Pallet** noted above include a 50 lb pallet weight. Maximum wall height: 3'. Minimum radius: 2' 8".

Radius Face
6" x 16" x 12" (15.2 cm x 40.6 cm x 30.5 cm)
(also available w/straight sides)

Flat Face
6" x 16" x 12" (15.2 cm x 40.6 cm x 30.5 cm)
(also available w/tapered sides)

Corner Unit
6" x 16" x 8" (15.2 cm x 40.6 cm x 20.3 cm)



Flat Face Tapered Cap Unit‡
3" x 18" x 13" (7.6 cm x 45.7 cm x 33 cm)

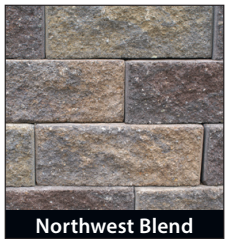
AVAILABLE COLORS

For more information on custom colors, please contact a Mutual Materials sales representative. Custom colors may be restricted by the size of the order or project.

‡Flat Face Tapered Cap Unit is also available in Charcoal.

Khaki

Natural


Northwest Blend

Summit Blend

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PROJECT ESTIMATION

NOT TO EXCEED 3'		WALL LENGTH (0.75 units per lineal foot)					
WALL HEIGHT	COURSES	10 ft	15 ft	20 ft	25 ft	30 ft	35 ft
1'	2	15	23	30	38	45	53
1'-6"	3	23	34	45	57	68	79
2'	4	30	45	**60***	75	90	105
2' 6"	5	38	57	75	92	113	132
3'	6	45	68	90	113	135	158

*Example: It takes 60 ManorStone to build a wall 20' long and 2' tall.

Blocks needed for 5' 5" diameter circle*		
Wall Height	Courses	Blocks
1'	2	24
1'-6"	3	36
2'	4	48
2' 6"	5	60
3'	6	72

* Diameter becomes smaller as you add courses due to 1" set-back per course. Cutting may be required as the wall gets higher.

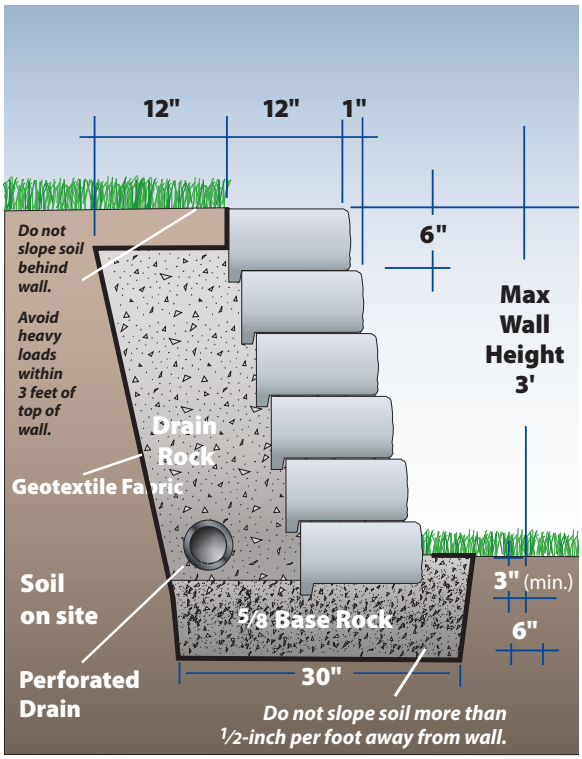
INSTALLATION INSTRUCTIONS (For more specific and detailed instructions, please contact your Mutual Materials sales representative.)

Maximum gravity wall height: 3'

Minimum radius circle: 2' 8"

1. **Excavation:** First mark the area of the wall with chalk or spray paint and then string a line. Dig out a trench that is a minimum of 9" (230 mm) deep plus one inch for every foot of wall height. Allow 12" (305 mm) of space behind the wall for ¾" washed drain rock (this means your trench should be 30" wide). Roots and large rocks must be removed from the trench.
2. **Base Preparation:** The project requires a perforated drain, cover the back and the bottom of the trench with a geotextile to prevent soil from blocking the drainage system. Measure geotextile fabric with excess length of about 12" (305 mm) at the top of the bank, which will be folded over the completed drainage fill.
3. **Foundation:** Install a 4" (102 mm) diameter perforated drain in this foundation and connect it to the existing drainage system. Next, prepare a 6" (152 mm) deep foundation with 5⁄8 minus or 3⁄4 minus crushed rock. Add 1"–2" of 5⁄8 minus or 3⁄4 minus crushed rock, rake smooth and compact with plate compactor. Base rock should have a certain amount of moisture content. Repeat steps until final 6" base elevation is achieved.
4. **First Course:** Lay the base course of retaining wall blocks. Using a string line at the back of the units for alignment, place units side by side on the gravel checking for level in both directions. Begin laying block at the lowest point of the wall and/or 90° corner. It is easier to start at a straight section of the wall. Complete the base course before proceeding to the second course. Be aware that the blocks have a ¾" set back. When curves are laid out, space the base course block slightly apart to allow for their set back.

   NOTE: Before installing additional courses, it is recommended that the installer front fills and backfills the first course with base rock and compacts to ensure stability of the wall.



5. **Second & Additional Courses:** Sweep top of underlying course and stack next course in running bond pattern so the middle of the unit is above the joint between adjacent blocks below. To cut blocks for the ends of the wall or in tight curved sections, use a hammer and chisel to score the unit on all sides. Always wear eye protection when splitting stones. If many cuts are needed, a masonry saw may be the better option.
6. **Backfilling:** After each course is laid, backfill behind the wall with ¾" washed drain rock. This improves drainage and prevents soil from leaching through the wall face.
7. **Top Course:** Use concrete adhesive to secure the cap course. Apply the adhesive with a caulking gun. Lay the cap down and press firmly. Finish backfilling behind the wall.

ManorStone® is a registered trademark of Mutual Materials Co.

MUTUAL MATERIALS LOCATIONS

For product information and customer service, call 1-888-MUTUALØ (688-8250).

WASHINGTON		OREGON	IDAHO	MONTANA
Auburn	Port Orchard	Bend	Hayden	Missoula
Bellevue	Spokane	Clackamas		
Bellingham	Tacoma (Parkland)	Durham		
Marysville	Vancouver, WA	Hillsboro		
Olympia (Tumwater)		Salem		

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¶ WALL

EAST BANK AND EAST PATIO FROM DOCK

Manor Stone Wall at Upper Right

ROCKY BANK ABOVE WALL

Wall at Bottom of Photo, Top of Wall at Top of Photo

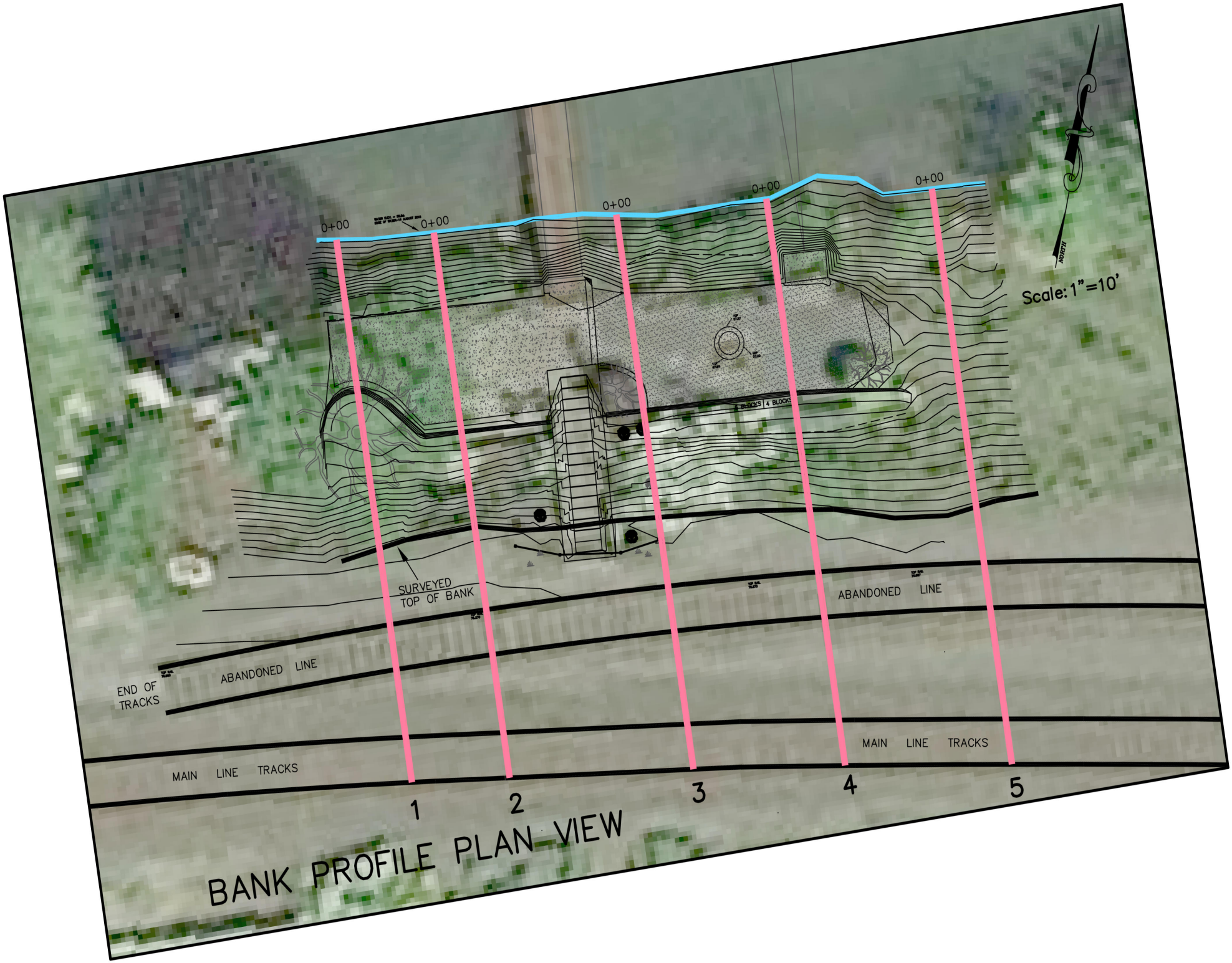
NORTH BANK GRAVEL PATIO AND WALL

SOUTH BANK CONCRETE PATIO AND WALL

EAST GRAVEL PATIO AND WALL

MANOR STONE STAIRWAY

Popma Residence Across Railroad Tracks in Background


0+00
0+00
0+00
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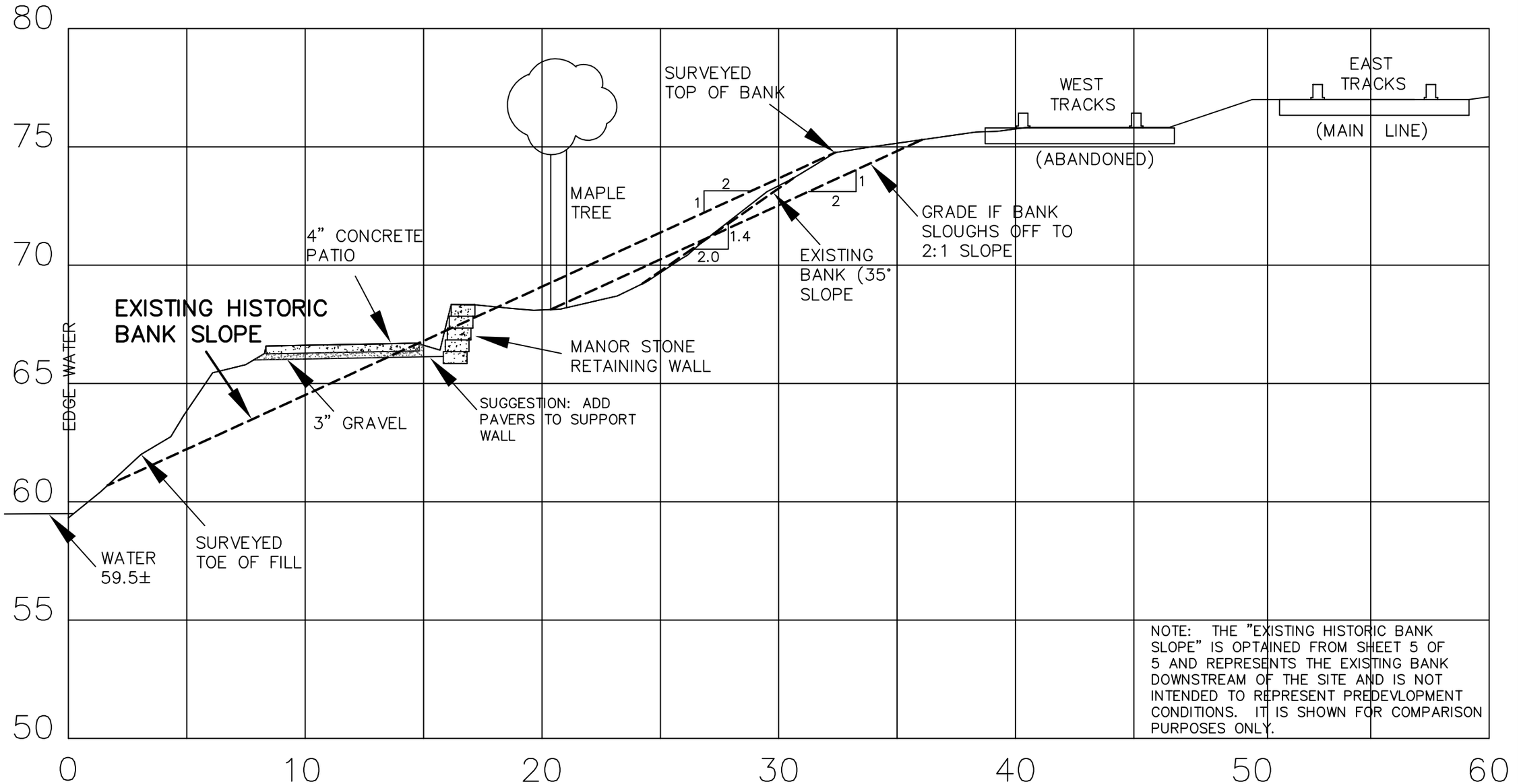
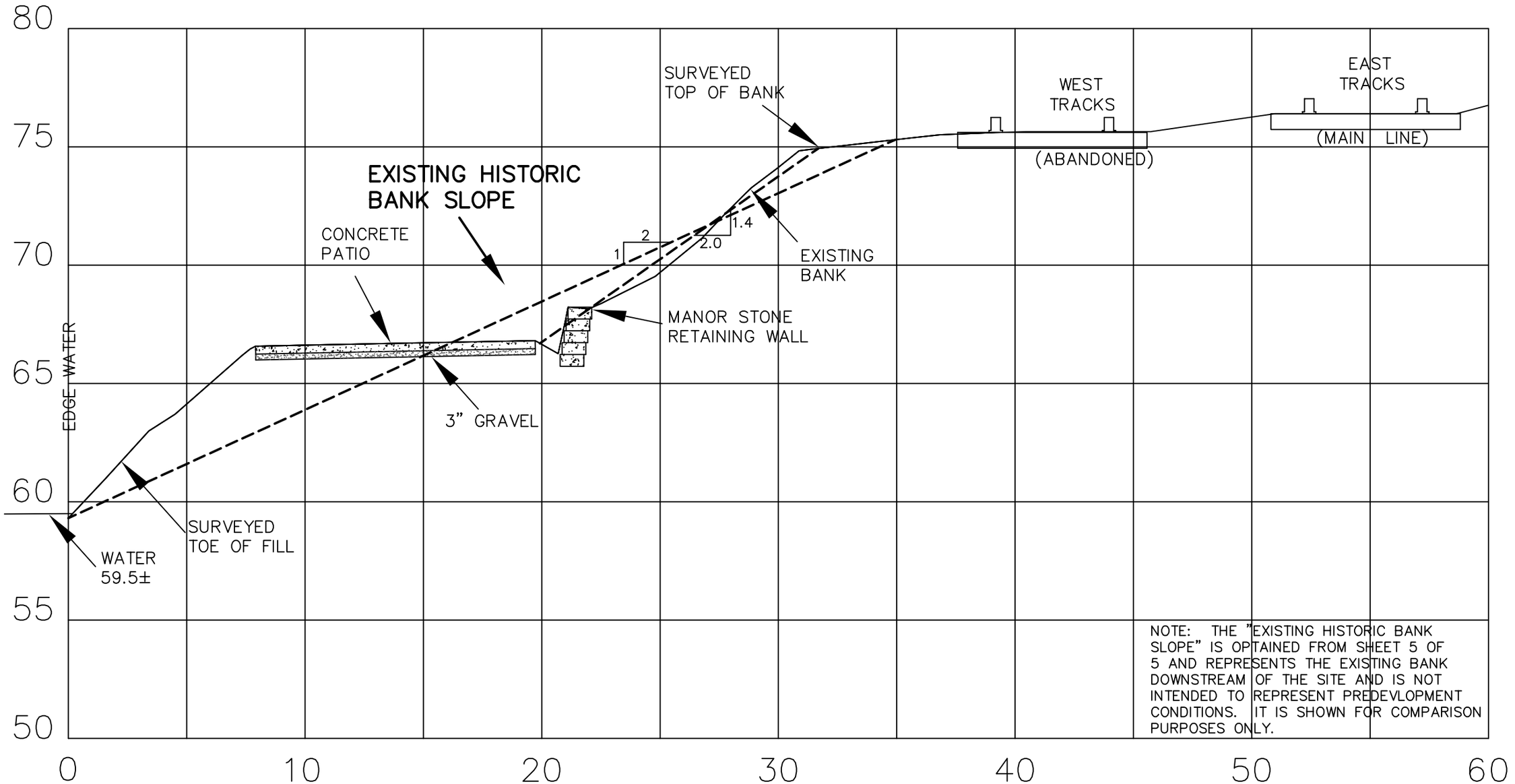
NORTH
Scale: 1"=10'
SURVEYED
TOP OF BANK
ABANDONED LINE
ABANDONED LINE
END OF
TRACKS
MAIN LINE TRACKS
MAIN LINE TRACKS
1
2
3
4
5
BANK PROFILE PLAN VIEW



UPSTREAM BANK PROFILE

Scale: 1"=5'

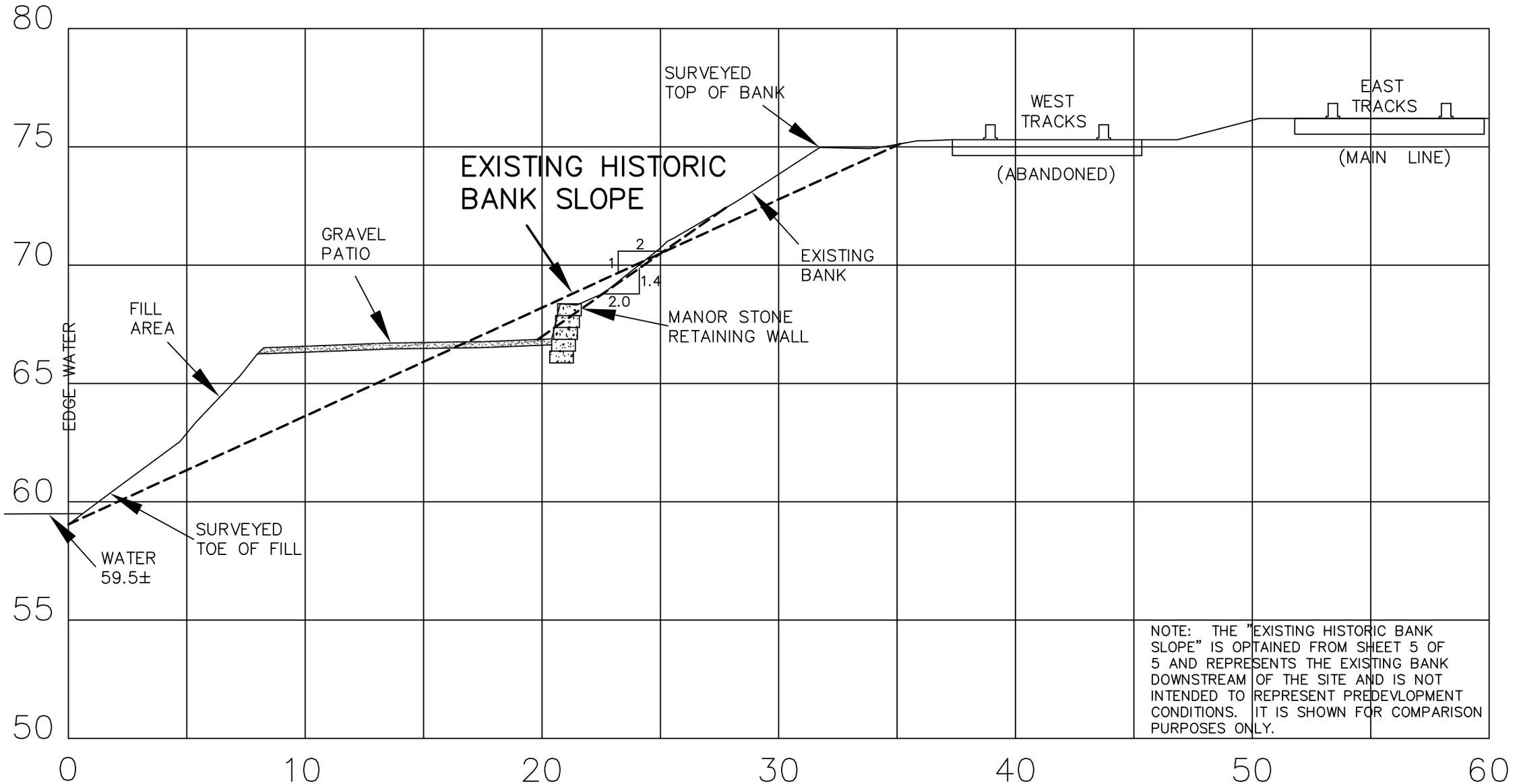
1



CONCRETE PATIO BANK PROFILE

Scale: 1"=5'

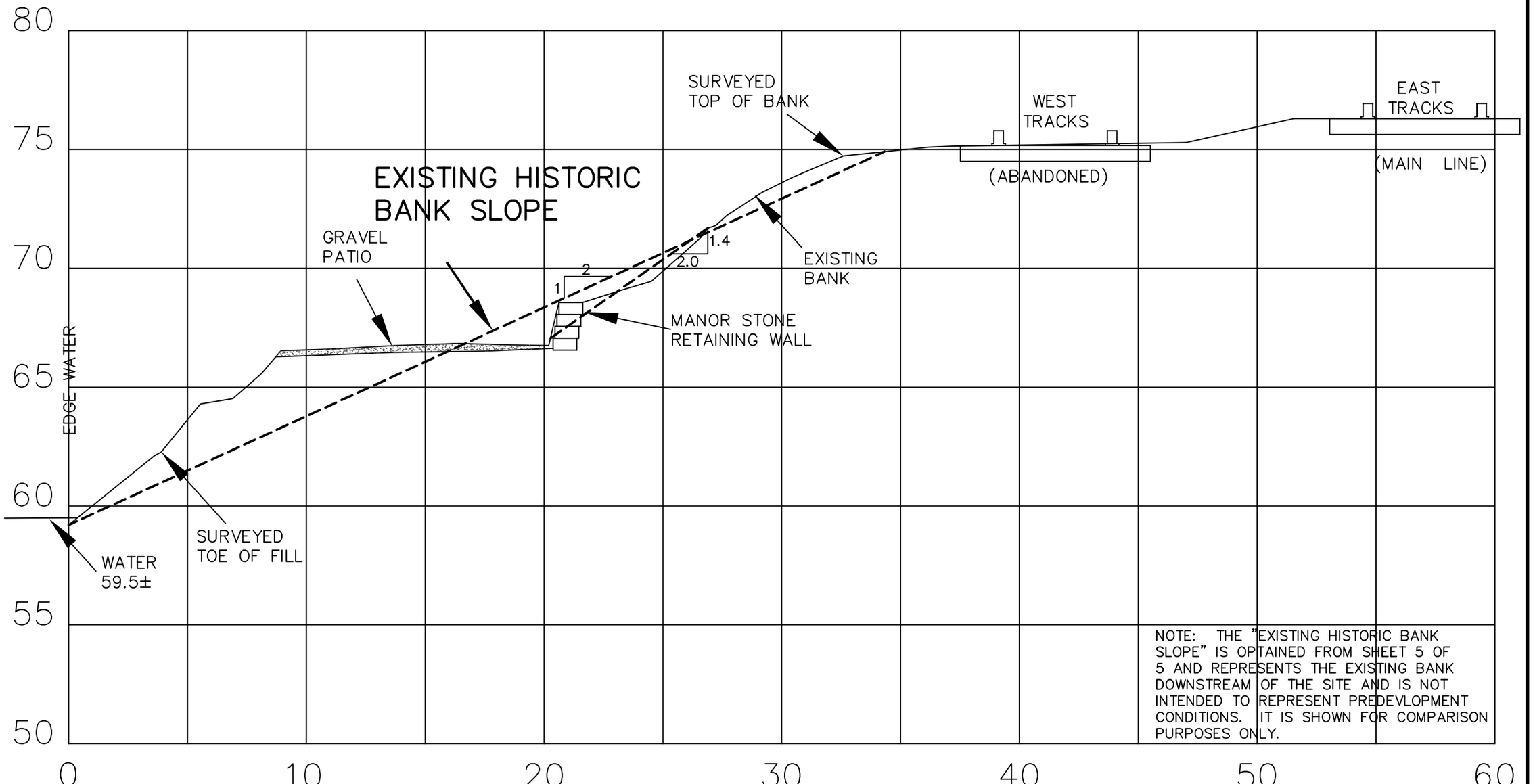
2



NORTH STAIRS BANK PROFILE

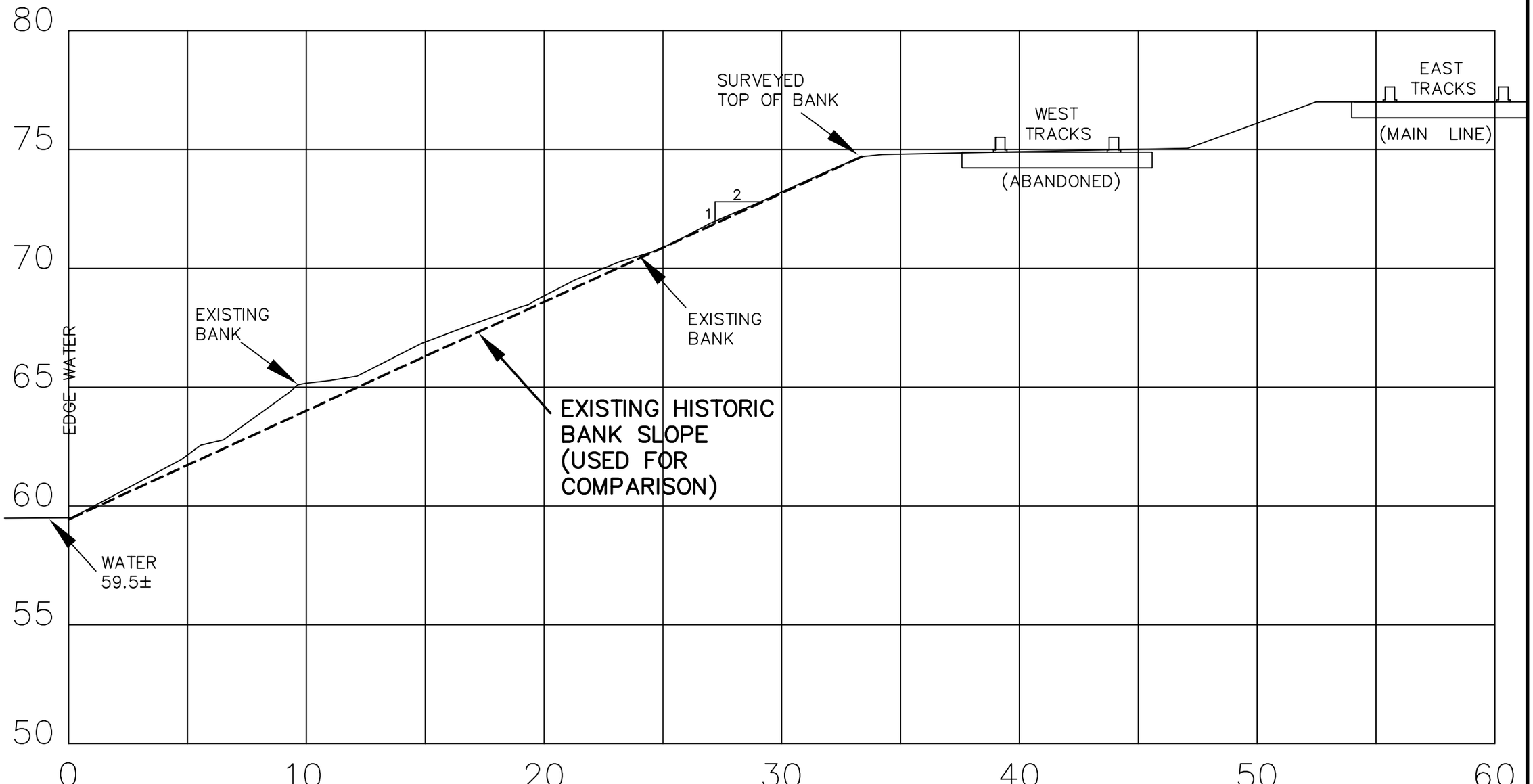
Scale: 1"=5'

3



CENTER GRAVEL BANK PROFILE

Scale: 1"=5'



DOWNSTREAM EXISTING UNDISTURBED BANK PROFILE

Scale: 1"=5'

5

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

October 10, 2018
Project No. 18-5064

Brant and Carolyn Popma
510 1st Avenue
Oregon City, Oregon 97045
Email: bcpopma@gmail.com

SUBJECT: GEOLOGIC HAZARD ASSESSMENT
BOAT DOCK
510 1ST AVENUE - CANEMAH
OREGON CITY, OREGON

This report presents the results of a geologic hazard assessment conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to review available literature and geologic mapping, and to perform a reconnaissance of the site. This geologic study was performed in accordance with GeoPacific contract, signed October 9, 2018, and your authorization of our proposal and *General Conditions for Geotechnical Services*

SITE AND PROJECT DESCRIPTION

As indicated on Figures 1 and 2, the subject site is located at 510 1st Avenue in the Canemah neighborhood in Oregon City, Clackamas County, Oregon. The regulatory jurisdictional agency is Oregon City, Oregon. The site is located on the southern riverbank of the Willamette River above (southwest of) the Willamette Falls and north of the Railroad Track embankment which descends into the river.

The dock ramp is situated on a 2H:1V rock embankment that is about 17 feet in height with site elevations ranging from approximately 59 to 76 feet above mean sea level (amsl). The portion of the site constructed for a patio contains a short retaining wall and a short, 5-foot high, 1H:1V rock embankment (see Figure 1). The rock embankment is sparsely vegetated.

REGIONAL GEOLOGIC SETTING

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

According to the *Geologic Map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon* (Madin, 2009), the site is underlain by basalt bedrock belonging to the Columbia River Basalt Group (Figure 2). The basalt is commonly blocky to columnar jointed, often displaying well-formed prismatic colonnades. This bedrock formation is generally very resistant to sliding.

Published regional geologic mapping, the Oregon Department of Geology and Mineral Industries (DOGAMI) online landslide database (SLIDO, 2018), and the *Landslide Inventory Map of the Northwest Quarter of the Oregon City Quadrangle, Clackamas County, Oregon* indicate that two ancient landslides (greater than 150 years old) are present southeast and upslope of the site (Burns and Madin, 2009). Review and discussion of the mapped landslide near the subject property is presented below in the *Geologic Hazard Assessment* section of this report.

REGIONAL SEISMIC SETTING

At least four potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, the Grant Butte and Damascus-Tickle Creek Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone, as discussed below.

Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults reportedly vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs along the Willamette River at the base of the Portland Hills, and is located approximately 3.8 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills, and is located approximately 3.1 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 8.3 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000).

According to the USGS Earthquake Hazards Program, the fault was originally mapped as a down-to-the-northeast normal fault, but has also been mapped as part of a regional-scale zone of right-lateral, oblique slip faults, and as a steep escarpment caused by asymmetrical folding above a south-west dipping, blind thrust fault. The Portland Hills fault offsets Miocene Columbia River Basalts, and Miocene to Pliocene sedimentary rocks of the Troutdale Formation. No fault scarps on surficial Quaternary deposits have been described along the fault trace, and the fault is mapped as buried by the Pleistocene aged Missoula flood deposits. No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

Grant Butte and Damascus-Tickle Creek Fault Zones

The Grant Butte fault zone was mapped along the north side of Mt. Scott and Powell Butte by Madin (1990). It was also extended eastward to Grant Butte on the basis of mapping by CH2M Hill and others (1991) and informally named the Grant Butte fault (Cornforth and Geomatrix, 1992). The Damascus-Tickle Creek fault zone displaces Pliocene and possibly Pleistocene sediments in the vicinity of Boring, Oregon (Madin,1992; Lite, 1992). Relatively short faults define a 17-km-long fault zone that is apparently linked to the Grant Butte fault on the basis of stratigraphic relationships showing middle and late Pleistocene activity. Geomatrix (1995) assigns a probability of 0.5 for activity on structures within these fault zones. The nearest portion of the Damascus-Tickle Creek Fault Zone is approximately 5.5mile northeast of the subject site.

Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies approximately 19.8 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault (the fault closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

According to the USGS Earthquake Hazards Program, the Mount Angel fault is mapped as a high-angle, reverse-oblique fault, which offsets Miocene rocks of the Columbia River Basalts, and Miocene and Pliocene sedimentary rocks. The fault appears to have controlled emplacement of the Frenchman Spring Member of the Wanapum Basalts, and thus must have a history that predates the Miocene age of these rocks. No unequivocal evidence of deformation of Quaternary deposits has been described, but a thick sequence of sediments deposited by the Missoula floods covers much of the southern part of the fault trace.

Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately along the Oregon Coast at depths of between 20 and 40 kilometers below the surface.

GEOLOGIC HAZARD ASSESSMENT

The client has already constructed the patio and the dock. The construction is minimal and has no adverse effects on the stability of nearby landslides. The river and railroad embankment is overall still flatter than 2H:1V, undulating due to minor cuts and fills for the patio. The railroad tracks closest to the slope are to be abandoned. In our opinion, the existing construction has a negligible effect on the embankment stability and a very low potential for damage to existing improvements and neighboring properties.

For the purpose of conducting a geologic hazard assessment and evaluating global slope stability of the site with the existing construction, we reviewed published geologic and hazard mapping, reviewed regional site topography and Lidar based high resolution digital elevation maps, reviewed legal property records, and performed field reconnaissance of the site including the mapped landslide. Lidar based high resolution digital elevation maps utilized in our site evaluation is presented in Figure 3. Subsurface investigation and detailed landslide modelling was beyond the scope of this investigation and is not considered necessary.

Hazard Mapping Literature Review

According to the *Geologic Map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon* (Madin, 2009), the site is underlain by basalt bedrock belonging to the Columbia River Basalt Group (Figure 2).

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: Statewide Geohazards Viewer indicates that the subject site borders the river deposits which are considered at high risk for very strong ground shaking and high risk for liquefaction during an earthquake (DOGAMI:HazVu, 2018). The database indicates that the subject site is located in an area at low risk for landsliding and in an area where existing landslides are present. Published regional geologic mapping, the DOGAMI online landslide database, indicates that two adjacent, ancient landslides are present to the southeast of the site, identified as Oregon City #200 and #201 (SLIDO 2018). As shown on Figures 2 and 3, the slide is upslope from the site and sufficiently distant to pose little risk.

Lidar Review

GeoPacific reviewed available Lidar based high resolution digital elevation maps of the site to observe geomorphic features in the area proposed for construction of a private driveway. Lidar imagery reviewed of the site is presented in Figure 3 (SLIDO, 2018). As can be seen on the LIDAR imagery, the site is located on the riverbank and railroad embankment.

Field Reconnaissance

A GeoPacific Engineering Geologist conducted a field reconnaissance of the site to observe geomorphic features of the mapped landslide and the area of dock and patio construction. GeoPacific observed the hillside and the proposed roadway alignment for evidence of recent soil

creep, soil movement, mass earth movement, recent slope failure, and other evidence of prior slope instability (such as hummocky topography, benches, or old scarps).

The railroad tracks showed no evidence of movement or distress. In general, it appears that the landslides identified Oregon City #200 and #201 indicated on the geologic mapping is offsite and has no impact on the existing improvements.

CONCLUSION

Based upon the results of our literature review, geologic mapping review, field reconnaissance, and our understanding of the improvements, we do not anticipate that construction of the dock and patio will present concerns to global slope instability at the subject site. It appears that although historic landslides are present near the subject site, the landslides are prehistoric in age, and have little potential for impact on the construction.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and his/her consultants for use in design of this project only. The conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Within the limitations of scope, schedule and budget, GeoPacific executed these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, express or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

CERTIFIED
OREGON
JAMES D. IMBRIE
E1734
ENGINEERING GEOLOGIST

Exp 5-30-20

James D. Imbrie, C.E.G.
Engineering Geologist

REFERENCES

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Oregon Department of Geology and Mineral Industries, 2018, SLIDO: Statewide Landslide Information Database for Oregon: https://gis.dogami.oregon.gov/slido/

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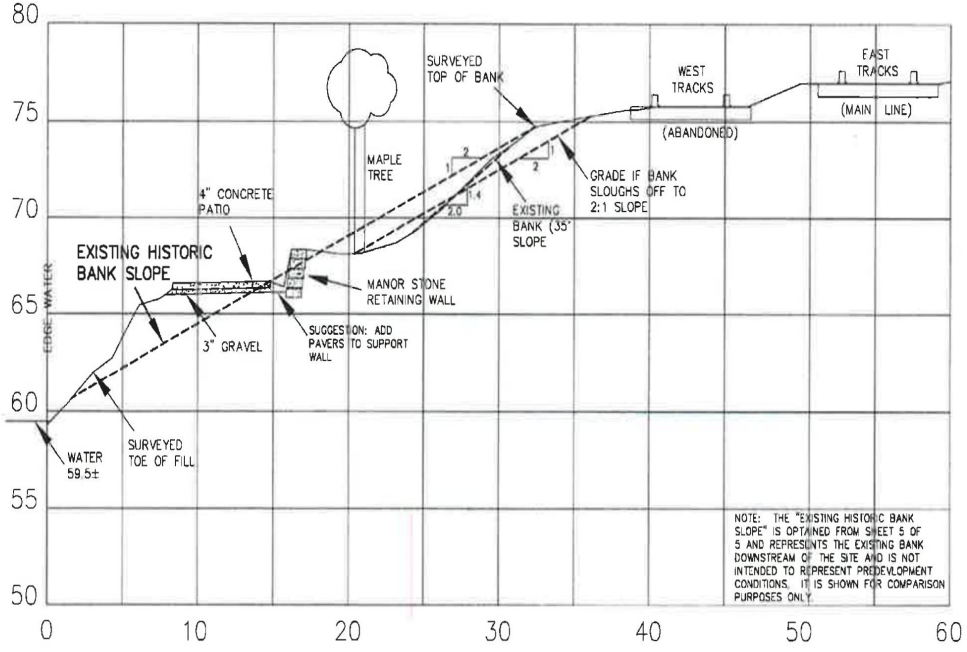
GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

SITE UPSTREAM BANK PROFILE



North

Legend

0 10'

APPROXIMATE SCALE 1"=10'

Date: 10/10/2018
Drawn by: EKR

Project: Popma Boat Dock Oregon City, Oregon	Project No. 18-5064	FIGURE 1

GeoPacific Engineering, Inc.
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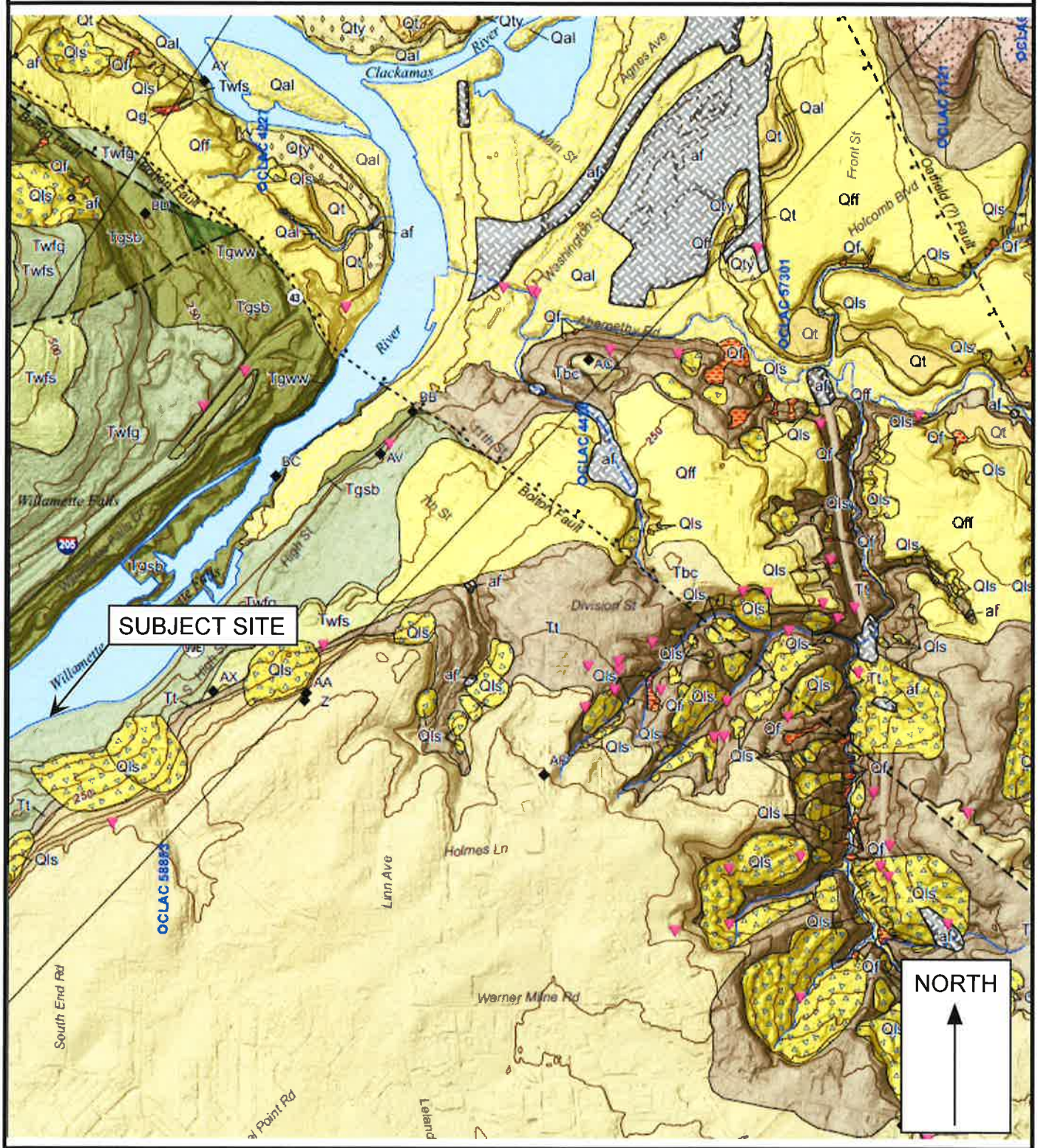
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

SITE VICINITY & GEOLOGIC MAP



Legend

Approximate Scale 1 in = 2,000 ft

Date: 10/10/2018
Drawn by: EKR

Base map: Madin, I.P., 2009, Geologic map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries GMS-119, scale 1:24,000.

Project: Popma Boat Dock Oregon City, Oregon	Project No. 18-5064	FIGURE 2

EXPLANATION OF MAP UNITS - MADIN, 2009

af — **Artificial fill** — Man-made deposits of mixed clay, silt, sand, gravel, and debris and rubble.

Quaternary Surficial Deposits

Qal — **Alluvial deposits (Quaternary)** — Gravel, sand, silt, and clay deposited in the active channels and floodplains of rivers and streams.

Qty — **Terrace deposits, younger (Quaternary)** — Lowest silt and sand (?) deposits capping strath terraces inset into Missoula Flood deposits along Abernethy Creek and the Willamette River near its confluence with the Clackamas River.

Qt — **Terrace deposits (Quaternary)** — Intermediate-elevation silt and sand (?) deposits capping strath terraces inset into Missoula Flood deposits along Abernethy Creek and the Willamette River near its confluence with the Clackamas River.

Qto — **Terrace deposits, older (Quaternary)** — Highest silt and sand (?) deposits capping strath terraces inset into Missoula Flood deposits along Abernethy Creek and the Willamette River near its confluence with the Clackamas River.

Qf — **Fan and flow deposits (Quaternary)** — Mixed sand, silt, clay, gravel, and soil deposited by earthflows or debris flows.

Qff — **Missoula (Bretz) flood deposits (Quaternary)** — Silt, sand, and minor gravel deposited by floods caused by the repeated failure of the glacial ice dam that impounded glacial Lake Missoula.

Qls — **Landslides (Quaternary)** — Chaotically mixed and deformed masses of rock, colluvium, and soil that have moved downslope in one or more events.

Pliocene-Pleistocene Boring volcanic field rocks

Qbo — **Basaltic andesite of Outlook (Pleistocene)** — Flow or flows of fine-grained grey diktytaxitic olivine basaltic andesite.

Qvo — **Outlook tephra (Pleistocene)** — Ash, scoria, bombs and breccia of basaltic andesite of Outlook composition deposited on and around vents.

Qbh — **Basaltic andesite of Hunsinger (Pleistocene)** — Flow or flows of grey fine-grained, diktytaxitic olivine basaltic andesite.

Tbc — **Basalt of Canemah (Pliocene)** — Flow or flows of grey medium-grained, diktytaxitic olivine basalt.

Tvc — **Canemah tephra (Pliocene)** — Ash to bomb size tephra with minor basalt flows inferred from water well logs.

Tbr — **Basaltic andesite of Root Creek (Pliocene)** — Flow or flows of fine-grained grey basaltic andesite.

Tvr — **Root Creek tephra (Pliocene)** — Ash, scoria, bombs and breccia of basaltic andesite of Root Creek composition.

Tbf — **Basaltic andesite of Fallsview (Pliocene)** — Flow or flows of grey to black, fine- to medium-grained, diktytaxitic olivine basaltic andesite.

Tvf — **Fallsview tephra (Pliocene)** — Ash, scoria, bombs, and breccia interbedded with the basaltic andesite of Fallsview.

Tbb — **Basaltic andesite of Beaver Creek (Pliocene)** — Flow or flows of grey fine-grained, weakly diktytaxitic olivine basaltic andesite.

Miocene-Pleistocene fluvial sedimentary rocks

Qg — **Conglomerate (Pleistocene?)** — Pebble to cobble conglomerate exposed in the walls of a small stream canyon in the extreme northwest corner of the map area.

QTs — **Springwater Formation conglomerate and sandstone (Pliocene-Pleistocene)** — Sandstone and conglomerate deposited by the ancestral Clackamas River.

Tt — **Troutdale Formation sandstone, siltstone and mudstone (Miocene-Pliocene)** — Mudstone, claystone, sandstone, and minor conglomerate and tuff.

Miocene Columbia River Basalt Group lavas

Twfs — **Wanapum Basalt, Frenchman Springs Member, basalt of Sand Hollow (Miocene)** — Black medium-grained basalt flows with sparse plagioclase phenocrysts, well developed columnar jointing.

Twfg — **Wanapum Basalt, Frenchman Springs Member, basalt of Gingko (Miocene)** — Black medium-grained basalt flows with abundant plagioclase phenocrysts, well developed columnar jointing.

Tgsb — **Grande Ronde Basalt, Sentinel Bluffs Member (Miocene)** — Sentinel Bluffs Member (middle Miocene) — black fine-grained basalt flows with sparse plagioclase phenocrysts, well developed columnar jointing.

Tgww — **Grande Ronde Formation, basalt of Winter Water (Miocene)** — Flow or flows of fine-grained basalt.

Tcu — **Columbia River Basalt, undifferentiated (Miocene)** (shown only in cross section)

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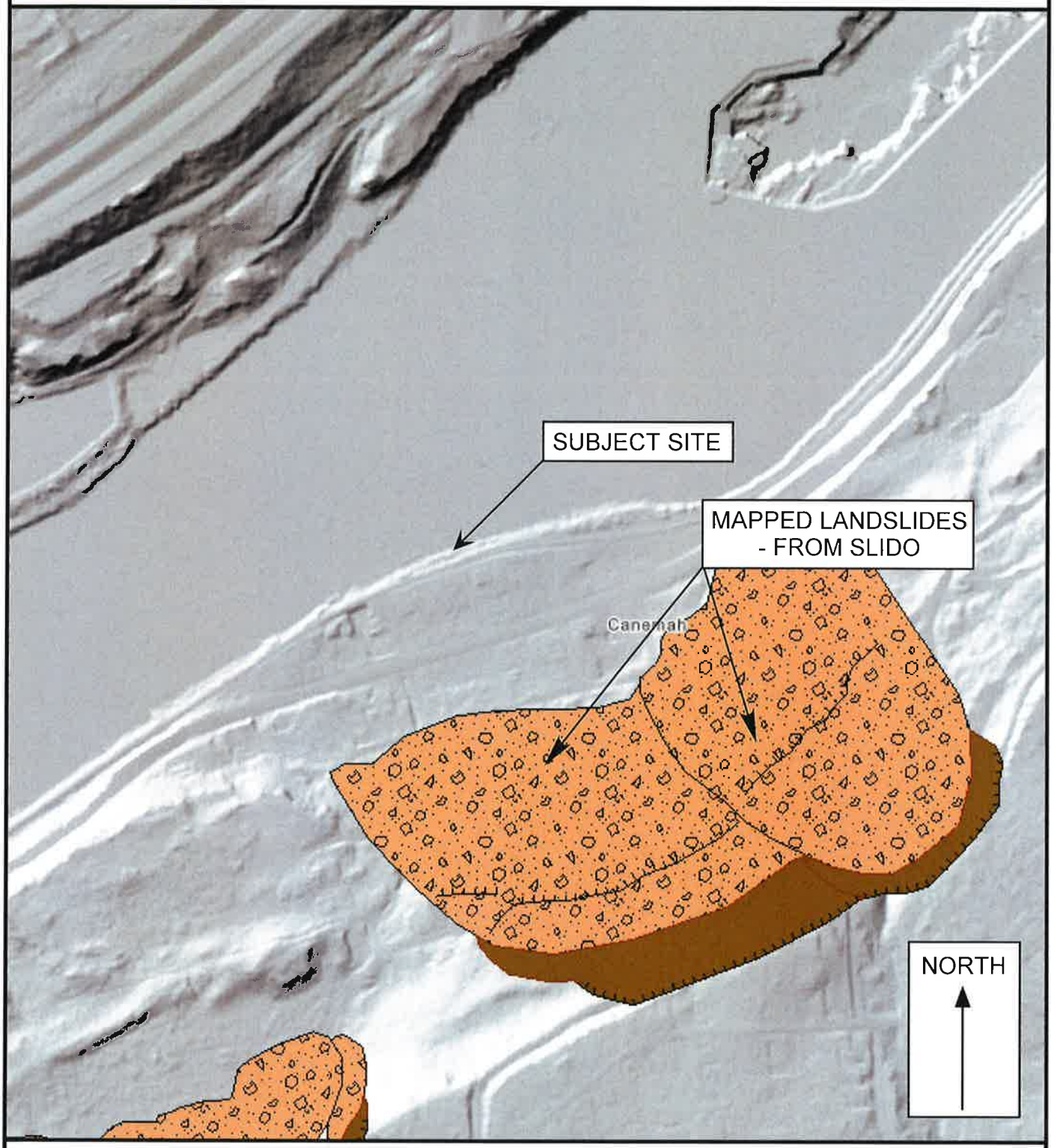
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

LIDAR BASED VICINITY MAP - WITH MAPPED LANDSLIDES



Legend

Approximate Scale 1 in = 500 ft

Date: 10/10/2018
Drawn by: EKR

Base map: Oregon Department of Geology and Mineral Industries, 2018, Statewide Landslide Information Database for Oregon (SLIDO): https://gis.dogami.oregon.gov/slido/

Project: Popma Boat Dock Oregon City, Oregon	Project No. 18-5064	FIGURE 3

Regarding Type 111 Land Use Application NR-08/US 18-02

To the City of Oregon City Planning Commission,

NOV13 12:46PM

We have owned the lot adjacent to the applicants (Brant and Carolyn Popma) since 1992 and have lived in our home here since 1996. The applicants are good neighbors and responsible citizens who want to be in compliance with any government regulations involving their land. It is unfortunate that they have been caused so much stress and expense trying to get into compliance due to issues raised retroactively by the City regarding improvements to their land that were made by a previous owner. We believe they are doing everything possible to come into compliance and to be responsible land owners, and we hope the commission will approve their land use application.

Regarding the Popma's river frontage and the improvements under review: It would be impossible to return the land to a 'natural condition' since the riverfront in this location and on neighboring lands is a pile of rock rubble. I've been told that the rock was dumped here during the blasting of Highway 99E through the nearby cliffs in the 1920s. When we bought our lot in 1992, the riverfront was entirely covered by blackberries growing in the thin layer of sediment deposited by the river on that rock rubble. The upper edge of the riverfront has been heavily shaped by the railroads since the 1870s, including the dumping of massive amounts of large gravel. The bottom edge has been altered by PGE's Willamette Fall's dams (since the 1890s?) which keep the high water line artificially high, especially through the summer when the river would have historically fallen to reveal multiple channels flowing around shoals and islands.

Our community of Canemah owes its existence to the proximity of the Willamette River. There was always access to and use of the river by the community, and the improvements on the Popma's land seem consistent with that.

November 10, 2018

Carl Koontz and Joanne Dutra

106 Miller Street, Oregon City

From: HUNTER Zackary
To: Kelly Reid
Subject: NR 18-08/US 18-02 land development application
Date: Wednesday, November 14, 2018 7:48:49 AM

Kelly,

I represent ODOT Rail & Public Transit Division. My position is to regulate all Public Rail Crossings in Oregon. My comments are as follows with the proposed development in Oregon City as shown in the subject notice:

- Currently there are no legal public crossings with in the devolvement area.
- After a visit to the site I see that there is a specific location for private pedestrian crossing with no signage.
- Does the landowner have a permit or some type of verbal agreement with the RR? If not I would recommend they contact Union Pacific RR

Zack Hunter
Crossing Compliance Specialist
(503) 986 6780
Zackary.hunter@odot.state.or.us

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

November 14, 2018

Oregon City Natural Resources Committee
C/O Mr. Pete Walter, AICP, Planner
698 Warner Parrott Rd
Oregon City, OR 97045

RE: Planning Files NR 18-08/US 18-02, Canemah Dock NROD & FMA Application

Dear Committee Members:

I am assisting Brant and Carolyn Popma in their efforts to resolve code enforcement actions relating to shoreline improvements on a portion of the Canemah Club property to which they have easement rights. It is our understanding that the Natural Resources Committee will be considering this matter at its meeting tonight and may make a recommendation to the Planning Commission for its scheduled hearing on November 26, 2018.

We wanted to take this opportunity to let you know that the Popmas had nothing to do with the construction of the steps, patio, dock and other shoreline improvements. They were unaware of any land use issues relating to these improvements when they purchased their home in 2015, thereby obtaining the easement rights to the subject property. The improvements were constructed by the previous owner of the property, Captain Paquet, LLC, Ryan Smith/Douglas Tiner, in 2013.

Even though the Popmas had no involvement in the creation of the code violations, they are working diligently in good faith and at great personal expense to rectify the problem by undertaking the required land use applications and preparing plans for mitigation of the relatively minor impacts associated with these improvements. The proposed mitigation plans call for removal of non-native invasive vegetation from the easement area's frontage on the river, and the planting of appropriate native plant materials to enhance the resource values of the property's frontage on the river. They would appreciate your support in limiting the required improvements to the landscaping only.

We thank you for your time in reviewing this letter and respectfully request that you lend your support to their efforts to resolve this matter by your positive recommendation for their land use application.

Sincerely yours,

Rick Givens

Rick Givens, Planning Consultant

Cc: Brant & Carolyn Popma, Leonard Rydell, PE

phone: 503-479-0097 | fax: 503-479-0097 | e-mail: rickgivens@gmail.com

For the Planning Commission hearing 11/26/18
Re: NR 18-08/US 18-02

My wife & I are the land use applicants and have the rights to the easement in question. The Canemah Club Association is the owner of the property and they are ultimately the responsible entity to resolve these issues. There are 10 easements on this property.

The builder, Captain Paquet LLC, carried out the easement improvements in front of 510 1st Ave, (our home), in 2013 and these improvements / disturbances are what make up the code violations. This was over a year prior to our purchase in December 2014. Our home was advertised as having a dock and river access and we were given the registration with the Departure of State Lands for the dock and believed everything was in order.

Eighteen months after we purchased the house the Canemah Club received a city violation notice regarding this property. The builders have taken no responsibility in resolving these issues and have continuously refused to go through the city pre-application process. We are in no way obligated to fix this mess since the responsible party is the Canemah Club.

My wife & I, not seeing a solution in the foreseeable future from either the Canemah Club or the builders, decided to follow the city's application process on our own. This whole episode in our life has been extremely frustrating and challenging and costly.

Carolyn & I have been working with our team of engineers, our landscape consultant and our experienced land use consultant Rick Givens. We believe we have created a mitigation plan that will satisfy the city's issues and improve the health of the river in the long run. Both of our engineers have concluded that the effects of the disturbances are minimal and we believe our mitigation & remediation plan will enhance the river bank and the easement area.

We have made a great deal of progress addressing the city planning department issues at great personal cost and effort. As of October we have spent over $20,000.00, and untold sleepless nights and days of frustration.

My wife and I have been active in the Oregon City and surrounding communities. We are involved in the Oregon City Meals on Wheels Program at the adult senior center. My wife works with a group that facilitates a meal program called "Backpack Buddies" through the Christ Lutheran church in Aurora. These programs are important to my wife and I and our community. We believe in supporting the community around us.

We're hoping to right the wrong that has been left on our door step.

We hope you will see your way clear to accepting our proposal of remediation and take into consideration the time and effort we have put in, getting to this juncture.

Thank you,

Brant & Carolyn Popma
510 1st Ave.
Oregon City, OR 97045
bcpopma@gmail.com/503-997-6755

Foundation Engineering, Inc.
Professional Geotechnical Services

Memorandum

Date: February 14, 2018

To: Josh Wheeler, PE
Development Projects Manager
City of Oregon City

From: Timothy J. Pfeiffer, P.E., G.E.

Subject: Municipal Code 17.44 - Geologic Hazards Waiver Request

Project: 510 1st Street Dock –Map 2-1E-36DD, Tax Lot 200
Project 2181001

The development includes a floating dock, gravel patio (±352 square feet), concrete patio (±316 square feet), concrete block retaining walls and a stairway within a geologic hazard overlay zone. The hazard zone is based on steep slopes between the railroad and the Willamette River. The site material appears to consist primarily of railroad ballast and fill.

Leonard A. Rydell, P.E., P.L.S., W.R.E. prepared an evaluation of the site cut and fill for the development. The evaluation concluded that the estimated imported fill was ±12 cubic yards for the gravel and concrete used to build the deck and retaining walls. The evaluation also found the cuts and fills would have likely been under two feet high. The evaluation concluded that the original cuts and fills are well under 50 cubic yards and may be less than 20 cubic yards.

Considering the site conditions and size of the cuts, we recommend waiving the requirements for the Geological Assessment and Geotechnical Report, Municipal Code Chapter 17.44.050 A. All other code provisions including the Development Standards 17.44.060 apply.

Please let us know if there are any additional questions.

COMMENT FORM

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 11/14/'18 NRC

Item Number From Agenda 5b - CANEMAH DOCK

NAME: Brant Popma

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 515 1st Ave

City, State, Zip: Oregon City

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 11-14-18 / NATURAL RESOURCES COMMITTEE

Item Number From Agenda 5b NR 18-08 / CANEMAH DOCK

NAME: KEN BAYSINGER

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** _____

City, State, Zip: O.C.

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

NR 18-08 / US 18-02

Natural Resources Overlay District & Geologic Hazard Overlay Review
For Boat Dock, Patio, and Access Stairs in Canemah
11/14/2018 – Natural Resources Committee

Clackamas County Map 2-1E-36DD, Tax Lot 200

Code Criteria

Oregon City Municipal Code

- *Administration and Procedures are set forth in Chapter 17.50*
- *Natural Resource Overlay District in Chapter 17.49;*
- *Geologic Hazards in Chapter 17.44;*
- *Flood Management Overlay District in Chapter 17.42,*
- *Willamette River Greenway in Chapter 17.48; and*
- *R-6 Dwelling District in Chapter 17.08*

The City Code Book is available on-line at www.orcity.org

Project Description

- The Applicant has river access through an easement that is located on Tax Lot 200, Map No. 2-1E-36DD. The property is owned by the Canemah Club.
- The boat dock, access stairs and patio were constructed starting in 2013. The applicant wishes to retain the existing improvements.
- The easement contains a permitted dock, and easement improvements including a concrete “Manor Stone” type block stairway for pedestrian access, low “Manor Stone” concrete block retaining walls, a rock retaining wall, a graded fine gravel patio with 356 square feet, and a Manor Stone block fire pit and approximately 259 square feet of a concrete patio.
- Additional site work included grading, removal of existing vegetation (mostly invasive) and new landscaping

Project Description

- Note: The development is located below the “top of bank”. The site is small and consists of a steep rocky bank
- Current owners purchased the home with easement rights to the dock in 2015
- Code Enforcement process initiated in 2016
- On-land improvements trigger certain permitting requirements (however, floating docks are exempt from city planning requirements)
- To remedy the project impacts and assure code is met, the owners have applied for the applicable Land Use approvals
- Requires a Type III Review (Planning Commission)
- Planning Commission public hearing is scheduled for **November 26, 2018,**

  7 p.m. at City Hall, 615 Center St, Oregon City

Permits

Building Permits

- Floodway, possible structural permits for stairs, retaining walls

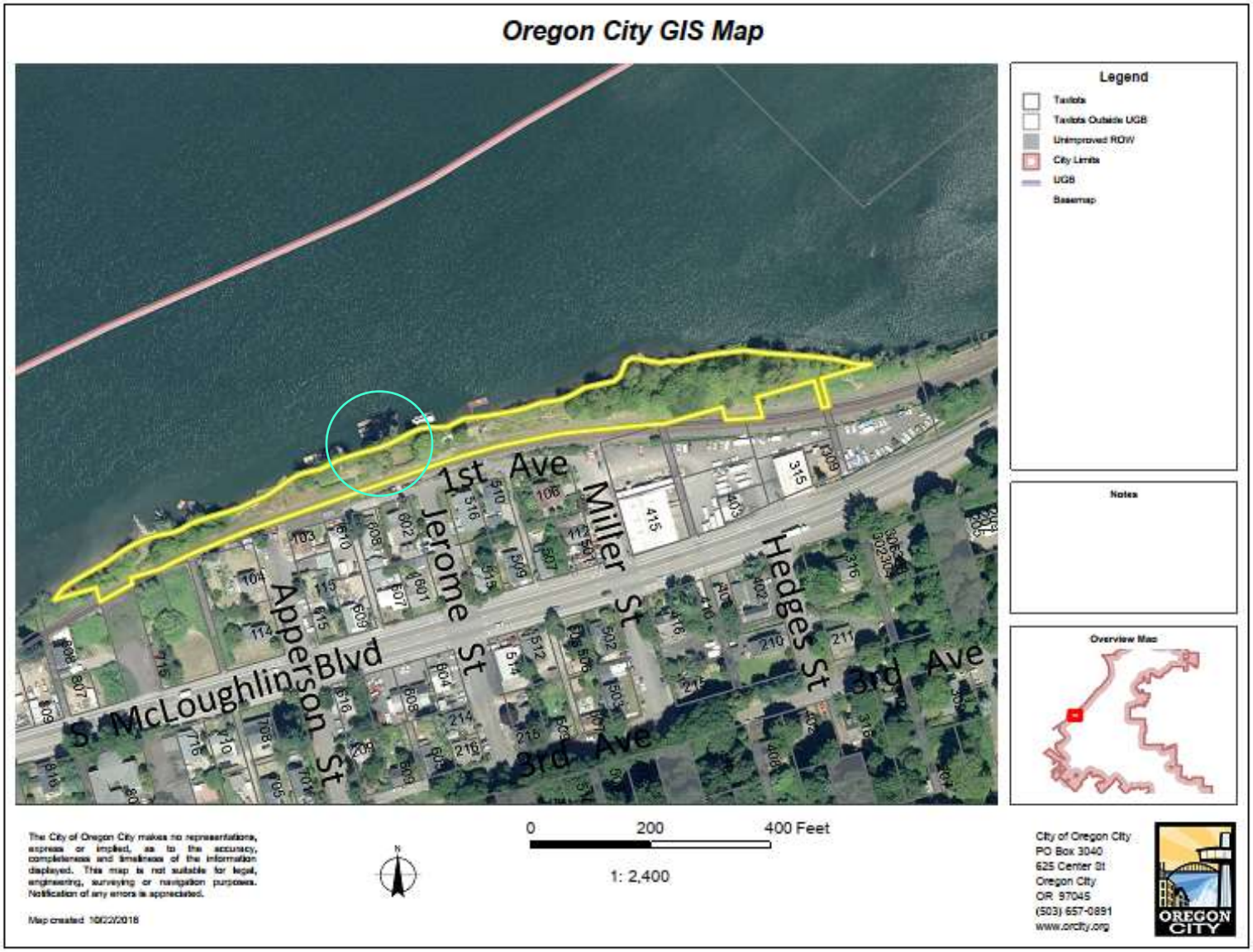
Land Use (Planning)

- Natural Resources Overlay District
  - Mitigation Plan and Report prepared by a qualified environmental professional
- Geologic Hazard Review
  - Geologic Assessment and Geotechnical Report prepared by a geotechnical engineer/licensed engineering geologist
  - Assess site grading, amount of cut and fill

Public Works

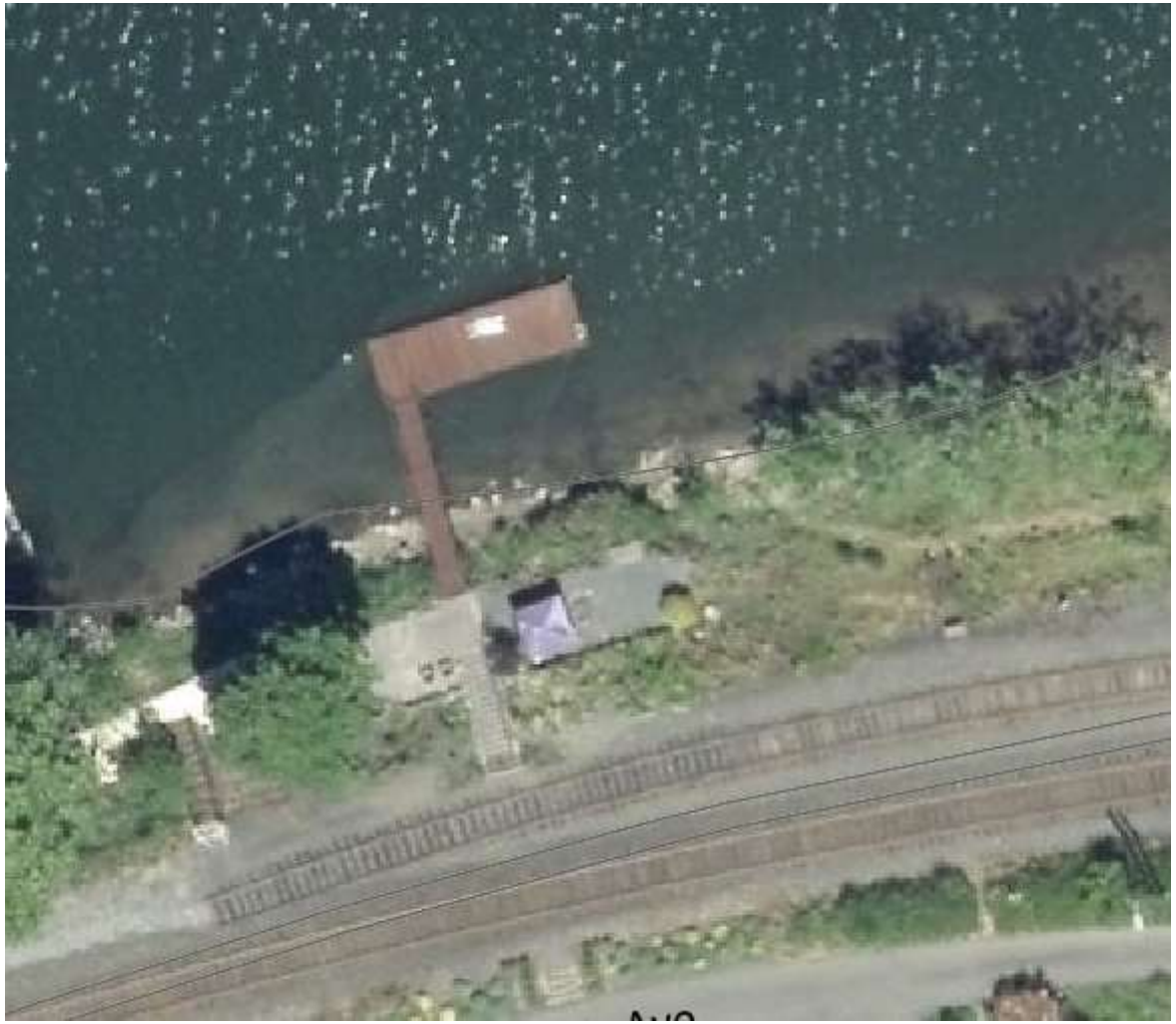
- Revocable Right-of-Way Permit for Staircase
- Grading Permit

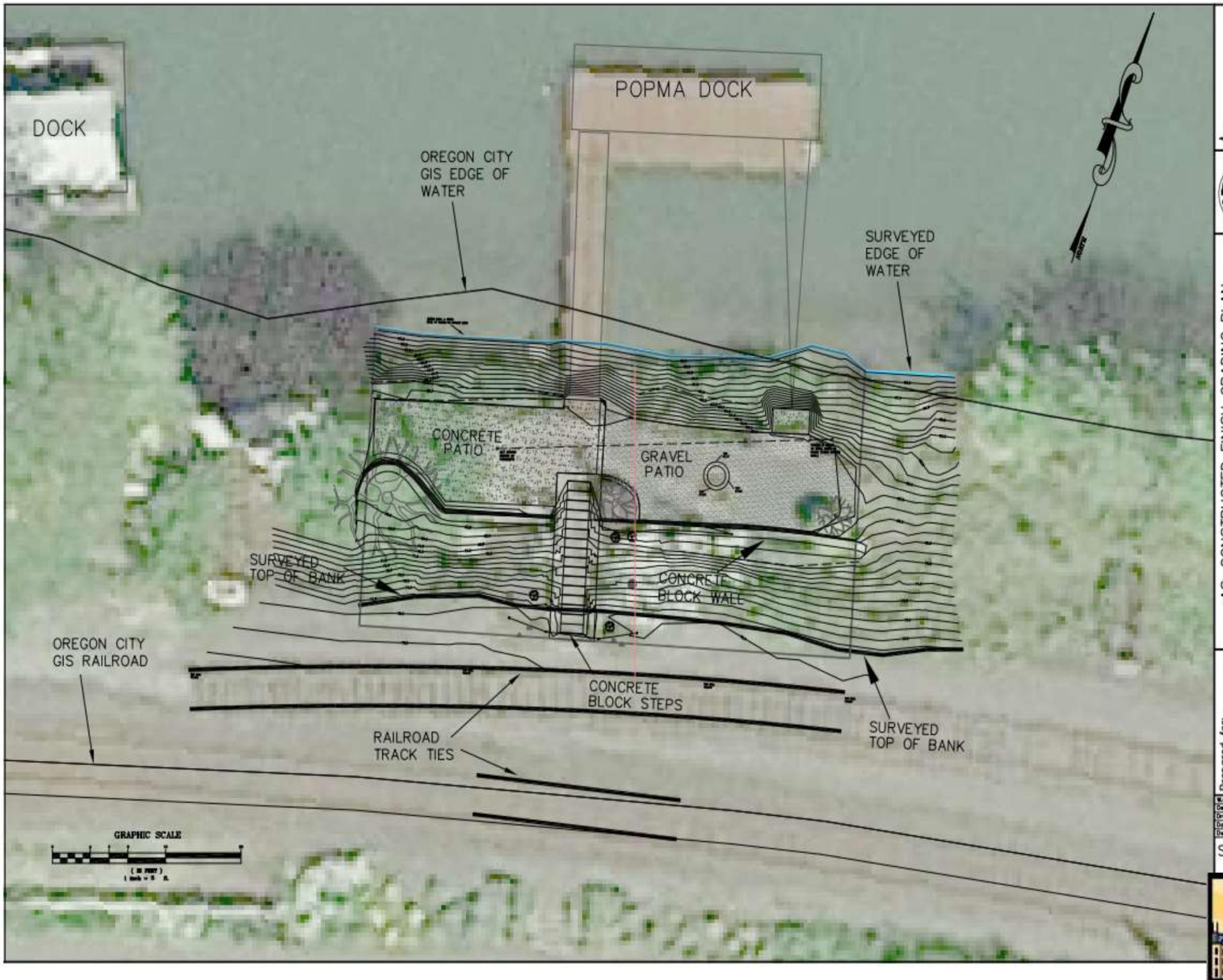
Vicinity



OREGON CITY

Site - Aerial Photo





AS-CONSTRUCTED FINISH GRADING PLAN
POPMA DOCK EASEMENT

Located in the Southeast Quarter of the Southeast Quarter Section 36
Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
Brant and Carolyn Popma
501 First Avenue
Oregon City, Oregon 97045
Phone: (503) 997-6755
E-Mail: BCPiona@gmail.com

W.O. No. 1721
Design ADVANCE ENGR
Drawn ADVANCE ENGR
Date 30 August 2018
Dwg PG-Sht7.dwg

Sheet 5 of 7

OREGON CITY

EAST GRAVEL PATIO AND WALL

RIVER BANK AND DOCK LOOKING NORTHEAST TOWARDS FALLS

OREGON CITY

RIVER BANK FROM DOCK LOOKING DOWNSTREAM

PATIO LOOKING UPSTREAM

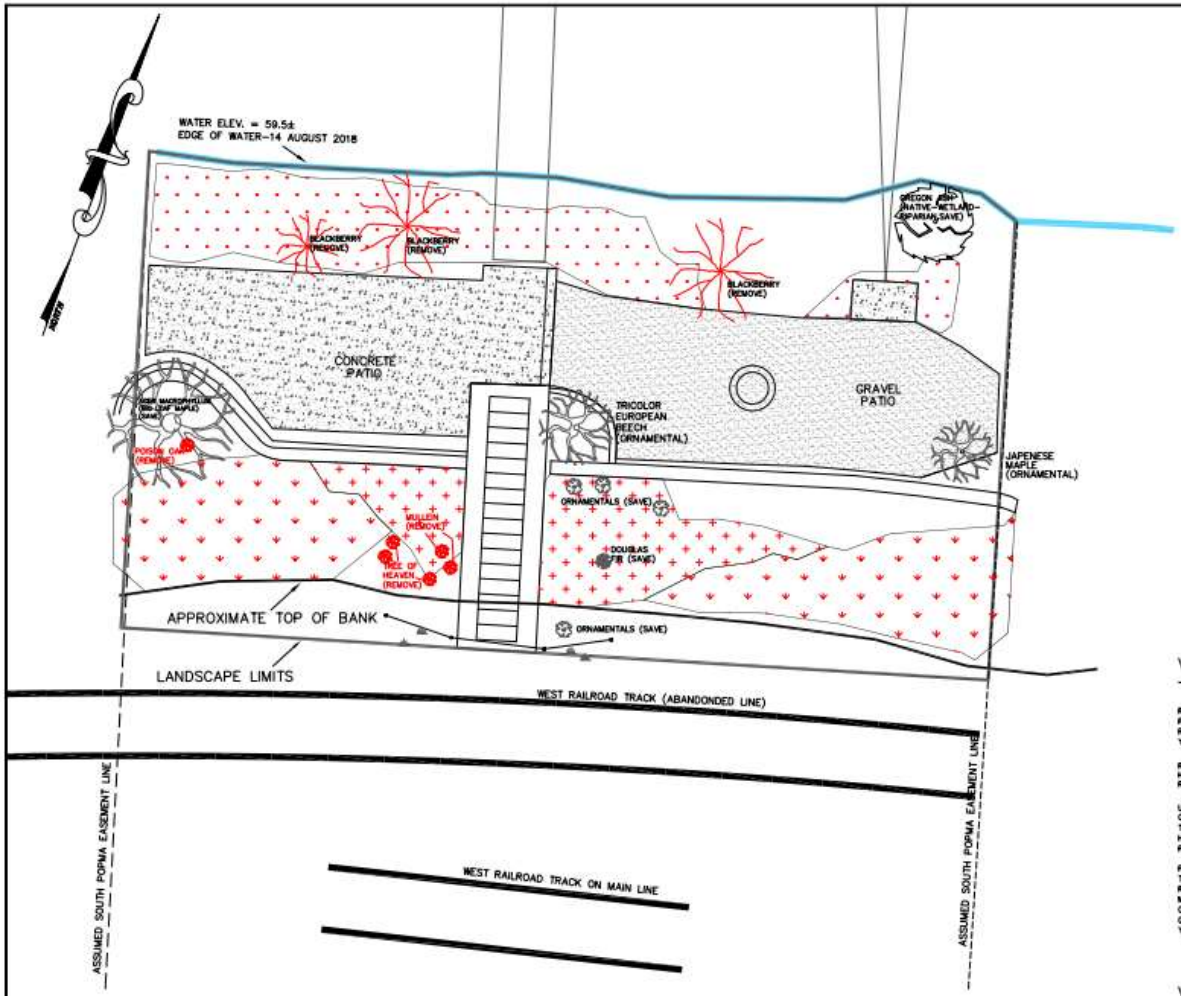
PATIO DURING FLOODING

Exhibit 7D
Looking Downstream

Exhibit 7E
Looking Upstream

Mitigation

- Note: The development is located below the “top of bank”. The site is small and consists of a steep rocky bank.
- Removal of non-native invasive vegetation from the easement area’s frontage on the river.
- Planting of appropriate native plant materials to enhance the resource values of the property’s frontage on the river.
- There is no vegetated corridor along this stretch of the Willamette River because of the existing site development and grading associated with the railroad.



VEGETATION REMOVAL AREAS

- Remove Noxious Reed Canary Grass
- Remove Noxious Ox-eye Daisy
- Remove Noxious, Invasive or Non Native Annuals or Perennials
- Remove Blackberry
- Remove Invasive Shrubs

VEGETATION REMOVAL NOTES

River's Edge Noxious/Invasive/Non-Native Plant Species to Remove

Purple Loosestrife	Lythrum Salicaria (perennial; seeds/stem fragments)
Reed Canary Grass	Phalaris arundinacea (perennial; seeds/rhizomes/stem fragments)
Yellow Water Iris	Iris pseudacorus (perennial; stem fragments detach/float, seeds; all parts toxic)

River Bank Noxious/Invasive/Non-Native Plant Species to Remove

Himalayan Blackberry	Rubus discolor
Reed Canary Grass	Phalaris arundinacea

Upland Slope Noxious/Invasive/or Non-Native Plant Species to Remove

Ox-eye Daisy	Leucanthemum vulgare
Tree Of Heaven	Ailanthus altissima (noxious, allelotoxic, suckering by root sprouts, winged seeds)
Himalayan Blackberry	Rubus discolor (noxious, long runner roots)
Poison Oak	Toxicodendron diversilobum (hazardous)
Prickly Lettuce	Lactuca serriola (by seed annual and/or biennial)
Tansy Ragwort	Senecio jacobaea (biennial)
Robert Geranium	Geranium robertianum (annual, or biennial)
Mullein	Verbascum thapsis (biennial herb)
Common Field Horsetail	Equisetum arvense (nuisance in Oregon, rhizomes)
Queen Anne's Lace	Daucus carota (1g biennial/last growth/long taproot)
Yellow Hawkweed	Hieracium florbundum (spread vegetatively from stolons, seeds)

VEGETATION RETENTION NOTES

River's Edge Native Plant Species to Retain (Neutral or Increase)

Douglas Spirea	Spiraea douglasii (increase)
Oregon Ash	Fraxinus latifolia

River Bank Native Plant Species to Retain (Neutral or Increase)

Douglas Spirea	Spiraea douglasii (increase)
Oregon Ash	Fraxinus latifolia

Various less significant very small-sized native wildflowers and weeds that will not affect remediation process

Upland Slope Native Plant Species to Retain (Neutral or Increase)

Big Leaf Maple	Acer macrophyllum
Douglas Fir	Pseudotsuga menziesii (seedling, make free-to-grow)
Foxglove (naturalized)	Digitalis purpurea
Common Evening Primrose	Oenothera biennis

LEONARD A. RYDELL, P.E., P.L.S.
601 Pinehurst Drive, Newberg, Oregon 97132-4053
(503) 538-3868 Fax (503) 538-3868
Mobile (503) 780-4128
LeRydell@gmail.com
Consulting Civil Engineer - Land Surveyor - W.R.E.

PROFESSIONAL ENGINEER LEONARD A. RYDELL 81527 OREGON
RENEWAL DATE 12/31/2018

VEGETATION REMOVAL PLAN
POPMA DOCK EASEMENT

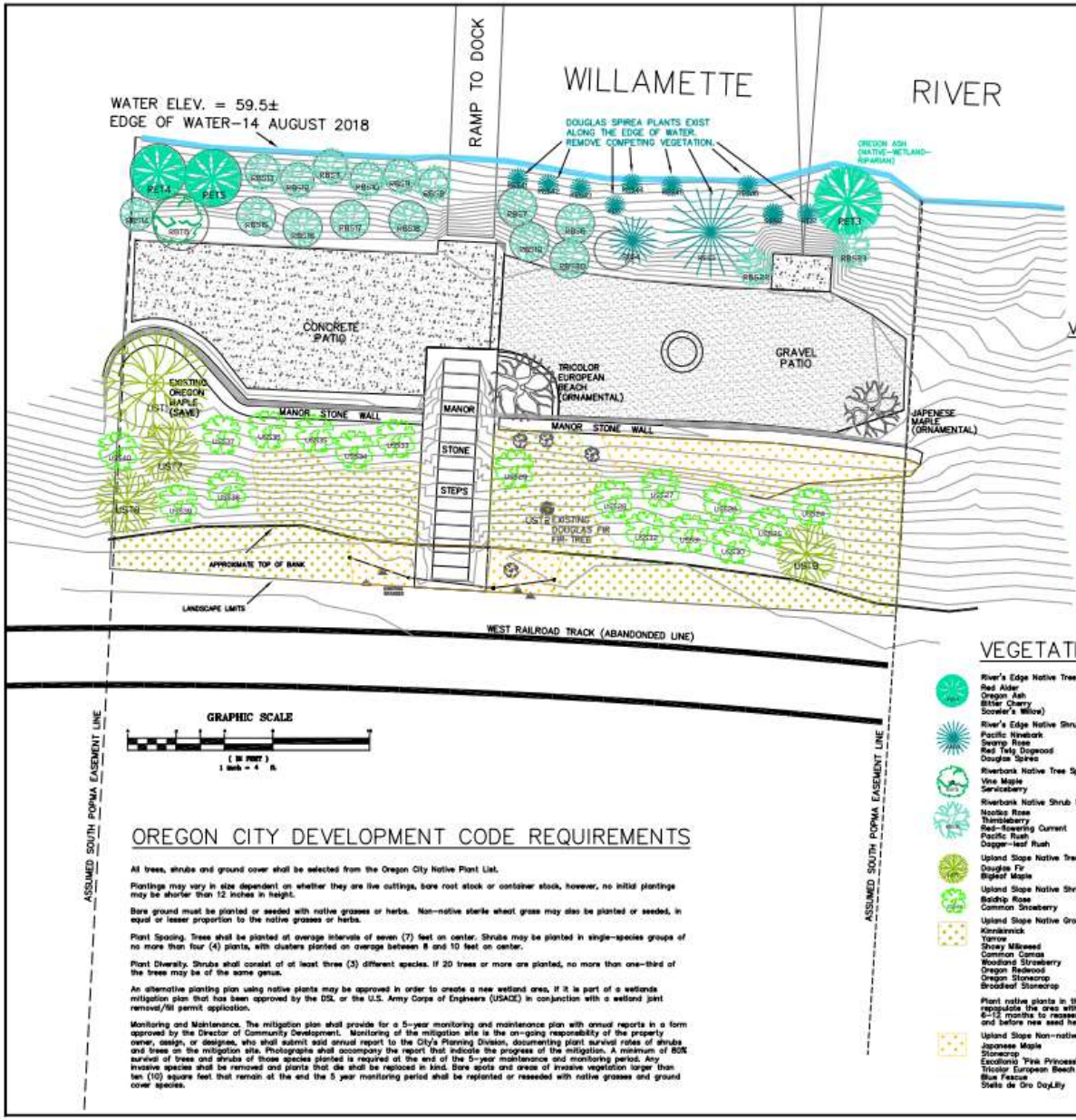
Located in the Southeast Quarter of the Southeast Quarter Section 36 Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
Brant and Carolyn Popma
510 First Avenue
Oregon City, Oregon 97045
Phone: (503) 997-6755
E-Mail: BCPland@gmail.com

W.O. No.	1720
Design	
Drawn	
Date	30 August 2018
Dwg	Veg-Removal.Dwg

Sheet 6 of 7

OREGON CITY



VEGETATION PLANTING SCHEDULE

- River's Edge Native Tree (RET#)
- River's Edge Native Shrub (RES#)
- River Bank Native Tree (RBT#)
- River Bank Native Shrub (RBS#)
- Upland Slope Bank Native Tree (UST#)
- Upland Slope Native Shrub (USS#)
- Upland Slope Native Ground Covers
- Existing Ornamentals (When Replaced, Replace with Natives)

VEGETATION PLANTING SCHEDULE

River's Edge Native Tree Species (Moist or Wet Soil; Full Sun or Part Shade)

Red Alder	Alnus rubra (large deciduous tree 80ft tall, 30–40ft wide; tolerates seasonal flooding)
Oregon Ash	Fraxinus latifolia (large deciduous tree 70ft tall, 25ft wide; great wetland/riparian tree)
Bitter Cherry	Prunus emarginata (small deciduous tree 30ft tall, 20ft wide)
Scouler's Willow	Salix scouleriana (small deciduous tree 35ft tall, 30ft wide)

River's Edge Native Shrub Species (Moist or Wet Soil; Full Sun or Part Shade)

Pacific Ninebark	Physocarpus capitatus (deciduous shrub 8–12ft tall, 4–7ft wide)
Swamp Rose	Rosa pisocarpa (deciduous shrub 6ft tall, 2–3ft wide)
Red Twig Dogwood	Cornus sericea (deciduous shrub 15ft tall, 6–9ft wide)
Douglas Spirea	Spirea douglasii (deciduous shrub 6ft tall, 3–7ft wide, existing, increase)

Riverbank Native Tree Species (Dry or Moist Soil; Full Sun or Part Shade)

Vine Maple	Vine Maple Acer circinatum (small deciduous tree 20–25ft tall, 15–20ft wide)
Serviceberry	Serviceberry Amelanchier dinifolia (deciduous shrub 6–18ft tall, 10ft wide)

Riverbank Native Shrub Species (Dry or Moist Soil; Full Sun or Part Shade)

Nootka Rose	Nootka Rose Rosa nutkana var. nutkana (deciduous shrub 6–10ft tall, 3–4ft wide)
Thimbleberry	Thimbleberry Rubus parviflorus (deciduous shrub 4–6ft tall, 2–3ft wide)
Red–flowering Current	Red–flowering Current Ribes sanguineum var. sanguineum (deciduous shrub 4–10ft tall, 3–10ft wide)
Pacific Rush	Pacific Rush Juncus effusus ssp. pacificus (evergreen perennial, grass–like 1–3ft tall, 3–4 ft wide)
Dagger–leaf Rush	Dagger–leaf Rush Juncus ensifolius (perennial, iris–like 1–3ft tall, 3–4 ft wide)

Upland Slope Native Tree Species (Dry or Moist Soil; Full Sun)

Douglas Fir	Douglas Fir Pseudotsuga menziesii (120–240ft tall, 30ft wide; fast growing conifer)
Bigleaf Maple	Bigleaf Maple Acer macrophyllum (large deciduous tree 90ft tall, 70ft wide)

Upland Slope Native Shrub Species (Dry or Moist Soil; Full Sun)

Baldhip Rose	Rose gymnocarpa (small deciduous shrub 5ft tall, 2–6ft wide)
Common Snowberry	Common Snowberry Symphoricarpos albus (small deciduous shrub 3–6ft tall, 6–13ft wide)

Upland Slope Native Groundcover Species (Dry or Moist Soil; Full Sun)

Kinnikinnick	Arctostaphylos uva–ursi (small evergreen groundcover 5–8 inches tall, 2–15ft wide)
Yarrow	Yarrow Achillea millefolium (perennial 1–2ft tall, 2ft wide)
Showy Milkweed	Showy Milkweed Asclepius speciosa (perennial 3ft tall, 1–2ft wide)
Common Camas	Common Camas Camassia quamash (perennial 2–3ft tall, 0.5–1 ft wide, needs dry summer soil)
Woodland Strawberry	Woodland Strawberry Fragaria virginiana ssp. platypetala (semi–evergreen perennial ground cover 0.2ft, 1ft)
Oregon Redwood	Oregon Redwood Sorrel Oxalis oregana (perennial ground cover, dry shade under Maple 0.5ft tall, 2–3 ft wide)
Oregon Stonecrop	Oregon Stonecrop Sedum oregonum (evergreen perennial succulent groundcover 0.6ft tall,1.5 ft wide)
Broadleaf Stonecrop	Broadleaf Stonecrop Sedum spathulifolium (evergreen perennial succulent groundcover 0.6ft tall,1.5 ft wide)

Plant native plants in the area that is being controlled after the bulk of the invasive plants are removed. This will help to repopulate the area with desired species and prevent new and recurring invasions. Monitor the site. It is crucial to recheck every 6–12 months to reassess the area and to pull the inevitable regrowth that has sprouted from vegetative below–ground reproduction and before new seed heads form. This will effectively prevent re–infestation.

Upland Slope Non–native Ornamental Plant Species to Possibly Retain (Neutral impact on natives)

Japanese Maple	Japanese Maple Acer palmatum (Asia)
Stonecrop	Stonecrop Sedum spp. L. (rapid spreading, not invasive)
Escallonia 'Pink Princess'	Escallonia 'Pink Princess' Escallonia x exoniensis 'Fradesi' (Escallonia spp. are native to N. and S.America)
Tricolor European Beech	Tricolor European Beech Fagus sylvatica (Europe)
Blue Fescue	Blue Fescue Festuca ovina glauca 'Elijo Blue' (S.France)
Stella de Oro DayLilly	Stella de Oro DayLilly Hemerocallis 'Stella D'Oro'

OREGON CITY DEVELOPMENT CODE REQUIREMENTS

All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

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.

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.

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.

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.

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.

LEONARD A. RYDELL, P.E., P.L.S.
851 Piedmont Drive, Newberg, Oregon 97132–4553
Phone: (503) 538–8939
Mobile: (503) 780–4128
LRydell@spiritone.com
Consulting Civil Engineer – Land Surveyor – W.R.E.

REGISTERED PROFESSIONAL ENGINEER — OREGON — LEONARD A. RYDELL — 13 APRIL 1982 — RENEWAL DATE 12/31/2018

LANDSCAPE PLANTING PLAN
POPMA DOCK EASEMENT

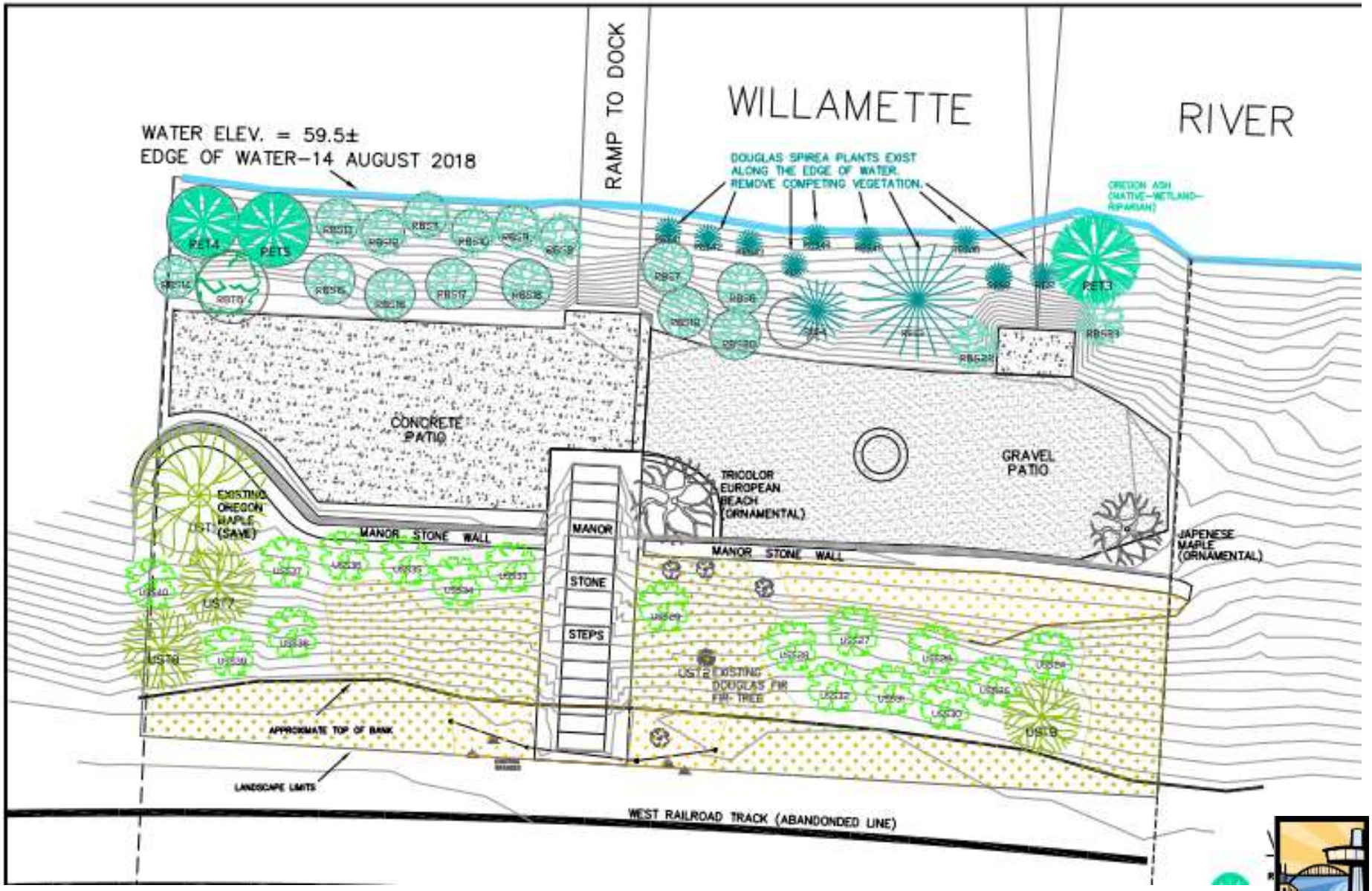
Located in the Southeast Quarter of the Southeast Quarter Section 36 Township 2 South, Range 1 East of the Willamette Meridian
City of Oregon City, Clackamas County, Oregon

Prepared for:
Brant and Carolyn Popma
510 First Avenue
Oregon City, Oregon 97045
Phone: (503) 997–6755
E–Mail: BCPland@gmail.com

W.O. No.	1720
Design	
Drawn	
Date	30 August 2018
Dwg	Planting1of7.DWG

Sheet 7 of 7

OREGON CITY


WATER ELEV. = 59.5±
EDGE OF WATER–14 AUGUST 2018
RAMP TO DOCK
WILLAMETTE
RIVER
DOUGLAS SPIREA PLANTS EXIST ALONG THE EDGE OF WATER. REMOVE COMPETING VEGETATION.
OREGON ASH (NATIVE–WETLAND–RIPARIAN)
CONCRETE PATIO
GRAVEL PATIO
TRICOLOR EUROPEAN BEACH (ORNAMENTAL)
EXISTING OREGON MAPLE (SAVE)
MANOR STONE WALL
MANOR
STONE
STEPS
JAPENESE MAPLE (ORNAMENTAL)
UST 2 EXISTING DOUGLAS FIR TREE
APPROXIMATE TOP OF BANK
LANDSCAPE LIMITS
WEST RAILROAD TRACK (ABANDONDED LINE)

VEGETATION PLANTING SCHEDULE

River's Edge Native Tree Species (Moist or Wet Soil; Full Sun or Part Shade)

Red Alder	Alnus rubra (large deciduous tree 80ft tall, 30–40ft wide; tolerates seasonal flooding)
Oregon Ash	Fraxinus latifolia (large deciduous tree 70ft tall, 25ft wide; great wetland/riparian tree)
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Riverbank Native Tree Species (Dry or Moist Soil; Full Sun or Part Shade)

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Serviceberry	Serviceberry Amelanchier alnifolia (deciduous shrub 6–18ft tall, 10ft wide)

Riverbank Native Shrub Species (Dry or Moist Soil; Full Sun or Part Shade)

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Upland Slope Native Tree Species (Dry or Moist Soil; Full Sun)

Douglas Fir	Douglas Fir Pseudotsuga menziesii (120–240ft tall, 30ft wide; fast growing conifer)
Bigleaf Maple	Bigleaf Maple Acer macrophyllum (large deciduous tree 90ft tall, 70ft wide)

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Upland Slope Non–native Ornamental Plant Species to Possibly Retain (Neutral impact on natives)

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Escallonia 'Pink Princess'	Escallonia 'Pink Princess' Escallonia x exoniensis 'Fradesii' (Escallonia spp. are native to N. and S.Americ
Tricolor European Beech	Tricolor European Beech Fagus sylvatica (Europe)
Blue Fescue	Blue Fescue Festuca ovina glauca 'Elija Blue' (S.France)
Stella de Oro DayLilly	Stella de Oro DayLilly Hemerocallis 'Stella D'Oro'

OREGON CITY

City of Oregon City

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

Staff Report

File Number: PC 18-149

Agenda Date: 11/26/2018

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Pete Walter

File Type: Planning Item

SUBJECT:

Annexation, Zone Change (Clackamas County FU-10 to Oregon City R-6), and a 3-Lot Minor Partition for a 0.76 acre property located at 14530 S Maplelane Rd (GLUA-18-00020, AN-18-00002, ZC-18-00001, and MP-18-00004)

RECOMMENDED ACTION (Motion):

Approval with Conditions.

BACKGROUND:

The applicant is requesting approval of a petition for annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally requesting approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to “R-6” Single-Family Dwelling District and a Minor Partition of 3 lots.

The property is located at 14530 S Maplelane Rd, Oregon City, OR 97045, and identified as Clackamas County APN: 3-2E-04DB-00500.

OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Annexation, Zone Change and Minor Partition Application
TYPE IV STAFF REPORT AND RECOMMENDATION
November 19, 2018

Application Submitted: 08/06/2018
Application Complete: 08/16/2018
120-Day Decision Deadline: 12/28/2018

HEARING DATE: Monday, November 26, 2018, 7:00 pm
City Hall, Commission Chambers
625 Center Street, Oregon City, OR 97045

FILE NUMBER: GLUA-18-00020
Zone Change: ZC-18-00004
Minor Partition: MP-18-00004
Annexation: AN-18-0002

APPLICANT: Gregory Dean Cunningham
14530 S Maplelane Rd
Oregon City, OR 97045

OWNER: Same as Owner

REPRESENTATIVE: Debbie Cleek, The Bookin Group
1140 SW 11th Ave, Ste. 500, Portland, OR 97205

REQUEST: The applicant is seeking approval for the annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is also seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of thee (3) lots.

LOCATION: 14530 S Maplelane Rd, Oregon City, OR 97045
Clackamas County APN: 3-2E-04DB-00500

REVIEWER: Pete Walter, AICP, Planner
Sang Pau, Development Services

RECCOMENDATION: Approval with Conditions.

PROCESS: The procedure for review of annexations is governed by State Law and the Oregon City Municipal Code. The public hearing process is governed by OCMC 14.04 and 17.50. The planning commission shall conduct a public hearing in the manner provided by OCMC Section 17.50 to evaluate the proposal and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors and criteria. The planning commission shall provide findings in support of its recommendation. Upon

receipt of the planning commission's recommendation, the city commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C).

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 must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. 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) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten 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 appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 698 Warner Parrott Road, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES ZC-18-00001 / MP-18-00004 / AN-18-00002

(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.

1. The applicant 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. This agreement shall be recorded by the City with a fee provided by the applicant. (DS)
2. The applicant shall demonstrate compliance with all Oregon City Public Works standards. (DS)
3. The applicant shall obtain all permits required for work within the right-of-way of Maplelane Road from Clackamas County. (DS)
4. All pavement cut and restoration activities within Oregon City right-of-way shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
5. The applicant shall dedicate right-of-way (ROW) along the frontage of Maplelane Road to match the ROW width along the frontage of the adjacent property to the west. (DS)
6. Frontage improvements along Maplelane Road shall be approved by Clackamas County. The applicant shall provide evidence of Clackamas County approval for the design of frontage improvements along Maplelane Road. (DS)
7. Curb radius at the intersection of Maplelane Road and Clearwater Place shall meet Clackamas County requirements. (DS)
8. Frontage improvements along Clearwater Place shall consist of a 0.5-foot-wide buffer, 5-foot-wide sidewalk, 4.5-foot-wide planter strip and a 0.5-foot curb with gutter. (DS)
9. The driveway off Clearwater Place shall be relocated so that the nearest portion of the driveway is 25 feet from the new right-of-way of Maplelane Road. (DS)
10. The applicant is responsible for compliance 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. (DS)
11. The applicant shall provide a stormwater plan and report which is signed and stamped by a licensed engineer addressing all items from the Sections 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards.
12. The workmanship and materials for the construction of all stormwater facilities shall be in compliance with the current edition of the Stormwater and Grading Design Standards adopted August 18, 2015. (DS)
13. The applicant shall submit a final site Residential Lot Grading Plan adhering to the City's Residential Lot Grading Criteria. (DS)
14. All grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18 and the requirements of the Oregon City Municipal Code and the Public Works Stormwater and Grading Design Standards. (DS)
15. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. (DS)
16. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan. (DS)
17. The applicant shall relocate the existing street light at the corner of Maplelane Road and Clearwater Place so that it does not conflict with required street improvements along Maplelane Road. The applicant shall submit a photometric plan with the construction plan submittal and provide additional street lights along the frontage of the property as deemed necessary by the City. (DS)
18. The applicant shall make all necessary arrangements with utility companies and 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. (DS)

19. 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)
20. The applicant shall contribute $219 for a proportional share for the improvement cost planned for the intersection of Highway 213/Beavercreek Road. (P)
21. The applicant shall ensure that any new homes on Parcel 1 and 2 are oriented to Maplelane Road, with the most architecturally significant façade facing Maplelane Road and the front setbacks measured from Maplelane Road. Maplelane Road shall be identified as the front façade for fencing purposes. (P)
22. The applicant shall finalize the tree removal and mitigation options through the submittal of planting proposal or payment of fee-in-lieu pursuant OCMC 17.41 prior to recordation of a final plat for the property. Prior to submitting an application for grading permit, the applicant shall indicate where and how existing or mitigated trees will be protected through a covenant and provide a fee-in-lieu calculation. Fee-in-lieu payment shall occur before the site is platted. Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site shall be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 it shall also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. The applicant shall add the language of code section 17.41.130 to all applicable construction plans. The community development director may approve any alternative tree mitigation options permitted under OCMC 17.41 that may be necessary due to changing site conditions following final plat recordation. (P)
23. Prior to issuance of a Certificate of Occupancy of any building permits the applicant shall plant all required mitigation trees and record a permanent, protective covenant or easement on all properties with new or existing trees planted on private property in a form acceptable to the City for each lot with existing or mitigation trees. (P)
24. The applicant shall request a visual inspection by Planning Division staff before tree removal or grading on site commences to ensure that proper protection measures are in place on site. (P)
25. Final review of street tree placement will occur during civil plan review and shall comply with the standards in OCMC 12.08. The applicant shall modify the street tree plan to ensure adequate numbers and spacing. The applicant shall demonstrate that the spacing and species are appropriate according to the City's street tree list or by a certified arborist. 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)The site shall annex into the Tri City Service District (DS).
26. The property should be withdrawn from Clackamas River Water District. (DS)
27. The property shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation. (P)

I. BACKGROUND:

1. Existing Conditions

The site and neighboring lots are somewhat rural in character but are transitioning to more urban densities. The subject parcel is located at the corner of S Maplelane Road, a Clackamas County Minor Arterial and Clearwater Place an Oregon City Local Street. The subject parcel is surrounded on the west by the Maplelane subdivision and on the south by the Walnut Grove Estates subdivision, both of which are within Oregon City and developed at R-6 zoning density with single-family houses. The parcel east of the property (across Clearwater Place) is still in unincorporated Clackamas County and developed with a single-family house and several accessory buildings. All of the properties north of the site (across Maplelane Road) are also located in unincorporated Clackamas County and are developed at a rural density. Both the properties to the east and north are within the Urban Growth Boundary and have the FU-10 (Future Urban) zoning designation, so they would have the opportunity to annex into Oregon City and be developed at a higher density in the future.

The entire 0.77-acre site is primarily flat, with a slight slope down toward the west. The site is developed with a single-family house and attached garage built in 1966 as well as a large shed on the eastern edge of the property. An asphalt pull-though driveway currently provides vehicle access to both Maplelane Road and Clearwater Place. There are several large trees (both evergreen and deciduous) on site, as well as a row of smaller fruit trees on the western edge of the site and several large shrubs.

Maplelane Road classified as a Minor Arterial on the Oregon City Transportation System Plan. The section abutting the property is currently under Clackamas County jurisdiction. It is a 60-foot wide right-of-way developed with a paved surface providing two vehicle travel lanes and a wide shoulder, but no formal bike lane or sidewalk along the site frontage. The developed properties west of the subject site do have a sidewalk, and it is anticipated that this sidewalk would be continued across the subject property with this development. Clearwater Place is a 40-foot wide right-of-way developed with a paved surface and a sidewalk and planting strip on the west side along the site frontage.

The site is not on or near any natural hazards identified by either Clackamas County or the City (such as wetlands, floodplain or steep slopes). Additionally, the site is not near any open space, scenic, or natural resource areas that would be affected by the proposal. There is no historic designation on or near the property. Several large trees exist on the site and their health and species are inventoried in the Arborist Report submitted with this application (Exhibit D). None of these trees are designated as heritage trees or groves.

The parcel is currently served by Clackamas River Water via a 16-inch water main located in Maplelane Road. There is also a 12-inch abandoned Clackamas River Water main along the site frontage. Oregon City water mains are located just to the west of the property in Maplelane (a 12-inch main) and in Clearwater Place along the property frontage (also a 12-inch main). It is anticipated that these mains would be looped together as part of this application, to provide water service to the subject property. If necessary, the existing house will connect to the City water main in Maplelane Road after annexation.

The parcel is not currently served by sanitary or storm water management facilities, though the site would be annexed into the Tri-City Service District upon approval of the annexation into the City. An 8- inch sanitary sewer is line is located in Clearwater Place and is available to serve the site. Likewise a 12- inch storm sewer main in also located in Clearwater and can provide stormwater management for the subject

property.

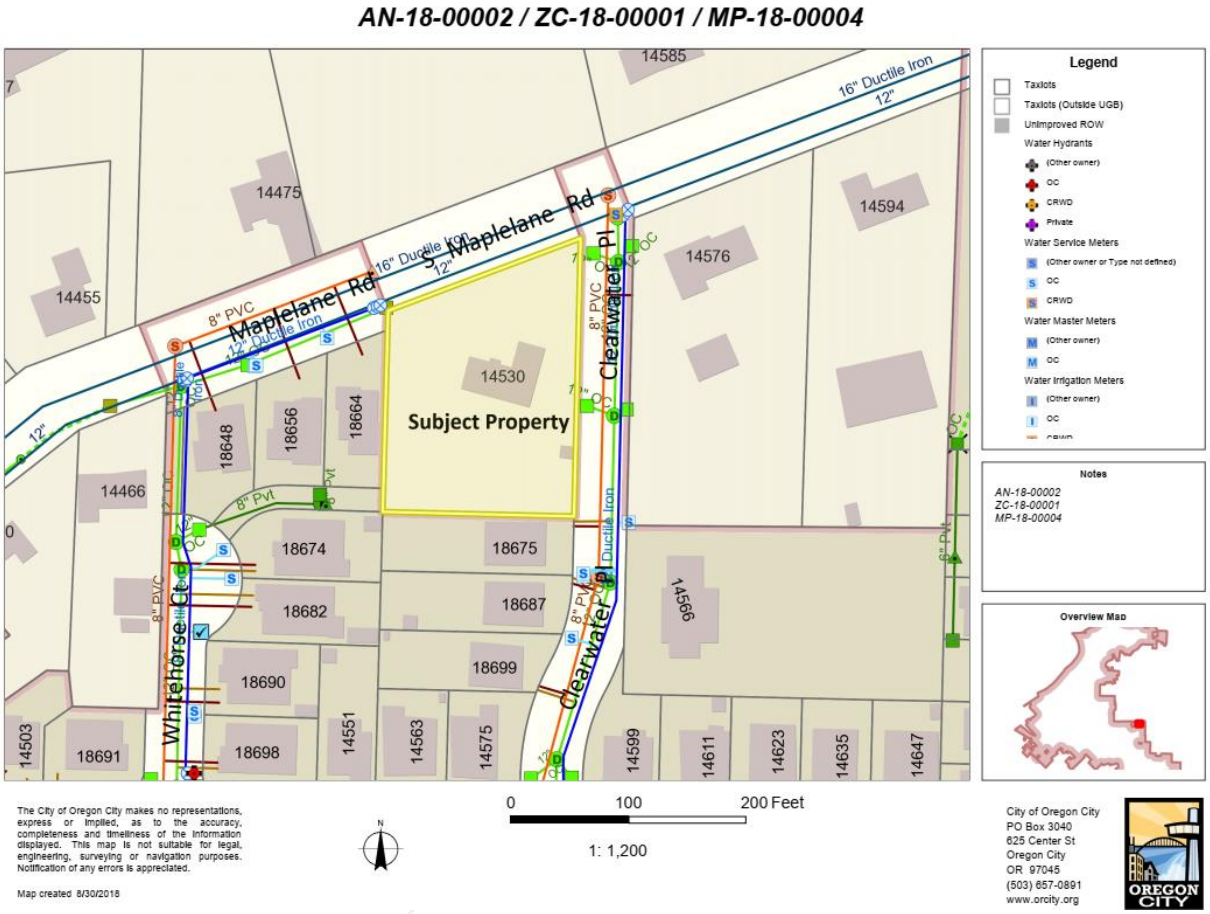


Figure 1. Vicinity Map

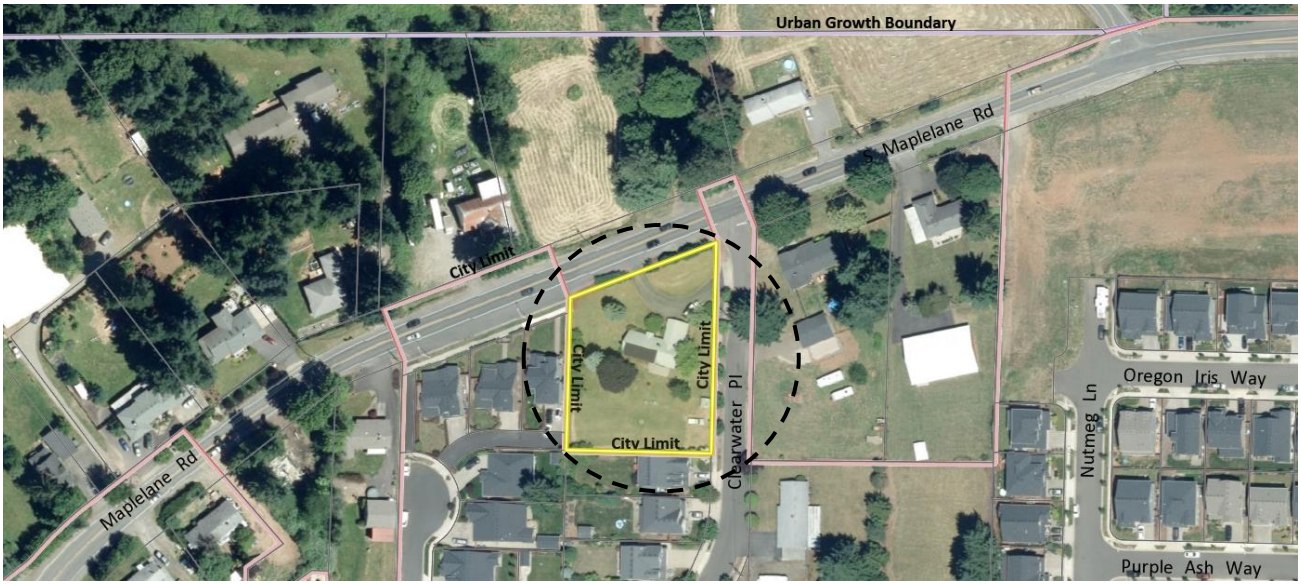


Figure 2. Aerial Photo

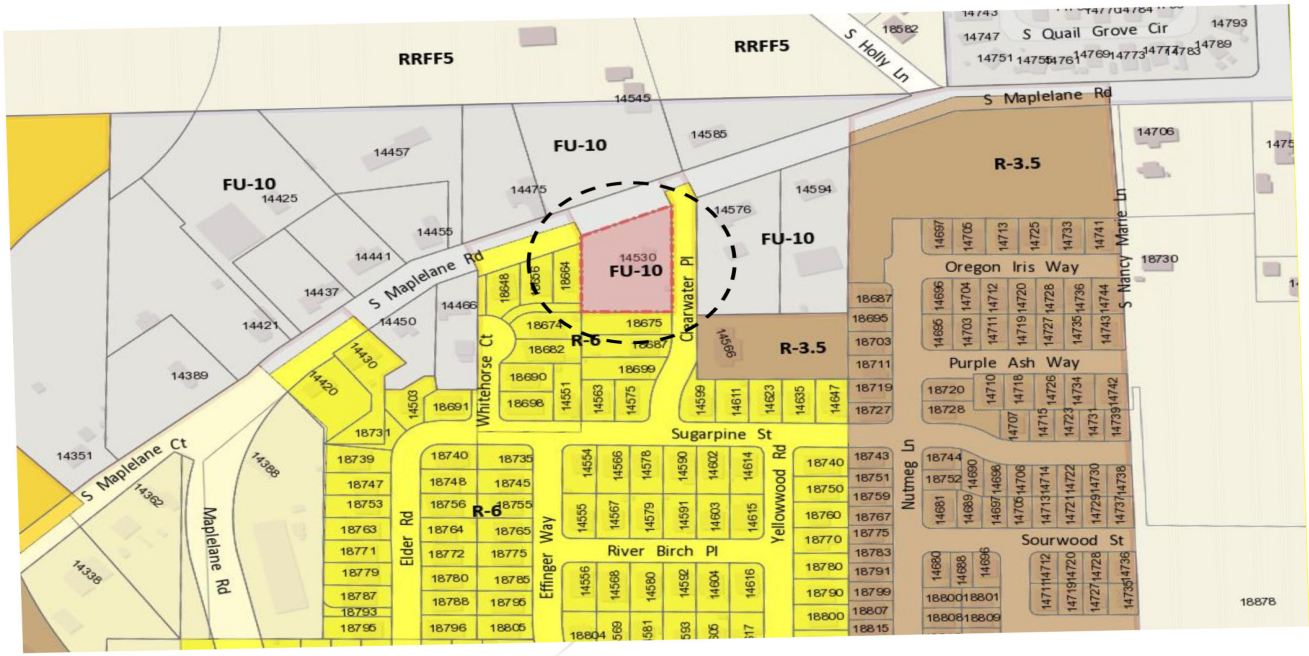


Figure 3. Existing Zoning

2. Project Description

The applicant is seeking to annex one parcel into the City of Oregon City from Clackamas County and concurrently re-zone the property from the County designation of FU-10 (Future Urban) to R-6 (Single-Family Dwelling Zone). The properties directly adjacent to the subject property on the south and west are currently zoned R-6, as is Clearwater Place to the east of the subject property. Additionally, the property is located within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of LR (Low Density Residential).

In addition to the Annexation and Zone Change, the applicant is requesting preliminary approval of a land division for the property to partition it into three parcels for the future development of two new single-family houses. Parcel 1 will be approximately 6,002 square feet and will take access off of Clearwater Place via a 10 foot wide access easement across proposed Parcels 2 and 3. Parcel 2 will be approximately 14,153 square feet and will contain the existing house and driveway. Parcel 3 will be approximately 10,347 square feet and will also take access from Clearwater Place. Additionally, an approximately 2,631 square foot dedication along Maplelane Road will be provided to allow the continuation of the curb and public sidewalk along the property frontage.

Water service to the future parcels will be obtained by connecting to the Oregon City water mains located in Maplelane Road and Clearwater Place. These water mains will be connected with a water main extension in Maplelane Road to provide a continuous, looped system. Sanitary service for the parcels will be obtained by connecting to the existing sewer main in Clearwater Place. Stormwater disposal will be obtained by connecting to the public storm sewers located in Maplelane Road and Clearwater Place.

Figure 4. Existing Conditions

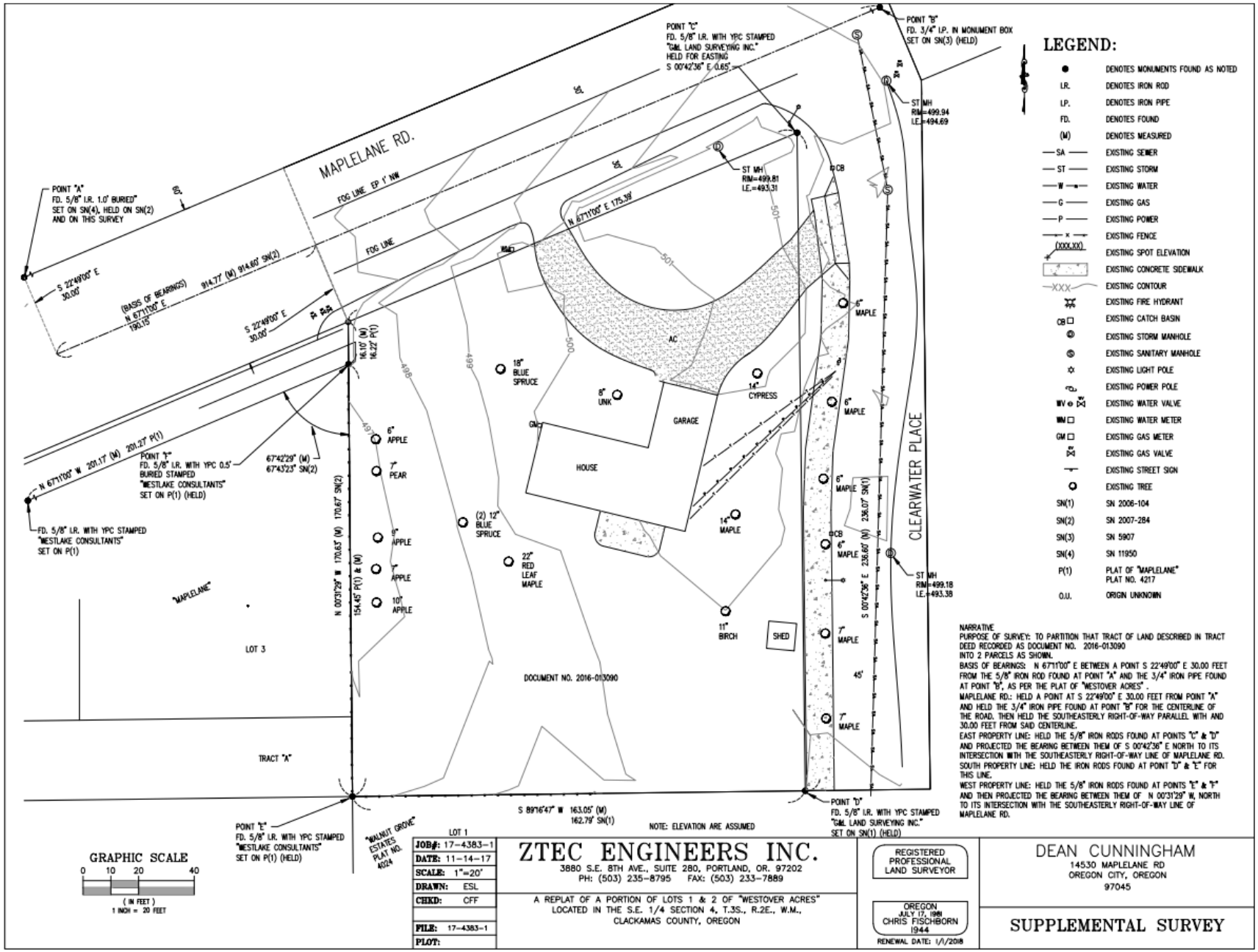


Figure 5. Partition Layout

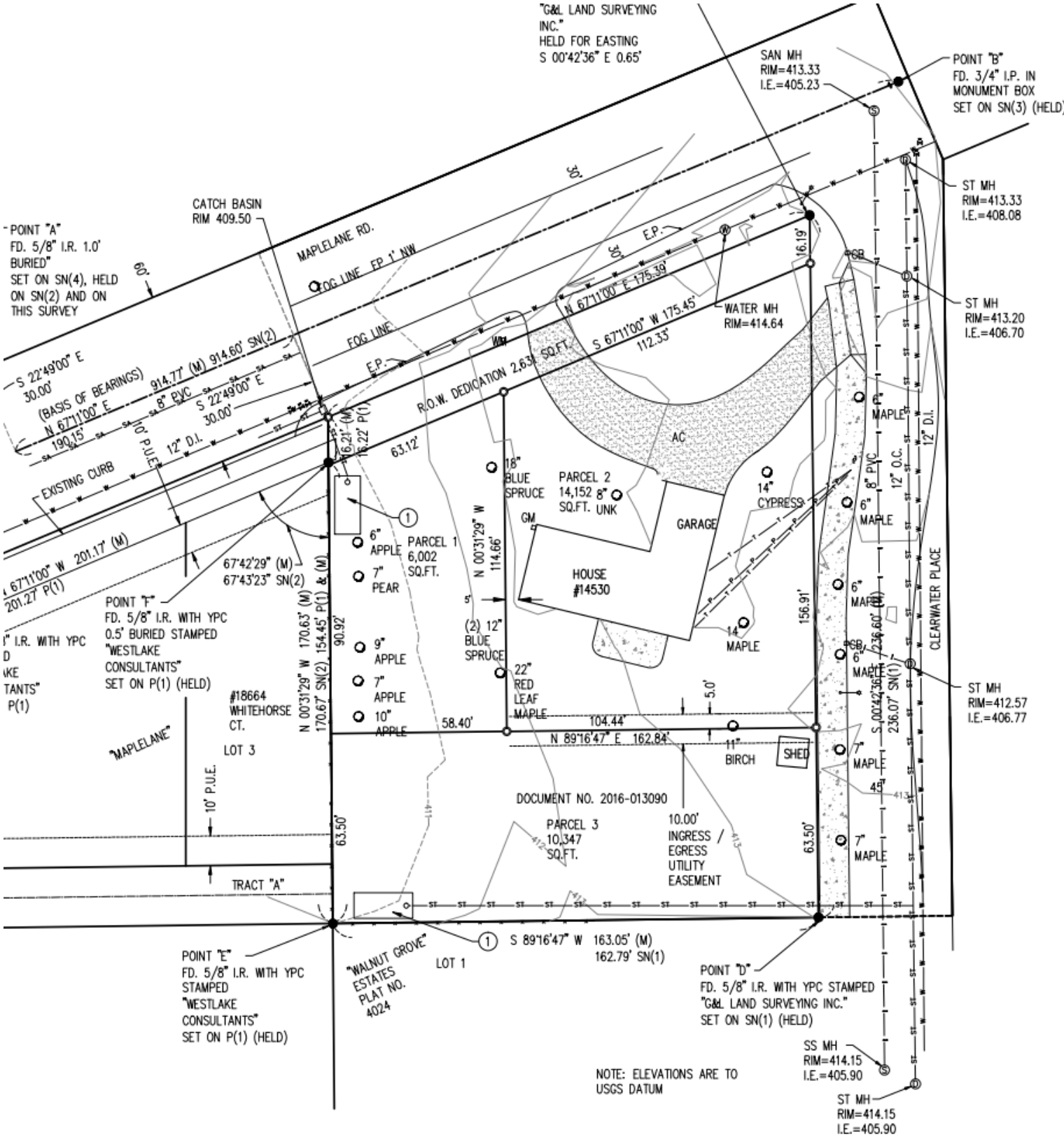
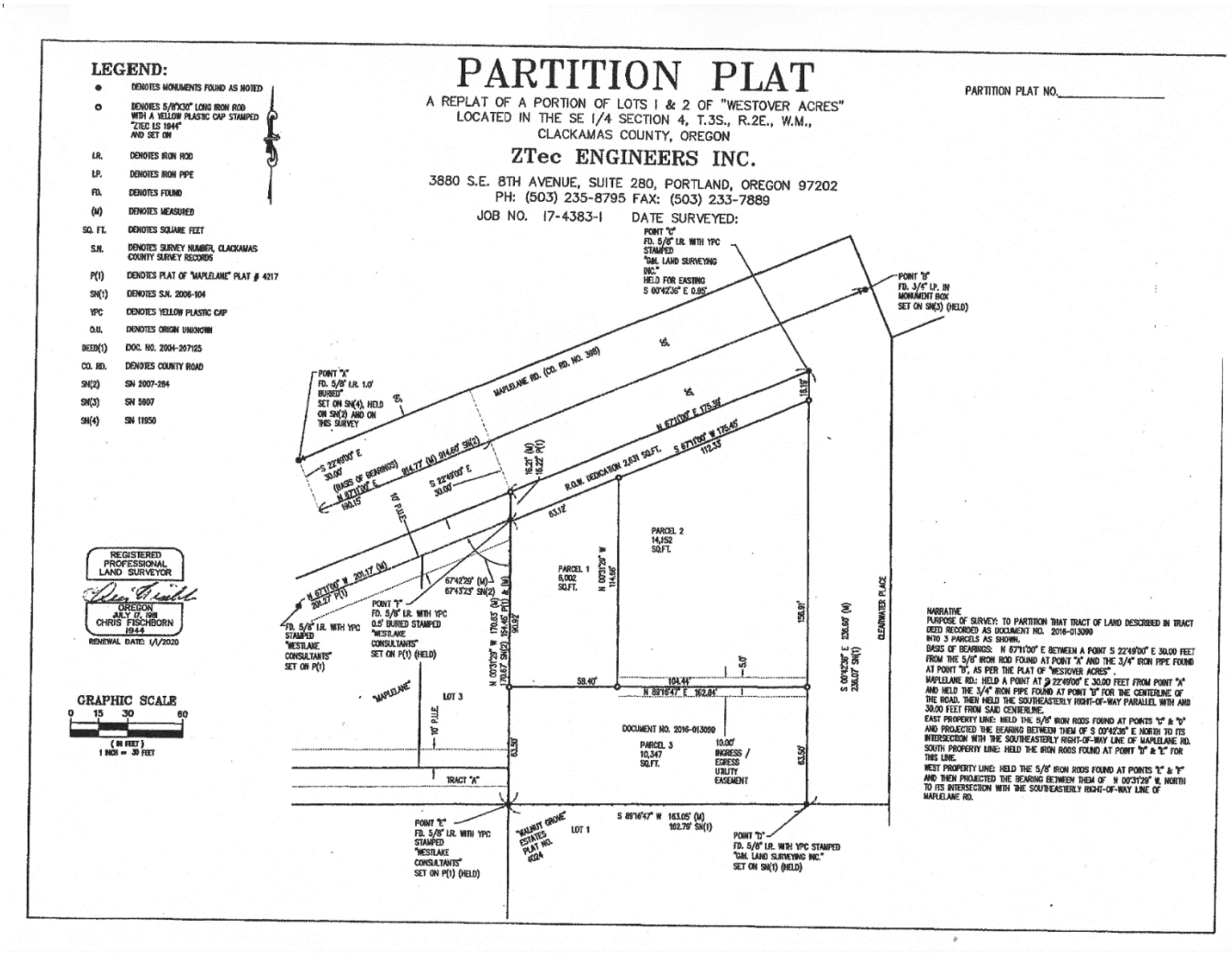


Figure 6. Preliminary Plat



3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

12.04 - Streets, Sidewalks, and Public Places
12.08 - Public and Street Trees
13.12 - Stormwater Management
14.04 – City Boundary Changes and Extension of Services
15.48 - Grading, Filling and Excavating
16.08 - Subdivisions-Process and Standards
16.12 - Minimum Improvements and Design Standards for Land Divisions
17.12 - R-6 Single Family Dwelling District
17.41 – Tree Protection
17.47 - Erosion and Sediment Control
17.50 - Administration and Procedures
17.68 – Zone Change
17.54.100 – Fences

The City Code Book is available on-line at www.orcity.org.

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. A public notice was also published in the Clackamas Review / Oregon City News on September 19, 2018. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

The following comments were received prior to issuance of this staff report and are attached hereto.

Clackamas County Planning
The County has no comments on the proposal.

Clackamas River Water (CRW)
CRW indicated that the parcel should be withdrawn from CRW's Service District Boundary. CRW will coordinate with the City of Oregon City on the Maplelane Rd construction plan review regarding the transferring or abandonment of the water service.

Oregon City School District (OCSD)
Wes Rogers, OCSD Operations Director, indicated that all public schools for this property have capacity to accommodate any students that eventually may reside at this address.

Tri-City Service District (TCSD)
Erik Carr, Development Review Specialist with TCSD provided comments to inform the applicant that, in order to receive sanitary sewer service, they must annex into both the City of Oregon City and the Tri-City Service District. TCSD attached the TCSD annexation packet.

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:

ANNEXATION ANALYSIS

CHAPTER 14.04 – CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

OCMC 14.04.050 – Annexation Procedures
A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.
Finding: Complies as proposed. In accordance with Senate Bill 1573, which went into effect March 16, 2016 and, "applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city," the following criteria found in Section 2 and 3 of Senate Bill 1573 have been addressed to determine the territory's support for annexation.

SB 1573 - Section 2. (2)
Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:
(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015
Finding: Complies as proposed. 100% of the land owners have signed the annexation petition. This petition is included in the application materials, which has been certified by the Clackamas County Assessor's Office. The territory is included within the Portland Metropolitan UGB.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.
Finding: Complies as proposed. The subject property currently has an Oregon City Comprehensive Plan designation of Low Density Residential (LR), which includes the R-10, R-8, and R-6 zoning districts.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water.
Finding: Complies as proposed. As shown on the preliminary plans, and the certified legal description and map included in the application materials, the subject property line is contiguous to City limits.

(d) The proposal conforms to all other requirements of the city's ordinances.
Finding: Complies as proposed. All required information, forms, and documents found in Oregon City's "Annexation Application Submittal Checklist" have been included in the application materials. A further analysis of compliance with applicable requirements is provided.

SB 1573 - Section 2. (3)
The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.
Finding: Complies as proposed. The territory to be annexed includes right-of-way that must be annexed in order to locate future infrastructure and right-of-way access for services necessary for the territory to meet development requirements. Access is available from S Maplelane Road and the abutting local street Clearwater Place, and all city services are available.

SB 1573 - Section 2. (4)
When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.
Finding: Complies as proposed. A legal description and map for the subject property planned for annexation prepared by a Professional Land Surveyor and certified by the Clackamas County Assessor's Office is included in the application materials.

This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.
Finding: Complies as proposed. Senate Bill 1573 was signed by the Governor and became effective on March 15, 2016.

B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the city manager.
Finding: Complies as proposed. A pre-application conference was held on February 7, 2018. Copies of the City's Pre-Application Conference Meeting Notes have been included in the application materials.

C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.
Finding: Complies as proposed. A neighborhood meeting with the Caufield Neighborhood Association was held on May 22, 2018. The required neighborhood meeting materials have been included in the application materials. This standard is met.

D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.
Finding: Complies as proposed. The appropriate consent form and annexation application have been signed by 100% of the property owners, a copy of which has been included in the application materials.

E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:
1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
Finding: Complies as proposed. The appropriate consent form and annexation application have been signed by 100% of the property owners. Copies of the signed consent form and application have been included in the application materials.

2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
Finding: Complies as proposed. A copy of the certified legal description and map for the subject property to be annexed has been included in the application materials. This standard is met.

3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;
Finding: Complies as proposed. A list of property owners within a 300-foot radius of the subject property, including appropriate mailing labels have been included in the application materials. This standard is met.

4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
Finding: Complies as proposed. Two full quarter-section County Tax Assessor's Maps with the subject property outlined on each map were included in the application materials. This standard is met.

5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
a. The location of existing structures (if any);
b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred-year flood shall be shown;
d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands),wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation;
e. General land use plan indicating the types and intensities of the proposed, or potential development;
Finding: Complies as proposed. Plans containing the information required by these criteria have been included in the application materials.

6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.
Finding: Not applicable. This application is using the Petition of Owners of 100% of Land Area method of annexation, not the double majority method. Valid forms contained in Oregon City's Annexation Application Packet certifying the petition, legal description, and map have been included in the application materials. A boundary data sheet has also been included in the application materials.

In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.050(E)(7).

7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:
a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
Findings: All of the necessary services are available to serve the property within the City of Oregon City as described below:

Water: The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

Sanitary Sewer: The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

Storm Drainage: There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

Transportation Facilities: The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

Park Facilities: The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The Parks and Recreation was provided notice of this application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently $4,881.00 per Single Family Home.

School Facilities: The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students. Comments were received from OCSD stating that all public schools serving this property have capacity to accommodate any students that eventually may reside at this address. Those comments are attached to this report.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion (a) is met.

b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
Findings: The increased demand generated by the proposed development is described below.

Water Facilities: As noted above, the subject property is currently served by Clackamas River Water, but the applicant will be required to extend the existing Oregon City water lines in order to serve the proposed development. There is sufficient capacity available in the Oregon City water system to serve the increased demand of the existing house plus two additional new homes.

Sewer Facilities: As noted above, the subject property will be required to connect to the existing sanitary sewer line in Clearwater Place. There is sufficient capacity available in this sewer system to serve the proposal. Additionally, this new demand on the system would be off-set by the payment of SDC fees at the time the new houses on the proposed parcels are constructed.

Storm Drainage Facilities: As noted above, the subject property is not connected to any stormwater management system. The subject property and new homes will be able to connect to the storm sewer line in Clearwater Place, which has adequate capacity to handle the modest increased demand required with this proposal.

Transportation Facilities: Once annexed the property would automatically be designated with the R-10 zoning, which would allow the 33,541 square foot property to be developed with a total of three houses. As demonstrated in the Transportation Analysis Letter (Exhibit C) submitted with this application, the R-10 zone would result in only a nominal increase in daily and peak vehicle trips. The impacts of these new trips are not expected to significantly alter the operation or safety of the existing transportation facilities or nearby intersections.

Park Facilities: As noted above, the subject property will have little to no impact on the existing nearby parks. New homes constructed on the property will contribute to the future development of the park system through the payment of System Development Charges. The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The Parks and Recreation was provided notice of this application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently $4,881.00 per Single Family Home.

School Facilities: As noted above, the proposal, which includes two new residences, may result a minor increase on student populations for adjacent schools, however there are no capacity issues within the school district, so these increases will not be an issue. Comments were received from OCSD stating that all public schools serving this property have capacity to accommodate any students that eventually may reside at this address. Those comments are attached to this report.

As described above, the increased demand on the existing facilities will be quite minor and all of the available systems have adequate capacity to meet these demands, so criterion (b) is met.

c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
Finding: Complies as Conditioned. The subject property is served by Clackamas County Fire District #1. The closest fire station is Hilltop Station #16 at 19340 Molalla Ave, Clackamas RFPD #1 approximately 1.5 miles southwest of the property. The Fire District has adequate capacity to serve the increase of two additional residences on this property. Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district. Street improvements, sewer, water and stormwater facilities are required and available to service the property and will be extended to the property in accordance with adopted engineering requirements. The proposal involves rezoning from R-10 to R-6.

No additional public services will be required to serve this proposal, and no phasing of these facilities or services is proposed.

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

Finding: Complies as proposed. Annexation of the subject property to the City of Oregon City would not cause increased demand on City or service provider resources. Therefore, additional facilities requiring financing are not required or relevant to the proposal. The proposal will dedicate land or widening of the right-of-way of Maplelane Road as a condition of the minor partition. Additionally the developer is required to provide sewer, water and stormwater improvements. The development of the subject property with two new houses will trigger the payment of System Development Charges (SDCs) and other fees to support services already in place to serve the site. All public infrastructure required to support the future development will be constructed by the developer to meet City standards.
With these financing mechanisms in place, criterion d is met.

e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
Finding: Complies as proposed. The annexation of the subject property to the City of Oregon City will create only a modest physical change to the property when two new houses are constructed. The surrounding area is developed with single family homes on varying lot sizes, and the development of two additional homes will be in keeping with the surrounding residential development pattern. Public sidewalk, sewer, water and storm water improvements will be constructed that will enhance property values. The frontage improvements along Maplelane Road that will provide a new sidewalk and street trees. These improvements will provide a benefit to the physical and social environment of the surrounding area and community, and criterion e is met.

f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
Finding: Complies as proposed. The annexation and development of the subject property to the City of Oregon City will not result in any physical, aesthetic, or discernable social change in surrounding the community. The proposed plan features a continuation of the adjacent low density residential development pattern in the surrounding area. Assumed with the proposal are the types of features that accompany new residential communities such as frontage improvements, public sanitary sewer and stormwater management infrastructure, sidewalks and street trees, areas to build new homes, landscaping, etc. Therefore, negative effects are not anticipated and, no mitigation is required beyond the recommended Conditions of Approval and criteria f is met.

g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;
Finding: Not applicable. No changes to the City's Comprehensive Plan map are proposed nor required. The subject property already has an Oregon City Comprehensive Plan designation of Low Density Residential (LR). This request would change the zoning of the property to the City's R-6 zoning, to match the designation of the adjacent properties, which is consistent with the Low Density Residential (LR) Comprehensive Plan designation. Criterion g is met.

OCMC 14.04.060 - Annexation Factors
When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
Finding: Complies as proposed. As described in the applicant's proposal, the subject property has direct access onto S. Maplelane Road, a minor arterial controlled by Clackamas County, as well as Clearwater Place, a local street controlled by Oregon City. Therefore, the subject property has excellent site access and this criterion is met.

2. Conformity of the proposal with the city's comprehensive plan;
Finding: Complies as proposed. The following Goals and Policies of the Oregon City Comprehensive Plan apply to this proposal:

Goal 2.1: *Efficient Use of Land. Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*
Finding: Complies as proposed. The subject property is located within the Urban Growth Boundary, and has an existing Low Density Residential Comprehensive Plan designation. The use of the property, once divided will be single-family residential at R-6 density, consistent with the adjacent properties and the City's Comprehensive Plan designation. This will ensure that there will be an efficient use of residential property in an area where urban services are readily available. This goal is met.

Goal 2.7: *Oregon City Comprehensive Plan Land-Use Map. Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*
Finding: Complies as proposed. The annexation/zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. The proposal will not change the current Comprehensive Plan designation. This application has no impact on this policy and therefore this goal is met.

Goal 14.1: *Urban Growth Boundary. Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*
Finding: Not applicable. The subject property is located within the UGB, therefore this proposal does not include any amendment to the UGB boundary and this goal does not apply.

Policy 14.1.1: *The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*
Finding: Not applicable. The subject property is within the original 1979 Urban Growth Boundary (UGB) and is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. Metro Title 11 (Title 11 (Sections 3.07.1105 – 3.07.1140) – Planning for New Urban Areas) was adopted initially in 1999, well after this property was brought into the UGB in 1979, and does not apply in this case. However, the annexation/zone change of the subject property to the City's R-6 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan and this policy is met to the extent that it applies.

Policy 14.1.2: *Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.*
Finding: Not applicable. This policy applies to more recent areas of Urban Growth Boundary expansion subject to Metro Title 11. The subject site is part of the original Urban Growth Boundary of 1979 and does not apply in this case.

Goal 14.3: *Orderly Provision of Services to Growth Areas. Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*

Finding: Complies as proposed. The subject property is located within the UGB but no concept plan has been adopted for the area. However, the development of the property at the R-6 density is consistent with other projects in the area. The City's Capital Improvement Program includes utility master plans that have been updated to serve newly annexed properties and the availability, capacity, and status of services and facilities (water, sanitary sewer, storm drainage, access/transportation) in the area were been discussed previously in this narrative. This goal is met.

Policy 14.3.1: *Minimize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*
Finding: Complies as proposed. Annexation and rezoning of the subject property within the UGB will encourage new development at maximum densities allowed by the Comprehensive Plan and is supportable by existing public facilities and services in the area. The zone change of the property to the City's R-6 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property. This policy is met.

Policy 14.3.2: *Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.*
Finding: Complies as proposed. Annexation of the subject property will not affect existing utility services. The City's utility master plans have been updated to account for the extension of services to annexed properties while still providing the current level of services to existing residents within the City limits. This policy is met.

Policy 14.3.3: *Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.*
Finding: Complies as proposed. Annexation of the subject property will not create a new service district or affect the future delivery of City utilities to the subject property or the area. This policy is met.

Policy 14.3.4: *Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.*
Finding: Complies as proposed. The costs for new service connections to the new proposed lots will be borne by the applicant. The extension and looping of the City water line along Maplelane Road will be paid for entirely by the applicant. The developers of the individual lots will pay the utility connection fees and SDC's at the time of construction. This policy is met.

Goal 14.4: *Annexation of Lands to the City. Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.*
Finding: Complies as proposed. This application will be reviewed by the City through the Type IV land use process, which ensures consideration of the effects of annexed properties on public services and the City as a whole. The anticipated use of the property at the R-6 density is consistent with other projects in the area, and Comprehensive Plan designation of the property. This goal is met.

Policy 14.4.1: *Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.*

Finding: Complies as proposed. Annexation of the subject property would support compact urban form and support efficient delivery of public services. The property is within the UGB and contiguous to properties that are already within the City limits. This policy is met.

Policy 14.4.2: *Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

Finding: Complies as proposed. The annexation of the subject property will have no fiscal impacts on the City because the costs of providing utilities and services to the 3 proposed lots will be borne entirely by the applicant. Once annexed into the City, the taxes collected from these three lots will help pay for the future services required by the eventual residents. The City will benefit from the extension of the public sidewalk along Maplelane and the looping of the City water line, both of which will be completed by the applicant as part of the proposal. Therefore the potential benefits outweigh the cost and this policy is met.

Policy 14.4.3: *Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:*

- *avoid creating unincorporated islands within the city;*
- *enable public services to be efficiently and cost-effectively extended to the entire area; or*
- *implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

Finding: Not applicable. Annexation of the subject property will not create unincorporated islands within the City, and no additional lands need to be annexed in order to provide for the timely or efficient extension of public services to the area in the future. No concept plans or sub-area master plans have been adopted that apply to the subject property. This policy is met.

Policy 14.4.4: *Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.*

Finding: Not applicable. The subject property is currently on a private septic system, but is not subject to a public health hazard associated with a failing septic system. This policy does not apply.

As shown, the proposal conforms to the applicable goals and policies of the Oregon City Comprehensive Plan and this criterion is met.

3. Adequacy and availability of public facilities and services to service potential development;

Finding: Complies as proposed. As described in the preceding sections of this narrative and the applicant's statements of availability, adequate public facilities and services are available to support potential future development of the subject property. This criterion is met.

4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;

Finding: Complies as proposed. ORS Chapter 222 provides several options for annexing land into a City, and requires that property to be annexed be contiguous to City limits. The planned annexation of the subject property meets ORS Ch. 222, as it is within the adopted UGB, is within an area subject to the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous to existing City limits. In addition, this application is consistent with the applicable boundary change criteria of Metro's Code Section 3.09, more specifically Section 3.09.045 D, which has been addressed below.

Metro Code 3.09.045.D:

To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065
Finding: Complies as proposed. The subject property is currently within the Clackamas River Water service district. Upon annexation the property will be included in the City's service districts. The property owner is required to apply to annex separately into the Tri-City Service District and the City acknowledges that it is the owner's responsibility to complete that process.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;
Finding: Not applicable. No applicable annexation plan for the area currently exists.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
Finding: Complies as proposed. Annexation of the subject property is consistent with the applicable Urban Growth Management Agreement in place between Clackamas County and Oregon City.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
Finding: Complies as proposed. Annexation of the subject property is consistent with the City's Capital Improvement Program, which includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area.

e. Any applicable comprehensive plan;
Finding: Complies as proposed. Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Low Density Residential. An analysis of compliance with the Comprehensive Plan is found within this report.

f. Any applicable concept plan;
Finding: Not applicable. No applicable concept plan for the area currently exists nor is required.

…the City shall:
2. Consider whether the boundary change would:
a. Promote the timely, orderly and economic provisions of public facilities and services;
Finding: Complies as proposed. The subject property is within the UGB, contiguous to City limits, and adjacent to properties currently receiving City services. Therefore, the application promotes the timely, orderly, and economic provision of public facilities.

b. Affect the quality and quantity of urban services; and
Finding: Complies as proposed. Annexation of the subject property will not affect the quality and quantity of urban services in the area.

c. Eliminate or avoid unnecessary duplication of facilities or services.
Finding: Complies as proposed. As part of the annexation process, the City will notify applicable service providers about the annexation and addition or withdrawal of the property from their district to avoid duplication of facilities and/or services.
As shown, ORS Ch. 222, and Metro Code Section 3.09 can both be met, and therefore this criterion is met.

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
Finding: Not applicable. The subject property is not on or near any natural hazards identified by the City overlay districts (such as wetlands, floodplains, and steep slopes). This criterion does not apply.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
Finding: Complies as proposed. The annexation of the subject property will not have an effect on designated open space, scenic, historic, or natural resource areas and this criterion is met.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.
Finding: Complies as proposed. The annexation of the subject property will have no adverse effects on the economic, social, and/or physical environment of the community. Public services are available to support future land uses of the property. This criterion is met.

As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060 and complies with ORS 222.125.

REGIONAL PLANNING
The following discussion addresses regional planning requirements.
This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). No comments were received from Metro regarding this proposal.

Metro Boundary Change Criteria – Chapter 3.09
The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

REGIONAL FRAMEWORK PLAN (Metro)

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]."
Finding: Complies as proposed. The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and the proposal complies with it since the property is within the Urban Growth Boundary and has been designated as appropriate for urbanization.

CLACKAMAS COUNTY PLANNING
The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . ."
Finding: Complies as proposed. The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone means a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan. The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban,* which are defined as:
"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.

Urban Growth Management Agreement
Finding: Complies as proposed. The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district. The applicant concurrently submitted an application to receive R-6 zoning following annexation.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11.

The Agreement goes on to say:
4. City and County Notice and Coordination
** * **
D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

** * **

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. *Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

* * *

Finding: Complies as proposed. The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Maplelane Road abuts the site and the entire width of the right-of-way abutting the property will be included with the annexation. Currently the roadway is within the jurisdiction of Clackamas County and will remain so after this annexation occurs.
Comments from Clackamas County were received (no conflicts) and are attached to this report.

CLACKAMAS RIVER WATER

Finding: Complies as Conditioned. This territory is currently within the Clackamas River Water District (CRW). Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. This annexation area shall be withdrawn from the CRW district upon ordinance approval of the annexation. CRW will coordinate with the City of Oregon City during construction plan review regarding the transferring or abandonment of the water service.
It is anticipated as the Maplelane Road area develops, water service will be through the Oregon City system.
Comments from CRW were received and are attached to this report. **Staff recommends that the City Commission concur with Clackamas River Water de-annexation of the subject property in the enacting ordinance.**

TRI-CITY SEWER DISTRICT

Finding: Complies as Conditioned. The property is not within the Tri City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence a separate annexation process. An application packet is attached as Exhibit 5.
Comments from TCSD were received and are attached to this report. **Staff recommends that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.**

ANNEXATION - PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings above, the Commission determines the following:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is consistent with this criterion because

there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as Immediate Urban lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the area.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and the Commission finds that this proposal is consistent with a positive balance of those factors.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The Commission determines that the property should not be withdrawn from the Clackamas County Fire District #1.
11. The Commission determines that the property should be withdrawn from Clackamas River Water District.

ZONE CHANGE ANALYSIS

Chapter 17.68: ZONE CHANGES AND AMENDMENTS

17.68.010 - Initiation of the amendment.
A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:
A. A resolution request by the city commission;
B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.
D. A Legislative request by the Planning Division.
All requests for amendment or change in this title shall be referred to the planning commission.
Finding: This zoning map amendment was initiated by an application to the planning division.

17.68.020 - Criteria.
The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.
Finding: The following goals and policies apply to this rezoning application:

Goal 1.2: Citizen Involvement. *Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.*
Finding: Complies as proposed. The Oregon City Comprehensive Plan and Municipal Code include provisions to ensure citizens, neighborhood groups, and affected property owners have an opportunity to participate in the land use process. Prior to submitting this application the proposal was presented to the Caufield Neighborhood Association at their May 22, 2018 meeting. In addition, citizens have the opportunity to attend and participate in public hearings before the Oregon City Planning Commission and the Oregon City Commission prior to approval, as part of the Type IV process.
Therefore, the application is consistent with this Goal.

Goal 2.1: Land Use. *Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*
Finding: Complies as proposed. This application involves a zone change from the R-10 zoning designation to the R-6 zoning designation. This represents an increase in density while still remaining in a single-family zone. Densities corresponding to the R-6 zone represent a more sustainable development pattern because it encourages the development of smaller and more compact houses. Additionally, increasing densities within the UGB limits urban sprawl, therefore, the application is consistent with this Goal.

Goal 2.7: Land Use. *Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*
Finding: Complies as proposed. The proposed zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. The proposal will not change the current Comprehensive Plan designation. This application has no impact on this policy and therefore this goal is met.

Goal 5.3 Historic Resources. *Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*
Goal 5.4 Natural Resources: *Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*
Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.
Finding: Not applicable. According to City maps, the Natural Resource Overlay District (NROD) does not apply to this property. No inventoried natural or historic features have been identified on the site. Therefore, the application is consistent with this Goal.

Goal 6.1.1: Quality of Air, Water and Land Resources. *Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*
Finding: Complies as proposed. The planned R-6 zoning designation promotes a compact land use pattern that reduces the amount of land dedicated to public streets and other infrastructure per dwelling unit. Compact land use patterns reduce travel distance by single-occupancy vehicles, and increases opportunities for alternative modes of transportation, including walking, biking, and transit. Thus, the R-6 zoning strategically increases opportunities for increased populations to walk and bike to places of education, shopping, and employment. The concurrent minor partition application triggers a requirement to complete the construction of sidewalk and bicycle lane improvements abutting the property, which will increase opportunities for walking and bicycling. The R-6 zoning designation is consistent with this Goal.

Policy 6.2.1: Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.
Finding: Complies as proposed. The application is subject to City grading, drainage, and erosion control standards. Development of the individual lots will require approval of grading plans to ensure that erosion and sedimentation control standards are satisfied. To the extent this Goal is relevant to the application, it is satisfied.

Goal 10.1: Housing. *Provide for the planning, development and preservation of a variety of housing types and lot sizes.*
Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.
Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.
Finding: Complies as proposed. The proposal includes preserving the existing house on the site, built in the 1960's. When the additional lots develop they will have the opportunity to construct accessory dwelling units along with the new single-family home. Additionally, cottage housing may be permitted with density bonuses. These two unit types provided an opportunity for more diverse, and often more affordable housing opportunities within existing neighborhoods. These housing related policies are met.

Goal 10.2: Housing. *Provide and maintain an adequate supply of affordable housing.*
Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.
Finding: Complies as proposed. In addition to single family detached homes, the City provides the opportunity to construct ADUs and other small dwelling units on these lots, which would likely be lower in cost. Additionally, the zone change from R-10 to R-6 allows the creation of smaller lots, which may result in the construction of smaller, lower cost homes. This policy is met.

Goal 11.1: Public Facilities. *Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*
Finding: Complies as proposed. Adequate public facilities and services are available to support the development of the subject property. This goal is met.

Goal 12.6: Transportation. *Develop and maintain a transportation system that has enough capacity of meet users' needs.*

Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.

Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.

Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.

Finding: Complies with Conditions. A Transportation Analysis Letter (TAL) that includes a Transportation Planning Rule (TPR) analysis, prepared by a registered professional traffic engineer was included with this application as Exhibit C. The TAL includes trip generation estimates for the automatic R-10 zoning designation, and the planned R-6 zoning designation, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20- year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660- 012-060). As documented in the TAL, the additional vehicle trips generated by the addition of two house on the site is expected to have only a minimal impact on the safety and operation of the existing transportation facilities in the area.

Additionally, as requested at the Pre-Application Meeting, the TAL included analysis of the Site Trip Impacts on the intersection of Highway 213 and Beavercreek Road. In this analysis it is assumed that 80% of the site trips generated would travel through the OR 213/Beavercreek intersection, which would only result in an increase of one AM peak-hour trip and two PM peak-hour trips. The TAL concluded that this impact on the intersection would be de minimus. It is anticipated that the applicant will be required to pay a proportional share of the improvements adopted by City Commission in the Highway 213 Corridor Alternative Mobility Targets study, based on this nominal increase in trips. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is $1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be $219 per trip. This development is calculated to add one PM peak hour trip. As conditioned, Goal 12.6 will be met.

As shown above, the proposed Zone Change complies with the applicable goals and policies of the comprehensive plan.

ZONE CHANGE CRITERIA – CONTINUED:

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: Complies as proposed. As discussed in detail in the separate findings for the concurrent annexation proposal of the subject site, all public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) available to serve the lot are adequate and can be made available to support the development of two additional houses.

Water: The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Development of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

Sanitary Sewer: The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

Storm Drainage: There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon

City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

Transportation Facilities: The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

Park Facilities: The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The proposed annexation and addition of two additional homes on the subject property is not a large enough development project to affect park capacity in any way.

School Facilities: The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion (a) is met.

Police, Fire and Emergency Services: The subject property is currently within and served by the Clackamas County Sheriff's Office. It is understood that the ultimate provider of police services is the City of Oregon City Police Department. Two additional houses on the subject property would not create a negligible demand on the City's Police Department resources. The subject property is within and served by Clackamas Fire District #1. The zone change for the subject property to the City of Oregon City would not cause increased demand on the fire district's resources. The fire district has sufficient resources to serve the property at low density residential densities. Potential future property taxes, potential district bonds, etc. provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

The change from R-10 to R-6 is a shift within the Low Density Residential Comprehensive Plan Map designation and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and have been addressed herein and with the concurrent annexation findings. This criterion is met.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.
Finding: Complies with conditions. As described in the response to Policy 12.6 of the Comprehensive Plan above, the TAL (Exhibit C) prepared by a registered professional traffic engineer shows the function, capacity, and level of service of the surrounding traffic system will have negligible impact by the addition of two house units.

The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is $1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be $219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.
Finding: Not applicable. The Oregon City Comprehensive Plan does contain specific goals and policies which correspond directly to the applicable statewide planning goals and those goals and policies have been addressed above and also in the separate findings for the concurrent annexation proposal.

OAR 660-012-0060(1)-(3) TRANSPORTATION PLANNING RULE (TPR)
The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.
Finding: Complies with conditions. Please see findings for compliance with OCMC section 12.04.295.D.2. of this report. This is also addressed in Comprehensive Plan Goal 12 and in the Transportation Analysis Letter submitted with this application.

OAR CHAPTER 660, DIVISION 7, "METROPOLITAN HOUSING RULE"
The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.
Finding: Complies with conditions. Refer to the findings for Goal 10 of the Comprehensive Plan above.

REGIONAL TRANSPORTATION PLAN
The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.
Finding: Complies with conditions. Addressed in Comprehensive Plan Goal 12.

LAND DIVISION ANALYSIS
CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

17.12.020 Permitted uses.
Permitted uses in the R-6 district are: A. Single-family detached residential units.
Finding: Complies as proposed. This application includes 2 lots in the R-6 zoning district for the future construction of single-family detached homes. This standard is met.

17.12.040 Dimensional standards.
Dimensional standards in the R-6 district are:
A. Minimum lot area: 6,000 square feet.
B. Minimum lot width: 50 feet.
C. Minimum lot depth: 70 feet.

Finding: Complies as proposed. The table below shows how the proposed lots comply with the minimum dimensional standards.

Parcel	Proposed Lot Area	Proposed Lot Width	Proposed Lot Depth
1	6,002 square feet	58 feet	103 feet
2	14,152 square feet	104 feet	136 feet
3	10,347 square feet	63 feet	163 feet

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Finding: Complies as proposed. The existing house is two stories tall. Compliance with this standard is reviewed at the time of building permit application for new houses.

E. Minimum required setbacks:
1. Front yard, ten feet minimum setback,
2. Front porch, five feet minimum setback,
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.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.
F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
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. Future homes on Parcels 1 and 3 will be reviewed for compliance with the maximum height, minimum setback, and lot coverage requirements of the R-6 zone at the time of building permit application. However, both these lots are large enough that these requirements should be met. The existing home on Parcel 2 complies with all of the setback requirements as shown on the preliminary plans. With the proposed partition, the existing home will have an interior sideyard setback of five feet, a rear setback of approximately thirty feet, a corner side setback from Clearwater Place of approximately thirty feet, and a front setback from Maplelane Rd of approximately forty-nine and a half feet.

Because of the location of the existing house, this lot is oversized at 14,152 square feet, so the house is well below the maximum allowed lot coverage standard of 40 percent. The standards of Chapter 17.20 are addressed below in this report. These requirements are met.

CHAPTER 17.20 – RESIDENTAL DESIGN AND LANDSCAPING STANDARD
17.20.10 - Purpose. The residential design standards are intended to:
A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
C. Improve public safety by providing "eyes on the street".
D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
E. Prevent garages from obscuring or dominating the primary facade of the house.
F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

G. The community development director may approve an alternative design that achieves the intent of this chapter.
Finding: Not applicable. These standards are applied upon submittal of a new building permit and are not applicable to the current application.

17.20.015 - Street trees. All new single or two-family dwellings or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way.
Finding: Not applicable. These standards are applied upon submittal of a new building permit and are not applicable to the current application. Street trees are required separately as a condition of the proposed minor partition.

17.20.020 - Applicability. The standards in Sections 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in Section 17.20.030 or Chapter 12.21.
Finding: Not applicable. These standards are applied upon submittal of a new building permit and are not applicable to the current application.

CHAPTER 16.16 –MINOR PARTITIONS PROCESS AND STANDARDS

16.16.010 Purpose and General Provisions.
A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.
Finding: This application is associated with annexation and zone change applications and therefore is reviewed at the level of a Type IV decision pursuant to OCMC 17.50.010.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.
Finding: Not applicable. See finding under subsection (C) below.

C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.
Finding: Not applicable. The proposed partition would create a lot of 14,152 square feet for the existing house (parcel 2). While proposed parcel 2 could be further divided, due to the location of the existing house, the proposed partition cannot be further subdivided without demolishing it, which is not proposed. The applicant currently resides and intends to continue to reside in the house. Creation of a fourth parcel at this time would require that all dimensional standards for the proposed R-6 zone are required to be met pursuant to 17.12.040. Furthermore, new lots the abutting the higher classification road Maplelane Road are required to orient toward and have their front setback on Maplelane Road per OCMC 16.12.070. The available net building area, given these standards and the location of the existing home, is insufficient space

to facilitate a four lot subdivision. Should the home be demolished in the future in order to partition, all applicable zoning and land division standards would have to be met.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.
Finding: Not applicable. See finding above under (C).

16.16.015 Preapplication Conference Required.
Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.
Finding: Complies as proposed. The applicant attended the required pre-application conference (File PA 18-07).

16.16.020 - Minor partition application submission requirements.
A minor partition application shall include twelve copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:
A. A completed land use application form as provided by the planning division; B. Legal descriptions of the parent parcel(s) and a preliminary plat map; C. The name and address of the owner(s) and the representative, if any; D. County tax assessment map number(s) of the land to be partitioned; E. The map scale and north point; F. Approximate courses and dimensions of all parts of the partition; G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property; H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines; I. All areas designated as being within an overlay district; J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the state of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses. K. 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 as designated by the Oregon Legislative Commission on Indian Services (CIS) and 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.
Finding: Complies as proposed. The development application included the necessary submittal requirements.

16.16.025 - Frontage width requirement. For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).
Finding: Complies as proposed. All of the parcels will have more than 20 feet of frontage on a public road. Parcel 1 has 63 feet of frontage on Maplelane Road, but due to access restrictions it will take vehicle access from Clearwater Place via an easement. Parcel 2 had 111 feet of frontage on Maplelane and 156 feet of frontage on Clearwater. Parcel 3 has 64 feet of frontage on Clearwater. This standard is met.

16.16.030 - Flag lots—R-10, R-8, R-6, and R-3.5.
Finding: Not Applicable. No flag lots are proposed.

16.16.035 - Pavement requirements. Accessways for lots created through the minor partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.
Finding: Complies as proposed. The proposed access easement for Parcel 1 will be 103 feet long and only serve one residence. Therefore, this access does not need to be a 20-foot wide paved surface or provide a turnaround since it will not need to be used as a Fire District access. This standard is met.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS
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: Not Applicable. There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

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: Not Applicable. There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

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
Finding: Complies as proposed. The size, width, depth, shape, and orientation of the planned parcels comply with the minimum requirements for the R-6 zone (17.12.040) as demonstrated above. This standard is met.

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: Not Applicable. This proposal is for a partition, not for a subdivision.

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.
Finding: Not Applicable. All of the lots will meet the minimum lot area of the R-6 zone.

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.
Finding: Not Applicable. 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. 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 are met. Please refer to the preliminary plans for additional information.
Finding: See findings under Chapter 15.48 and 13.12 of this report. Compliance with the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 will be met at the time of building permit approval.

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.
Finding: Complies with conditions. Maplelane Road is classified as a minor arterial and Clearwater Place is a local street. The existing house on Parcel 2 is already oriented toward Maplelane Road. The applicant shall ensure that any new homes on Parcel 1 and 2 are oriented to Maplelane Road, with the most architecturally significant façade facing Maplelane Road and the front setbacks measured from Maplelane Road. Maplelane Road shall be identified as the front façade for fencing purposes. Parcel 3 is exempt from this standard, since it only fronts on Clearwater Place, a local street. **The applicant can meet this standard through the conditions of approval.**

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. Proposed Parcel 2 is 14,031 square feet, and therefore capable of redivision under the R-6 zoning standards. This parcel currently contains the existing house, which is located in such a way as to make the redivision of this parcel impractical at this time. However, if this house was removed in the future, it would be possible to create two lots with frontage on Clearwater Place. A separate minor partition application would be required if this were to occur. This standard is met.

16.12.85 - 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 with conditions. A 10-foot wide utility easement is proposed to provide sanitary sewer access from Clearwater Place for proposed Parcel 1. The City Engineer has indicated that 10 feet is an adequate width for this easement. The easement will be required to be shown on the final plat. **The applicant can meet this standard through the conditions of approval.**

B. Unusual Facilities.
Finding: Not Applicable. There are no unusual facilities proposed or required within this development.

C. Watercourses.
Finding: Not Applicable. The land division is not traversed by a watercourse.

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: Complies as proposed. Maplelane Road, a County road, has restricted vehicle access in order to maintain higher vehicle speeds. Therefore a 10-foot wide access easement is proposed to provide Parcel 1 vehicle access to Clearwater Place. Because this access will not need to provide fire truck access to the house (since it is under 150 feet in length) the City Engineer has indicated that 10 feet is an adequate width for this easement. This standard is met.

E. Resource Protection.
Finding: Not Applicable. No inventoried natural or historic features have been identified on the site.

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.
Finding: Complies with conditions. It is anticipated that Public Works review of civil construction plans will be required for the sidewalk improvements required along Maplelane Road, and for the extension of the Oregon City water main. This work will not commence until after construction plans have been reviewed and approved by the City Engineer. Inspections of the planned improvements, including erosion control measures are required. Upon completion of the improvements, as-built drawings will be filed with the City Engineer. **This standard can be met through the conditions of approval.**

16.12.95 Minimum improvements—Public facilities and services.
The following minimum improvements shall be required of all applicants for a land division:

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.
Finding: Complies with conditions. The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is $1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be $219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met 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.
Finding: Complies as proposed. The applicant is proposing to install water quality facilities on each of the individual parcels to treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the impervious surface created by the new curb and sidewalk. It is anticipated that all of these water quality facilities will be a "low impact" design, such as a vegetated filter or swale in compliance with the applicable city code. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. The approximate location of these facilities is shown on the partition plan. This standard is met.

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.
Finding: Complies as proposed. Each of the parcels will be connected to the Oregon City public sewer in Clearwater Place. Parcel 1 will connect via a 10-foot wide utility easement across Parcels 2 and 3. The existing house on Parcel 2 will connect to the City sewer line (if required) prior to final plat approval. This standard is met.

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.
Finding: Complies with conditions. Parcels 2 and 3 will connect directly to the City water main in Clearwater Place. The City Engineer has indicated that the city water line in Maplelane will need to be connected to the city line in Clearwater Place, to create a continuous looped line. **This standard can be met through the conditions of approval.**

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.
Finding: Complies with conditions. A new sidewalk is proposed along the Maplelane Road frontage of the site, as required by the City and County. **This standard can be met through the conditions of approval.**

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: Complies with conditions. It is anticipated that the required street improvements along Maplelane Road will also include a bicycle lane. This standard is met.

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: Not applicable. No new streets or traffic control devices are required with this proposal.

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: Not applicable. No new streets lights are required with this proposal.

I. Street Trees.
Finding: Complies with conditions. Please refer to the analysis in section 12.08 of this report.

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 with conditions. The final plat will reference a benchmark utilizing the datum specified by the City Engineer. This standard is met.

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: Not applicable. No other improvements are anticipated.

L. Oversizing of Facilities
Finding: Not applicable. All facilities will be properly sized to serve the lots created with this application and are not required to be oversized.

M. Erosion Control Plan—Mitigation.
Finding: Complies with conditions. Refer to the analysis in section 17.47 of this report.

16.12.100 Same—Road standards and requirements

Finding: Not applicable. No new public streets are proposed.

16.12.105 Same—Timing requirements. 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.
Finding: Complies with conditions. It is anticipated that construction of street improvements and water line extension will be finically guaranteed prior to final plat. The actual construction of these improvements will occur at the same time as the construction of the house on Parcel 1. This standard can be met.

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 permitee to submit a performance guarantee in lieu of actual construction of the improvement.
Finding: Complies with conditions. The financial guarantee for the public improvements will comply with the City's standard procedures described in this section. The applicant will submit the required performance guarantees prior to plat recordation. **This standard can be met through the conditions of approval.**

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.
Finding: Complies with conditions. The applicant intends to comply with the provisions of this chapter related to public street improvements as described above. **These standards can be met through the conditions of approval.**

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.
Finding: The applicant understands that the City has jurisdictional management over Clearwater Place and Clackamas County has jurisdictional management over Maplelane Road. Therefore, planned improvements to Maplelane will be coordinated with Clackamas County.

12.04.007 Modifications.
Finding: Not Applicable. Modifications to these standards are not proposed with this land division.

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 with conditions. The sidewalk and curb planned for Maplelane Road will comply with applicable portions of the City's construction standards and Transportation System Plan. **This standard can be met through the conditions of approval.**

12.04.020 Construction specifications—Unimproved streets.
Not Applicable. No unimproved streets are associated with this project.

12.04.25 - 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.
Single or Two-Family Dwelling with two Car Garage/Parking Space Minimum Driveway Width at sidewalk or property line: 12 feet Maximum Driveway Width at sidewalk or property line: 24 feet
The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements.
C. The decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.
D. For all driveways, the following standards apply:
1. Each new or redeveloped curb cut shall have an approved concrete approach and a minimum hard surface for at least ten feet back into the lot.
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.
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.
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.
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: Complies with conditions. Parcel 2, a corner lot, currently has a driveway approach on both Maplelane Road and Clearwater Place. Maplelane Road has restricted access, so when the new curb and sidewalk improvements are constructed along the site's frontage the driveway approach on Maplelane will be eliminated. The driveway off Clearwater Place shall be relocated so that the nearest portion of the driveway is 25 feet from the new right-of-way of Maplelane Road. Only one driveway each will be provided for the other two parcels, with driveway and curb cut design, dimensions, and spacing in accordance with the above requirements. **This standard can be met through the conditions of approval.**

12.4.30 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 development standard. The future homeowner will be responsible for maintaining sidewalk and abutting curb.

12.4.31 Liability for sidewalk injuries.
Finding: Not Applicable. This is not a development standard. Any injuries incurred on public sidewalk will be administered when necessary, and is not related to this proposal

12.4.32 Required sidewalk repair.
Finding: Not Applicable. This is not a development standard. Any repairs to the public sidewalk will be administered when necessary, and is not related to this proposal.

12.4.33 City may do work.
Finding: Not Applicable. This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.4.34 Assessment of costs.

Finding: Not Applicable. This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.04.040 Streets--Enforcement.
Finding: Not Applicable. This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.04.045 Street design – Constrained local streets and/or rights-of-way.
Finding: Not Applicable. This is not a development standard. The proposal does not include any constrained local streets or rights-of-way.

12.04.050 Retaining walls--Required.
Finding: Not Applicable. As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

12.04.060 Retaining walls--Maintenance.
Finding: Not Applicable. As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

12.04.070 Removal of sliding dirt.
Finding: Not Applicable. As shown on the preliminary plan, the site is relatively flat so dirt sliding into the public right-of-way from the lot is unlikely.

12.04.090 Excavations--Permit restrictions.
Finding: Not Applicable. This criterion is applicable to a single excavation. The required street improvements will be permitted as part of a public works review and will be designed and certified by professional engineer.

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.
Finding: Complies with conditions. The applicant will comply with City standards regarding number and design of curb cuts and driveway approaches. These standards are addressed in detail in the submitted Transportation Analysis Letter. **This standard can be met through the conditions of approval.**

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 with conditions. The proposal includes work in the public right-of-way that will require pavement restoration, specifically the new waterline in Maplelane Road, and the individual utility connections for Parcels 1 and 3. After the work is complete, the applicant will restore the pavement in accordance with the city's standards. **This standard can be met through the conditions of approval.**

12.04.120 Obstructions – Permit Required.
Finding: Not Applicable. This proposal does not include or anticipate any obstructions.

12.04.140 Obstructions--Nuisance--Penalty.
Finding: Not Applicable. This proposal does not include or anticipate any obstructions.

12.04.150 - Street and alley vacations—Cost.
Finding: Not Applicable. The proposal does not include a street or alley vacation.

12.04.160 Street vacations--Restrictions.
Finding: Not Applicable. The proposal does not include a street or alley vacation.

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 with conditions. The design of the street improvements along Maplelane Road will comply with all the requirements of this chapter and the City design standards. Additionally, because Maplelane Road is controlled by Clackamas County the street improvements will be reviewed and approved by County Staff as well. **This standard can be met through the conditions of approval.**

12.04.175 Street Design--Generally.
Finding: Not Applicable. No new public street is proposed with this land division.

12.04.180 Street Design.
Finding: Not Applicable. No new public street is proposed with this land division.

12.04.185 Street Design--Access Control.
Finding: Not Applicable. No new public street is proposed with this land division, so there will be no opportunity to create access control.

12.04.190 Street Design--Alignment.
Finding: Not Applicable. No new public street is proposed with this land division, so there will be no change to the alignment of the existing adjacent streets.

12.4.194 Traffic Sight Obstructions.
Finding: Not Applicable. No new public street is proposed with this land division.

12.4.195 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.
Finding: Not Applicable. No new public street is proposed with this land division.

B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.
Street Functional Classification: Local Streets (Clearwater Place) Minimum distance from a street corner to a driveway for all uses: 25'

Finding: Complies with conditions. The existing driveway on Clearwater Place for Parcel 2 is approximately 30 feet from the intersection with Maplelane Road. However, 16 feet of right-of-way dedication is required to accommodate the street improvements on Maplelane Road, which will leave this driveway about 15 feet from the intersection. This driveway shall be moved back from the intersection to meet the 25' standard, since this parcel has over 150 feet of frontage on Clearwater Place, and the standard can be met. **This standard can be met through the conditions of approval.**

12.04.199 Pedestrian and Bicycle Accessways.
Finding: Not Applicable. No new public streets are proposed with this land division, therefore there is no need for them to be replaced with a pedestrian or bicycle accessway.

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…
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…
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…
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.
b. 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 with conditions. The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

The un-signaled intersection of Maplelane Road and Clearwater Place is not within the Regional Center, nor is it designated on the Arterial and Throughway Network. In the Transportation Analysis Letter (Exhibit C) submitted with this application, the applicant's traffic engineer concluded that the addition of two new houses on the site would only increase the AM peak-hour trips by one trip and the PM peak hour-trips by two trips. This small increase in trips will not affect the current level of service of the Maplelane/Clearwater intersection. In addition the City adopted new Alternative Mobility Targets for the intersection of OR 213 and Beavercreek Road this summer.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is $1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be $219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

12.04.210 Street design--Intersection Angles.
Finding: Not Applicable. This land division proposal does not include any new streets, so there will be no change to the existing intersection angle of the adjacent streets.

12.04.215 Street design--Off-Site Street Improvements.
Finding: Complies with Conditions. As discussed in 12.04.205 above, the impact of the proposal will provide a proportional share contribution to provide off-site improvements. **This standard can be met through the conditions of approval.**

12.04.220 Street Design--Half Street.
Finding: Not Applicable. No half streets exist or are proposed with this land division.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.
Finding: Not Applicable. No cul-de-sacs or permanent dead-end streets are proposed with this land division.

12.04.230 Street Design--Street Names.
Finding: Not Applicable. No new streets are proposed with this land division.

12.04.235 Street Design--Grades and Curves.
Finding: Not Applicable. No new streets are proposed with this land division.

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 with conditions. The project site fronts onto Maplelane Road, which is classified as a minor arterial. Access to this Road is restricted by Clackamas County and none of the parcels are proposed to take access from Maplelane. **This standard can be met through the conditions of approval.**

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: Complies as proposed. The street system adjacent to the site is designed to City standards and Clearwater Place currently discourages non-local through traffic.

12.04.255 Street design-Alleys.
Finding: Not Applicable. No alleys are proposed.

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.
Finding: Complies with conditions. As shown on the preliminary plans, the planter strip in Clearwater Place already exists and conforms to City standards. The new sidewalk improvements along Maplelane Road will include a new planter strip that will be planted with street trees in conformance with the requirements of Chapter 12.08 and any County requirements. **This standard can be met through the conditions of approval.**

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.
Finding: Complies with conditions. Construction plans for the sidewalk improvements are planned to be submitted to the appropriate review agency and will comply with the applicable requirements. Once construction permits are obtained, the improvements will be constructed by a licensed general contractor in accordance with the approved plans and inspected for consistency with the plans. **This standard can be met 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: Complies as proposed. The applicant understands that any act in violation of this Chapter is to be deemed a nuisance and be subject to code enforcement procedures.

Chapter 12.08 - PUBLIC AND STREET TREES

12.8.15 - 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.
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.
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.
C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
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: Complies with conditions. Street trees will be planted along the Maplelane Road frontage once the driveway is closed and the sidewalk improvements are installed. The frontage on Maplelane Road is 175 feet long, so it is anticipated that five trees will be required. The frontage along Clearwater Place measures approximately 236 feet so a minimum of seven trees are required on that frontage. There are six street trees already planted. The applicant shall provide a revised street tree plant in accordance with OCMC 12.08 prior to recordation of the final plat for the minor partition. All street trees shall be spaced to meet applicable public works requirements and shall be a minimum 2-inch caliper. A street tree plan will be submitted with the Public Works review showing the final species and spacing of the new street trees. **Applicant can meet this standard through the conditions of approval.**

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: Complies with conditions. The species of street trees shall be selected from the Oregon City Street Tree List (or approved by a certified arborist) and planted in conformance with this Section. This standard can be met. **Applicant can meet this standard through the conditions of approval.**

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. General tree and planter strip maintenance is planned to be the responsibility of future home owners. This standard will be met.

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.
Finding: Complies with conditions. No public tree removal is proposed with the land division proposal, however, existing street trees may need to be removed along Clearwater Place to accommodate the new driveways for Parcel 1 and 3. Removal will be done in accordance with OCMC 12.08 and these street trees shall be replaced. **Applicant can meet this standard through the conditions of approval.**

12.08.040 - Heritage Trees and Groves.
Finding: Not applicable. The proposal will not designate or remove any heritage trees or groves.

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.
Finding: Complies with conditions. The Stormwater Management requirements apply to this project since more than 5,000 square feet of impervious surface will be replaced by development. Additionally, the construction of sidewalk improvements in Maplelane Road will require public stormwater conveyance and water quality facilities. **Applicant can meet this standard through the conditions of approval.**

13.12.80 - 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 with conditions. The preliminary land division plat shows that each individual parcel will manage stormwater with water quality facilities that will treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the additional impervious surface created by the new curb and sidewalk. It is anticipated that these water quality facilities will all be of a "low impact" design, such as a vegetated filter or swale. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. **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 with conditions. A final stormwater report will be submitted with the Public Works review for the street improvements and will fully address stormwater management for the site. **Applicant can meet this standard through the conditions of approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.
Finding: Not Applicable. The proposal does not include any alternative design methods requiring special approval by the City Engineer.

13.12.120 - Standard construction specifications.
The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, 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 with conditions. When constructed, the stormwater facilities will be in accordance with the Stormwater and Grading Design Standards that are in effect. **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: Complies with conditions. Grading activities for the street improvements and development of the lots will exceed ten cubic yards of earth; therefore, a grading permit will be required when this work commences. **Applicant can meet this standard through the conditions of approval.**

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.
Finding: Complies with conditions. The subject site is fairly flat, so it is anticipated that only nominal grading will be required to construct the sidewalk improvements along Maplelane Road, and a grading plan will be submitted along with the Public Works review. Residential Lot Grading Plans shall also be required as part of the house construction on Parcels 1 and 3. **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: Complies with conditions. The subject site is relatively flat, and the grading anticipated will be nominal, so it is unlikely there will be significant erosion concerns with this proposal. **Applicant can meet this standard through the conditions of approval.**

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 with conditions. It is anticipated that an Erosion Prevention and Sedimentation Control Plan will be provided to the City in conjunction with the future grading permits that will be required.
Applicant can meet this standard through the conditions of approval.

17.47.070 - Erosion and sediment control plans. 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.
Finding: Complies with conditions. The Erosion Prevention and Sedimentation Control Plans that will be submitted with future grading permits will comply with all of the City of Oregon City public works standards.
Applicant can meet this standard through the conditions of approval.

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.
Finding: Complies with conditions. This application includes a Minor Partition 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: Not applicable. No conflicts have been identified.

17.41.040 - Same—Exemptions.
Finding: Not Applicable. The proposal does not include a request for an exemption.

17.41.50 - 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.

Finding: Complies with conditions. There are 12 trees located on the project site that have been identified in the Arborist Report (Exhibit D) prepared and reviewed by a certified arborist. Three of the trees (#101, #108 and #112) are in poor health and will be removed. One of the trees identified by the arborist (#102) is only 5 inches DBH and is exempt from the tree preservation requirements. Of the eight remaining regulated trees, four will be removed and are identified in the detailed tree inventory plan included with the Arborist report. The remaining four will be preserved. The applicant is choosing to use a combination of Option 1 and Option 4, so the removed trees are subject to mitigation, which is described in more detail in Section 17.41.060 below. **Applicant can meet this standard through the conditions of approval.**

17.41.60 - 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;
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

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 with conditions. Three trees on the site (#101, #108 and #112) have been deemed diseased, hazardous, or invasive by the certified arborist. All of these trees will be removed in order to develop Parcels 1 and 3. Of the eight healthy trees left, four are proposed to be removed, and subject to replacement requirements.
• Trees #103, #104 and #105 are located within the construction area of Parcel 1. Each of these trees are between 6" and 12" in size and will be replaced with 3 new trees meeting the replacement tree standards of this section.
• Tree #107 is located on Parcel 1, outside of the construction area defined by 17.04. This 25- inch maple tree is in good health and is a quality tree. However, because this tree is so large protecting it would require a large root protection zone that would extend approximately halfway across Parcel 1. It is possible that this tree could be preserved depending on the specific development plan for the parcel, but if not, it will also need to be removed. If removed, 12 new replacement trees would be required, increasing the total number of replacement trees on the overall site from 3 to 15. In this situation the applicant would opt to use Option 4 – cash-in-lieu to mitigate for a portion of these trees, so that the new trees planted on the site will have adequate room to grow, ensuring their future health.

Tree #106, an 11-inch apple tree of fair quality, is located outside of the construction area for Parcel 1 defined by 17.04, and is in a location that allows it to be preserved on Parcel 1. This tree is shown to remain on the preliminary removal plan and will be protected during construction. The preliminary tree removal plan has been prepared and reviewed by a certified arborist.

The applicant shall finalize the mitigation plan pursuant to the options described above prior to recordations of a final plat for the property. **The applicant can meet this standard through the conditions of approval.**

17.41.70 - 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 with conditions. Mitigation trees are planned to be planted on-site and/or cash-in- lieu of planting is to be paid in accordance with this chapter. **The applicant can meet this standard through the conditions of approval.**

17.41.075 - Alternative mitigation plan.
Finding: Not Applicable. The proposal does not include an alternative mitigation plan.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2). 17.41.090 - Density transfers incentive for tree protection tracts (Option 2).
17.41.100 - Permitted modifications to dimensional standards (Option 2 only).
Finding: Not Applicable. The proposal is not using Option 2.

17.41.110 - Tree protection by restrictive covenant (Option 3). 17.41.120 - Permitted adjustments (Option 3 Only).
Finding: Not Applicable. The proposal is not using Option 3.

17.41.125 - 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.
Finding: Complies with conditions. Mitigation trees are planned to be planted on site, but cash-in-lieu will be used as a mitigation option if re-planting requirements will result in the new trees being too crowded on the site. **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 with conditions. Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site shall be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 it shall also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. The applicant shall add the language of code section 17.41.130 to all applicable construction plans.
The applicant can meet this standard through the conditions of approval.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES
17.50.030 Summary of the City's Decision-Making Processes.
Finding: Complies as Proposed. The proposed Subdivision and Zone Change application is being reviewed pursuant to the Type IV 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 submitted a request for a pre-application conference on the required form, and included a short explanatory narrative, preliminary site plan, and the appropriate fee. The pre-application conference (File PA 18-07) was held on February 7, 2018. The pre-application conference summary, provided by Oregon City Planning and Development Services, is included in the application materials. The application was filed with the City within six months of the pre-application conference. These criteria are met.

17.50.055 Neighborhood Association Meeting
Finding: Complies as Proposed. A neighborhood meeting with the Caufield Neighborhood Association was held on May 22, 2018. The required neighborhood meeting materials have been included in the application materials. This standard is met.
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. This land use application was submitted on August 6, 2018. The application was deemed complete on August 16, 2018. The applicant granted a two-week extension of the 120-day planning deadline. The City has until December 28, 2018 to make a final determination.

17.50.080 Complete Application--Required Information.
Finding: Complies as Proposed. This land use application was submitted on August 6, 2018. The application was deemed complete on August 16, 2018.

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 or the application and notice to affected agencies, the Natural Resource Committee, Citizen Involvement Committee, 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.

III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the Annexation AN-18-00002 is consistent with OCMC Title 14, Annexations, and recommends the following:

- As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060 and complies with ORS 222.170(2).
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur Clackamas River Water de-annexation of the subject property in the enacting ordinance.

- Recommend that the property annex to R-6 subject to the approval of ZC-18-00001 / MP-18-00004 as part of the concurrent Minor Partition and Zone Change Applications.

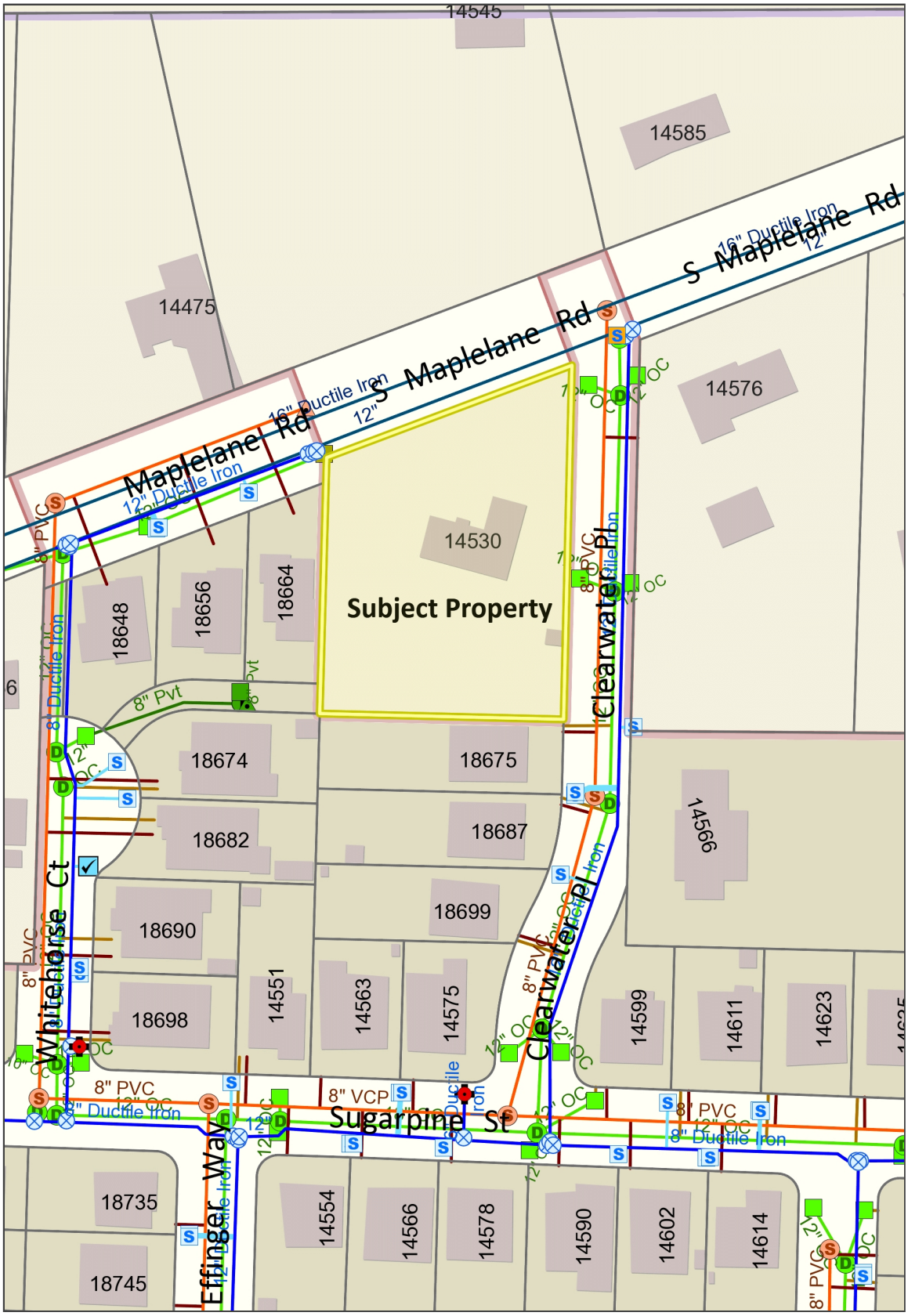
Staff further finds that the proposed Zone Change and Minor Partition for a parcel located at 14530 S Maplelane Rd Road, Oregon City, OR 97045 -Map: 3-2E-04DB-00500 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, based on the application, staff recommends that the Planning Commission recommend approval to the City Commission of Planning files AN-18-00002, MP-18-00004, and ZC-18-00001 and adopt as its own this Staff Report and Exhibits.

IV. EXHIBITS:

1. Vicinity Map
2. Application
   Cunningham – Application Table of Contents
   Narrative
   I. Summary of Proposal
   II. Current Conditions
   III. Annexation Approval Criteria
   IV. Zone Change Approval Criteria
   V. Land Division Approval Criteria
   Exhibits
   A. Site Plan/Supplemental Survey (4 full sized, 30 reduced)
   B. Preliminary Partition Plan (4 full sized, 4 reduced)
   C. Transportation Analysis Letter from Lancaster Engineering (2 copies)
   D. Arborist Report and Tree Inventory from City Wide Tree Service (2 copies)
   E. Caufield Neighborhood Association Meeting Minutes (2 copies)
   F. Pre-App Conference Summary (2 copies)
   Attachments
   A. Application Form
   Annexation
   B. Petition from 100% of Land Owners (2 copies)
   C. Legal Description of property to be annexed (2 copies)
   D. List of property owners within 300 feet (2 copies)
   E. Mailing Labels for property owners within 300 feet (1 copy)
   F. Clackamas County Tax Map with property highlighted (2 copies)
   Zone Change
   G. Title Report (2 copies)
   H. Sign-in Sheet from Neighborhood Meeting (2 copies)
   I. Neighborhood Meeting – Issues Discussed (2 copies)
   Minor Partition
   J. Legal Descriptions of Proposed Parcels (2 copies)
   K. Receipt from County Assessor's Office
3. Clackamas River Water (CRW) comments
4. Oregon City School District comments
5. Tri City Service District (TCSD) Annexation Packet
6. Replinger and Associates Comments
7. Applicant's 120-Day Extension Email
8. Public Notices

The complete application is available for review at the Planning Division.

AN-18-00002 / ZC-18-00001 / MP-18-00004



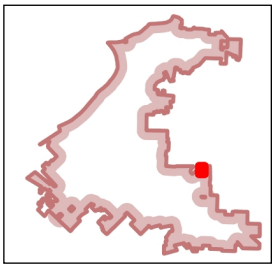
Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants
  - (Other owner)
  - OC
  - CRWD
  - Private
- Water Service Meters
  - (Other owner or Type not defi
  - OC
  - CRWD
- Water Master Meters
  - (Other owner)
  - OC
- Water Irrigation Meters
  - (Other owner)
  - OC
  - CRWD
- Water Valves (non PRV)
  - (Other owner)
  - OC - Open
  - OC - Closed
  - OC - Abandoned
  - CRWD - Open
  - CRWD - Closed
  - CRWD - Abandoned
  - Private - Open
  - Private - Closed
  - Private - Abandoned
  - South Fork - Open
  - South Fork - Closed

Notes

AN-18-00002 / ZC-18-00001 / MP-18-00004

Overview Map



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.

N

0 100 Feet

1: 1,200

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

Map created 9/11/2018

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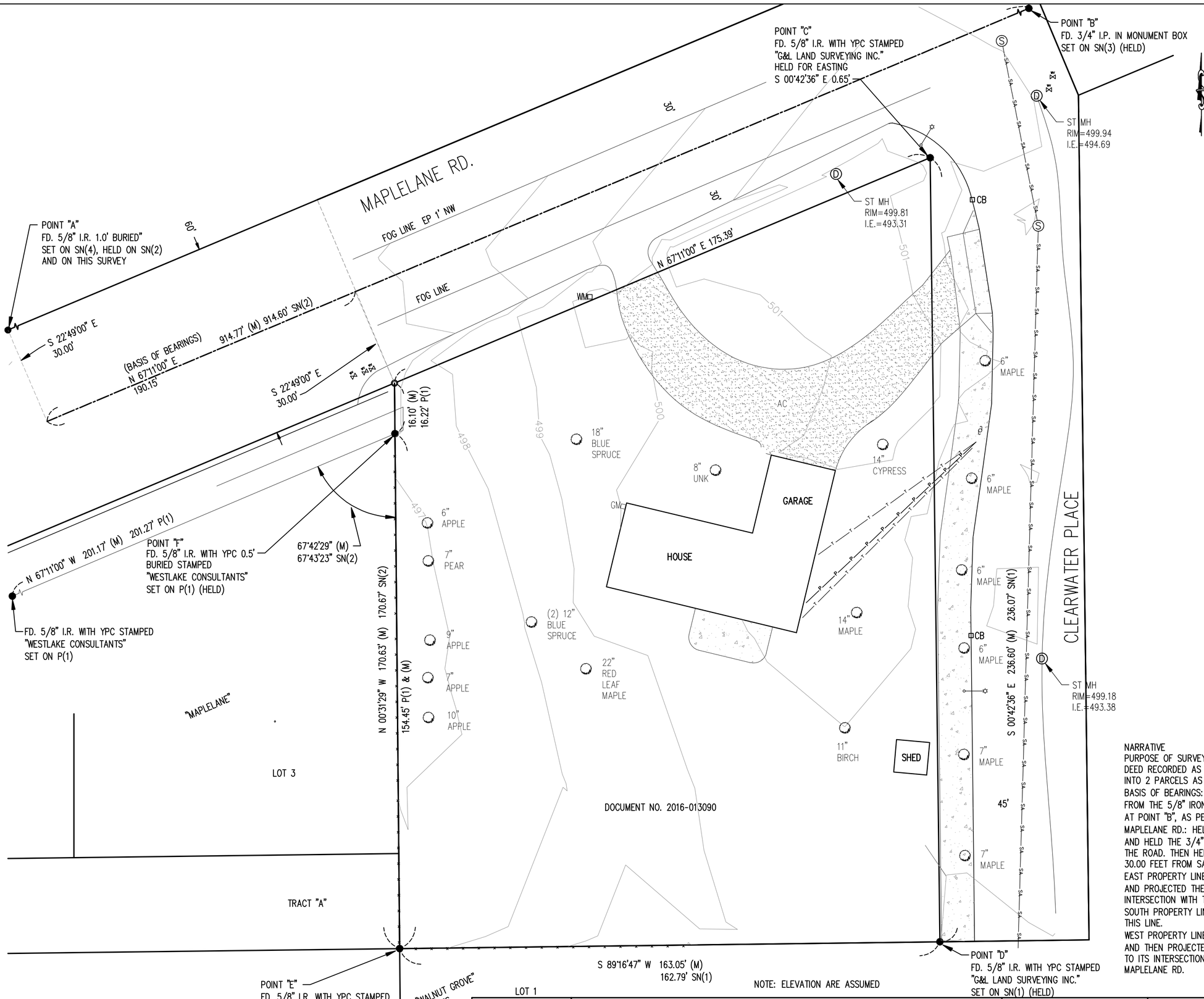


LEGEND:

●	DENOTES MONUMENTS FOUND AS NOTED
I.R.	DENOTES IRON ROD
I.P.	DENOTES IRON PIPE
FD.	DENOTES FOUND
(M)	DENOTES MEASURED
SA	EXISTING SEWER
ST	EXISTING STORM
W	EXISTING WATER
G	EXISTING GAS
P	EXISTING POWER
x	EXISTING FENCE
(XXX.XX)	EXISTING SPOT ELEVATION
	EXISTING CONCRETE SIDEWALK
XXX	EXISTING CONTOUR
	EXISTING FIRE HYDRANT
CB	EXISTING CATCH BASIN
D	EXISTING STORM MANHOLE
S	EXISTING SANITARY MANHOLE
	EXISTING LIGHT POLE
	EXISTING POWER POLE
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
GM	EXISTING GAS METER
GV	EXISTING GAS VALVE
	EXISTING STREET SIGN
	EXISTING TREE
SN(1)	SN 2006-104
SN(2)	SN 2007-284
SN(3)	SN 5907
SN(4)	SN 11950
P(1)	PLAT OF "MAPLELANE" PLAT NO. 4217
O.U.	ORIGIN UNKNOWN

NARRATIVE

PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN TRACT DEED RECORDED AS DOCUMENT NO. 2016-013090 INTO 2 PARCELS AS SHOWN.

BASIS OF BEARINGS: N 67°11'00" E BETWEEN A POINT S 22°49'00" E 30.00 FEET FROM THE 5/8" IRON ROD FOUND AT POINT "A" AND THE 3/4" IRON PIPE FOUND AT POINT "B", AS PER THE PLAT OF "WESTOVER ACRES" .

MAPLELANE RD.: HELD A POINT AT S 22°49'00" E 30.00 FEET FROM POINT "A" AND HELD THE 3/4" IRON PIPE FOUND AT POINT "B" FOR THE CENTERLINE OF THE ROAD. THEN HELD THE SOUTHEASTERLY RIGHT-OF-WAY PARALLEL WITH AND 30.00 FEET FROM SAID CENTERLINE.

EAST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "C" & "D" AND PROJECTED THE BEARING BETWEEN THEM OF S 00°42'36" E NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

SOUTH PROPERTY LINE: HELD THE IRON RODS FOUND AT POINT "D" & "E" FOR THIS LINE.

WEST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "E" & "F" AND THEN PROJECTED THE BEARING BETWEEN THEM OF N 00°31'29" W, NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

GRAPHIC SCALE

0 10 20 40

(IN FEET)
1 INCH = 20 FEET

JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=20'
DRAWN:	ESL
CHKD:	CFF
FILE:	17-4383-1
PLOT:	

ZTEC ENGINEERS INC.

3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PH: (503) 235-8795 FAX: (503) 233-7889

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES"
LOCATED IN THE S.E. 1/4 SECTION 4, T.3S., R.2E., W.M.,
CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR

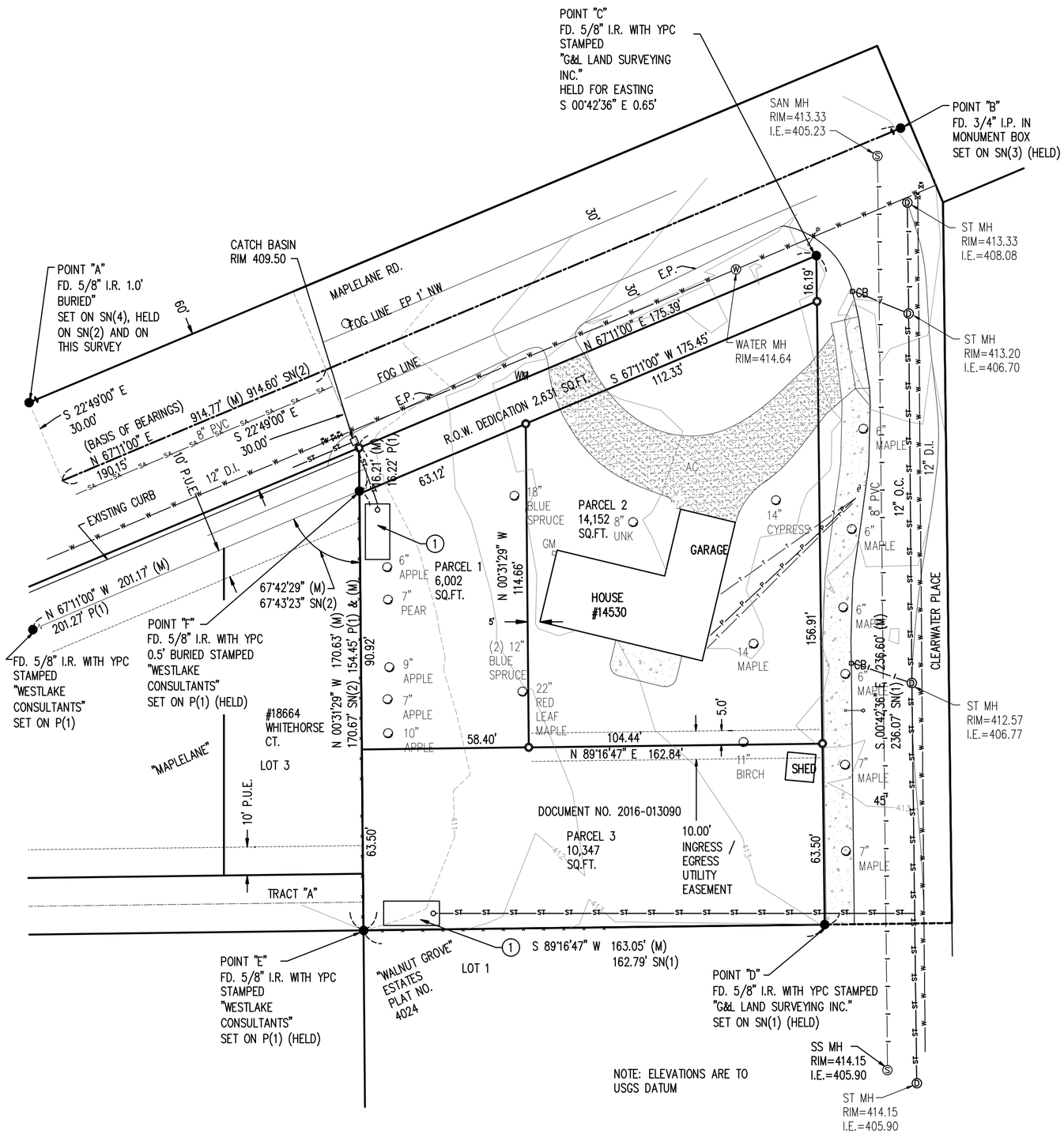
OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2018

DEAN CUNNINGHAM
14530 MAPLELANE RD
OREGON CITY, OREGON
97045

SUPPLEMENTAL SURVEY

10/2/2018 10:11:32 AM



LEGEND:

●	DENOTES MONUMENTS FOUND AS NOTED
I.R.	DENOTES IRON ROD
I.P.	DENOTES IRON PIPE
FD.	DENOTES FOUND
(M)	DENOTES MEASURED
SA	EXISTING SEWER
ST	EXISTING STORM
W	EXISTING WATER
G	EXISTING GAS
P	EXISTING POWER
x	EXISTING FENCE
(XXX.XX)	EXISTING SPOT ELEVATION
	EXISTING CONCRETE SIDEWALK
XXX	EXISTING CONTOUR
	EXISTING FIRE HYDRANT
CB	EXISTING CATCH BASIN
D	EXISTING STORM MANHOLE
S	EXISTING SANITARY MANHOLE
	EXISTING LIGHT POLE
	EXISTING POWER POLE
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
GM	EXISTING GAS METER
GV	EXISTING GAS VALVE
	EXISTING STREET SIGN
	EXISTING TREE
SN(1)	SN 2006-104
SN(2)	SN 2007-284
SN(3)	SN 5907
SN(4)	SN 11950
P(1)	PLAT OF "MAPLELANE" PLAT NO. 4217
O.U.	ORIGIN UNKNOWN

NARRATIVE

PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN TRACT DEED RECORDED AS DOCUMENT NO. 2016-013090 INTO 3 PARCELS AS SHOWN.

BASIS OF BEARINGS: N 67°11'00" E BETWEEN A POINT S 22°49'00" E 30.00 FEET FROM THE 5/8" IRON ROD FOUND AT POINT "A" AND THE 3/4" IRON PIPE FOUND AT POINT "B", AS PER THE PLAT OF "WESTOVER ACRES" .

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STORM DRAINAGE NOTES:

(1) INSTALL ON-SITE LIDA FACILITIES WITH OVERFLOW CONNECTED TO PUBLIC STORM SEWER FACILITITES SIZES PER PROPOSED NEW IMPERVIOUS AREAS AND MEASURED SITE INFILTRATION RATE.

GRAPHIC SCALE

0 15 30 60

(IN FEET)

1 INCH = 30 FEET

JOB#:	17-4383-1
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A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES" LOCATED IN THE S.E. 1/4 SECTION 4, T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2018

DEAN CUNNINGHAM
14530 MAPLELANE RD
OREGON CITY, OREGON
97045

SUPPLEMENTAL SURVEY

PARTITION PLAT

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES"
LOCATED IN THE SE 1/4 SECTION 4, T.3S., R.2E., W.M.,
CLACKAMAS COUNTY, OREGON

PARTITION PLAT NO._____

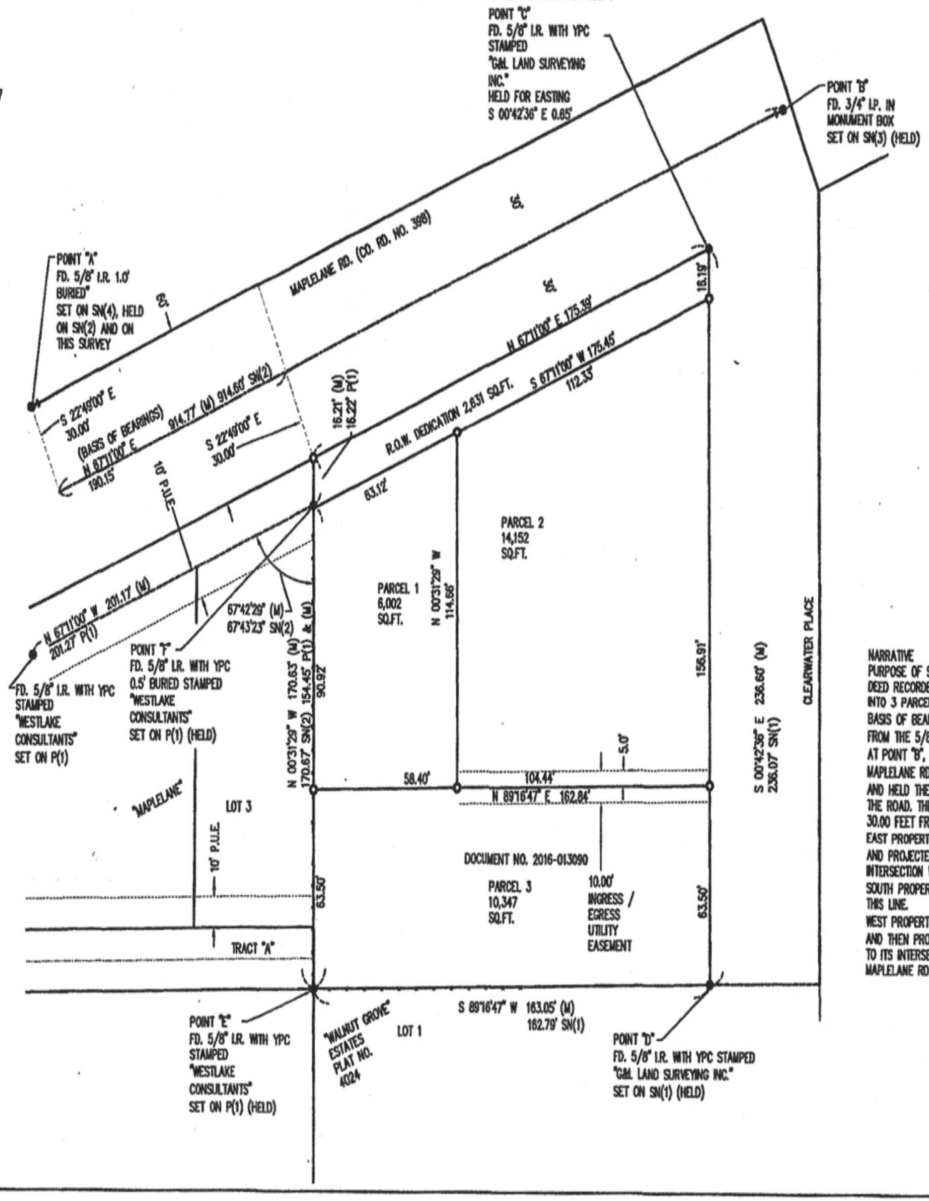
ZTec ENGINEERS INC.

3880 S.E. 8TH AVENUE, SUITE 280, PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. 17-4383-1 DATE SURVEYED:

LEGEND:

●	DENOTES MONUMENTS FOUND AS NOTED
o	DENOTES 5/8"X30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC LS 1944" AND SET ON
I.R.	DENOTES IRON ROD
I.P.	DENOTES IRON PIPE
FD.	DENOTES FOUND
(M)	DENOTES MEASURED
SQ. FT.	DENOTES SQUARE FEET
S.N.	DENOTES SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
P(1)	DENOTES PLAT OF "MAPLELANE" PLAT # 4217
SN(1)	DENOTES S.N. 2006-104
YPC	DENOTES YELLOW PLASTIC CAP
O.U.	DENOTES ORIGIN UNKNOWN
DEED(1)	DOC. NO. 2004-207125
CO. RD.	DENOTES COUNTY ROAD
SN(2)	SN 2007-284
SN(3)	SN 5907
SN(4)	SN 11950



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944
RENEWAL DATE: 1/1/2020

GRAPHIC SCALE
0 15 30 60
(IN FEET)
1 INCH = 30 FEET

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August 1, 2018

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Debbie Cleek
The Bookin Group
1140 SW 11th Avenue, Suite 500
Portland, OR 97205

RE: 14530 S Maplelane Road Annexation – Transportation Analysis Letter

Dear Ms. Cleek,

This Transportation Analysis Letter (TAL) evaluates the transportation impacts of the proposed annexation, rezoning, and redevelopment of a property located at 14530 S Maplelane Road in Oregon City, Oregon. The project will include the annexation of the site into the city, a zone map amendment from *R-10 Single-Family Dwelling District* (R-10) to *R-6 Single-Family Dwelling District* (R-6), and the partitioning and redeveloping of the property into three lots.

The purpose of this study is to determine whether the transportation system within the vicinity of the site is capable of safely and efficiently supporting the existing uses and accommodate the proposed project, as well as to determine any mitigation that may be necessary to do so. Detailed information on trip generation calculations and safety analyses is included as an attachment to this letter.

Location Description

Project Site Description

The project site is located north of Sugarpine Street, south of S Maplelane Road, and west of Clearwater Place in Oregon City, Oregon. The site includes a single tax lot, lot 500, which encompasses an approximate total of 0.76 acres. The site is currently developed with one single-family house that takes access to both S Maplelane Road and Clearwater Place. Upon redevelopment of the site, the existing lot will be partitioned into three, where the existing single-family house will be maintained and two new houses constructed. The two proposed houses will take access onto Clearwater Place. The existing house will maintain its current access onto Clearwater Place while its driveway onto S Maplelane Road will be closed.

The subject site is located within a predominately residential area that is undergoing a transition from lower density rural to higher density (sub)urban residential uses. One notable development located within

approximately a half-mile walking/biking distance of the site includes the Berry Hill Shopping Center to the southwest.

Vicinity Roadways

The proposed development is expected to impact the following two nearby vicinity roadways: S Maplelane Road and Clearwater Place. Table 1 provides a description of each of the vicinity roadways.

Table 1: Vicinity Roadway Descriptions

Roadway	Jurisdiction	Functional Classification	Cross-Section	Speed	On-street Parking	Bicycle Lanes	Curbs	Sidewalks
S Maple Lane Road	Clackamas County	Minor Arterial	2 Lanes	45 mph Posted	Partially Permitted	None	Partial South Side	Partial South Side
Clearwater Place	Oregon City	Local Street	2 Lanes	25 mph Statutory	Partially Permitted	None	Partial Both Sides	Partial Both Sides

Vicinity Intersections

The intersection of S Maplelane Road at Clearwater Place is a three-legged intersection that is stop-controlled for the northbound approach of Clearwater Place. All three approaches each have one shared lane for all turning movements. Crosswalks are unmarked across all three intersection legs.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.

Figure 1 – Aerial Photo of Site Vicinity (Image from Google Earth)

Site Trips

Trip Generation

A trip generation analysis was prepared for the proposed zone change of the property and for the subsequent redevelopment of the site from one to three single-family houses. The purpose for conducting the zone change analysis is to determine the net change in trip generation potential of the site between the existing and proposed zones. The trip generation analysis for the proposed development was conducted to determine the impacts of the three-lot partition on the nearby transportation system.

Trip Generation – Zone Change Analysis

Upon annexing the property, the site by default will be rezoned from *Future-Use 10-acre* (FU-10) under Clackamas County zoning to *R-10 Single-Family Dwelling District* (R-10) Oregon City zoning. From there, the site will be rezoned from R-10 to R-6. To determine the impacts of the proposed zone change, reasonable worst-case development scenarios for the default R-10 zone and proposed R-6 were determined utilizing data from the most traffic-intensive uses permitted for each zone that could be developed within the site.

The default R-10 zone requires that each single-family detached dwelling have a minimum lot size of 10,000 square-feet while the proposed R-6 zone requires a minimum lot size of 6,000 square-feet. Based on a survey of the site, under the default R-10 zone up to three single-family houses could be constructed while under the proposed R-6 zone up to five houses could be constructed.

To estimate the number of trips that could be generated under each zone, trip rates from the *Trip Generation Manual*[1] were used. Data from land-use code 210, *Single-Family Detached Housing*, was used to estimate potential trip generation under R-10 and R-6 zoning based on the number of dwelling units.

The trip generation calculations show that upon rezoning the site from R-10 to R-6, the trip generation potential of the site could increase by up to 2 morning peak hour trips, 2 evening peak hour trips, and 20 average weekday trips. The trip generation estimates of the proposed development are summarized in Table 2 below. Detailed trip generation calculations are included as an attachment to this letter.

Table 2: Zone Change Trip Generation Summary

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Default R-10 Zone	210	2 units	1	1	2	2	1	3	28
Proposed R-6 Zone	210	5 units	1	3	4	3	2	5	48
Net Change		**2 units**	**0**	**2**	**2**	**1**	**1**	**2**	**20**

Trip Generation – Proposed Development Analysis

Upon rezoning the site, the subject property will be partitioned and redeveloped as a three-lot partition. To estimate the number of trips that will be generated by the proposed development relative to existing site conditions, trip rates from the *Trip Generation Manual* were used. Data from land-use code 210, *Single-Family Detached Housing*, was used to estimate site trip generation based on the number of existing and proposed dwelling units.

The trip generation calculations show that the proposed development is projected to generate a net increase of 1 morning peak hour trip, 2 evening peak hour trips, and 18 average weekday trips. The trip generation estimates of the proposed development are summarized in Table 3 below. Detailed trip generation calculations are included as an attachment to this letter.

[1] Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.

Table 3: Proposed Development Trip Generation Summary

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Development	210	1 units	0	1	1	1	0	1	10
Proposed Development	210	3 units	1	1	2	2	1	3	28
Net New Trips		**2 units**	**1**	**0**	**1**	**1**	**1**	**2**	**18**

Trip Distribution

The directional distribution of site trips to/from the proposed development was estimated based on locations of likely trip destinations and locations of major transportation facilities in the site vicinity. It is estimated that approximately 80 percent of site trips will travel to/from the west along S Maplelane Road while approximately 20 percent of site trips will travel to/from the east. This can be equated to 1 morning peak hour trip and 2 evening peak hour trips traveling to/from the west along S Maplelane Road while nominal volumes of peak hour traffic will travel to/from the east.

Site Trip Impacts to OR-213 at S Beavercreek Road

The intersection of OR-213 at Beavercreek Road has been identified as operating at/near capacity by both Oregon City and the Oregon Department of Transportation (ODOT). Due to the minimal expected impacts from the proposed project to the intersection, no operational analysis is required; however, the number of peak hour site trips expected to impact the intersection needs to be reported. Table 5 summarizes the projected site trip impacts to this intersection. The percentage of site trip impacts were assumed to be approximately 80 percent of the trips generated, or all trips projected to travel west along S Maplelane Road as described in the *Trip Distribution* section.

Table 4: Site Trip Impacts at OR-213 at Beavercreek Road

Intersection	Percentage of Site Trip Impacts	Morning Peak Hour Site Trips	Evening Peak Hour Site Trips
OR-213 at Beavercreek Road	80%	1	2

Safety Analysis

Crash Data Analysis

Using data obtained from ODOT's Crash Analysis and Reporting Unit, a review was performed for the most recent five years of available crash data (January 2012 through December 2016) along the roadway of Clearwater Place. The crash data was evaluated based on the number of crashes, the type of collisions, and the severity of the collisions.

Based on a review of the crash data, one collision was reported along Clearwater Place during the analysis period, specifically at the intersection with S Maplelane Road. The crash was a rear-end collision that was classified as "Possible Injury – Complaint of Pain" (*Injury C*). Due to the low number of crashes and the low severity of collisions near the project site, no specific safety mitigation is necessary or recommended as part of the proposed development.

Sight Distance Analysis

Sight distance was examined for the two proposed and the single existing site access intersections along Clearwater Place (refer to Site Plan included within the attachments). Sight distance was measured and evaluated in accordance with standards established in *A Policy on Geometric Design of Highways and Streets*[2]. According to AASHTO, the driver's eye is assumed to be within the side-street approach, 3.5 feet above the pavement at a position of 15 feet behind the near edge of the traveled way. Measurements are taken to a position within the approaching travel lanes 3.5 feet above the pavement on the major-street.

Based on a statutory speed of 25 mph along Clearwater Place, the minimum recommended intersection sight distance for maintaining relatively uninterrupted traffic flow along the roadway is 280 feet (stopping sight distance at 25 mph is 155 feet).

[2] American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 6th Edition, 2011.

For the existing access intersection along Clearwater Place (serving Parcel 2), intersection sight distance was measured to be in excess of 300 feet to the south while sight distance to the north was measured beyond S Maplelane Road. Upon redevelopment and subsequent removal of an onsite shed, intersection sight distance at proposed Parcel 1 access was measured to be 242 feet to south, limited by foliage on the adjacent property to the south, while sight distance to the north was measured back to S Maplelane Road. For the proposed access serving Parcel 3, at the time of conducting sight distance measurements, no specific location for a driveway had been proposed. However, regardless of placement of the Parcel 3 access, intersection sight distance to the north would extend back to S Maplelane Road (provided the onsite shed is removed) while sight distance to the south would be no less than 180 feet, limited by foliage on the adjacent property to the south.

While intersection sight distance was measured to be less than 280 feet to the south of the proposed shared access, per the AASHTO manual, stopping sight distance is considered the minimum requirement to ensure safe operation of an intersection. This is the distance that allows an oncoming drive to see a hazard on the roadway, react, and come to a complete stop if necessary to avoid a collision. Conversely, intersection sight distance is an operational measure intended to provide sufficient line of sight along the major-street so that a driver could turn from the minor-street approach without impeding traffic flow. Based on the available sight distance, there is sufficient stopping sight distance to accommodate a northbound approaching vehicle traveling at 34 mph (9 mph above the statutory speed of 25 mph).

To support the use of the minimum required stopping sight distance standard in lieu of the minimum recommended intersection sight distance, Clearwater Place is classified by Oregon City as a Local Street and is located within a residential neighborhood. As such, interruptions in the flow of traffic are to be expected at this and other similar locations due to conflicts with: vehicles backing from driveways into the road; pedestrians, bicyclists, and children playing within the street; and drivers entering/exiting vehicles that are parked on-street. Furthermore, Clearwater Place is intended to primarily serve local residents living within the subdivision to the south and is not meant to serve either high speed (statutory residential speed of 25 mph) or high volumes of traffic. Additionally, the segment of roadway that fronts the project site is in close proximity of a stop sign to the north, whereby northbound vehicles will actively be slowing as they approach the proposed access. Due to the character of the roadway, interruptions in traffic flow, and slowing of northbound traffic are to be expected along Clearwater Place whereby utilizing stopping sight distance is practical.

Based on the detailed analysis, adequate sight distance is available to the north and south of the existing and proposed access intersections along Clearwater Place for them to operate safely. It is recommended that the existing onsite shed be removed to improve sight lines viewing south of the proposed shared access. No other sight distance mitigation is necessary or recommended.

Design Standards

The following sections provide narrative with regard to access spacing and driveway width standards as described within Oregon City's Municipal Code Section 12.04 – *Streets, Sidewalks, and Public Places*.

Spacing Standards

Per Table 12.04.195.B – *Minimum Driveway Spacing Standards*, for Local Streets the "*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*" is 25 feet. The existing and proposed driveways are located at/further than 25 feet from S Maplelane Road and Sugarpine Street. Additionally, both site access driveways and nearby off-site driveways serve single/two family dwellings, whereby minimum spacing standards between adjacent driveways is not applicable. Accordingly, minimum driveway spacing standards are met.

Driveway Width Standards

Per Section 12.04.025 – *Street Design-Driveway Curb Cuts*, driveway widths shall be designed to the standards detailed in Table 5 on the following page.

Table 5: Driveway Curb Cut Dimensions

Property Use	Driveway Width at Sidewalk or Property Line	
	Minimum (Feet)	Maximum (Feet)
Single or Two-Family Dwelling with One Car Garage/Parking Space	10	12
Single or Two-Family Dwelling with Two Car Garage/Parking Space	12	24
Single or Two-Family Dwelling with Three or more Car Garages/Parking Space	18	30
Nonresidential or Multi-Family Residential Driveway Access	15	40

Connectivity Analysis

Under existing conditions, adjacent properties to the east and south of the site are developed as single-family houses where no new vehicle, bicycle, or pedestrian connections will be constructed. Current access to the existing onsite house is provided via single driveways onto S Maplelane Road and Clearwater Place. Curbs and sidewalks are in place along the western side of Clearwater Place while no pedestrian facilities are provided on S Maplelane Road along site frontage. Bicycle lanes are not provided along either Clearwater Place or S Maplelane Road (from Walnut Grove Way to the northeast).

As part of the proposed partition, two new vehicular accesses (via individual house driveways) will be constructed onto Clearwater Place while the existing access onto the roadway will be maintained. The existing access onto S Maplelane Road will be removed and right-of-way improvements, inclusive of curbs and pedestrian sidewalks, will be constructed along site frontage. Although no plans are currently made to redevelop properties to the north and east of the site, buildout of the proposed partition project is not expected to impact the potential redevelopment of these adjacent properties or their connectivity to the transportation system.

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting potential increases in traffic intensity that could result from changes to adopted plans and land-use regulations. Since the proposed project includes a change in zoning, the TPR must be addressed. The applicable elements of the TPR are quoted in italics below, with responses following.

Oregon Administrative Rule 660-12-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of the rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan;

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet performance standards identified in the TSP or comprehensive plan.

Regarding the proposed change in zoning, subsections (a) and (b) are not triggered, since the zone change will not alter the functional classification of any existing or planned facility and the project does not include a change to any functional classification standards. Subsection (c) is also not triggered since the net increase in the peak hour trip potential of the site resulting from the proposed zone change is expected to be no greater than two trips. The proposed zone change will therefore have a de minimis impact on operation of area transportation facilities, and the performance of existing and planned transportation facilities will be nominally degraded. Accordingly, the TPR is satisfied since the zone change will not significantly affect the transportation system.

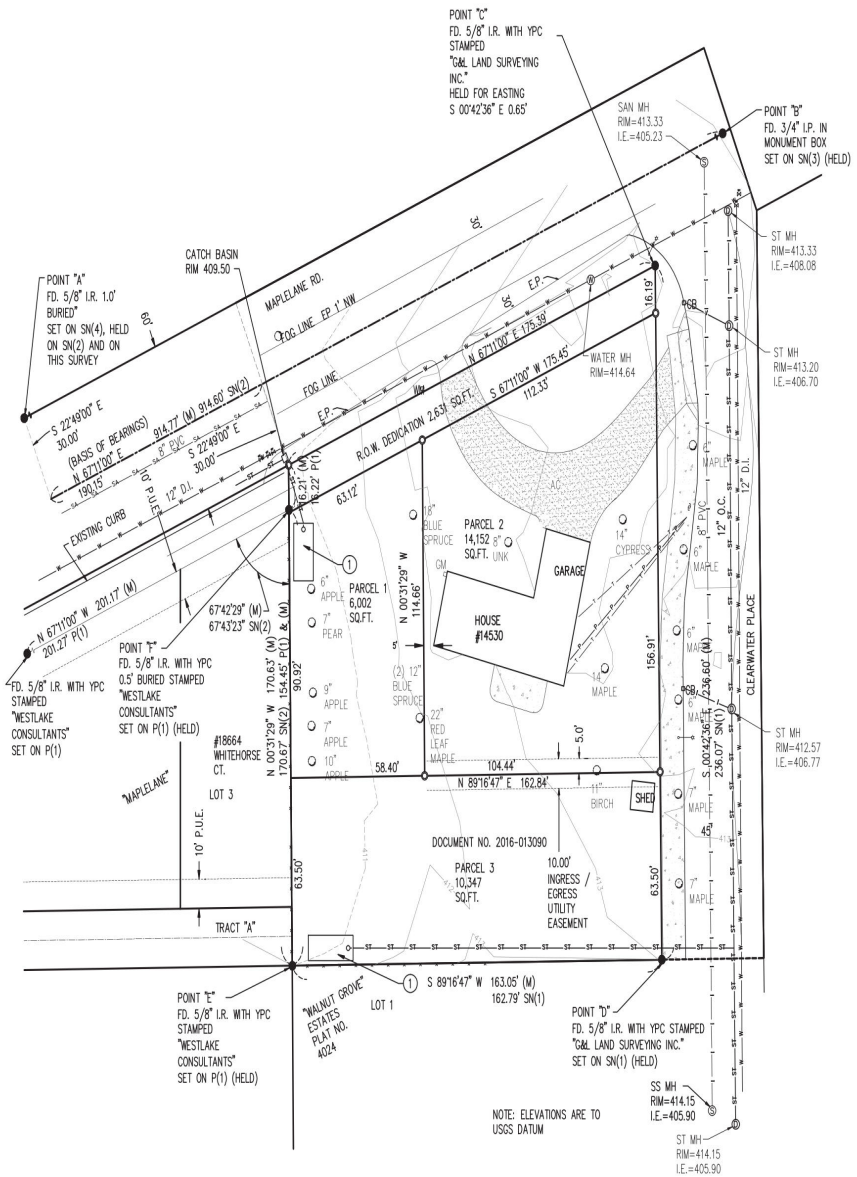
Conclusions

The projected impacts of the proposed S Maplelane Annexation to the existing transportation system within the site vicinity are expected to be minimal. The new site trips are not expected to significantly alter the operation or safety of the existing transportation facilities. Additionally, the nearby vicinity roadways and intersections are expected to operate safely.

If you have any questions or concerns regarding this analysis or need further assistance, please don't hesitate to contact us.

Sincerely,

Daniel Stumpf, EI
Senior Transportation Analyst



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NARRATIVE

PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN TRACT DEED RECORDED AS DOCUMENT NO. 2016-013090 INTO 3 PARCELS AS SHOWN.

BASIS OF BEARINGS: N 67°11'00" E BETWEEN A POINT S 22°49'00" E 30.00 FEET FROM THE 5/8" IRON ROD FOUND AT POINT "A" AND THE 3/4" IRON PIPE FOUND AT POINT "B", AS PER THE PLAT OF "WESTOVER ACRES".

MAPLELANE RD.: HELD A POINT AT S 22°49'00" E 30.00 FEET FROM POINT "A" AND HELD THE 3/4" IRON PIPE FOUND AT POINT "B" FOR THE CENTERLINE OF THE ROAD. THEN HELD THE SOUTHEASTERLY RIGHT-OF-WAY PARALLEL WITH AND 30.00 FEET FROM SAID CENTERLINE.

EAST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "C" & "D" AND PROJECTED THE BEARING BETWEEN THEM OF S 00°42'36" E NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

SOUTH PROPERTY LINE: HELD THE IRON RODS FOUND AT POINT "D" & "E" FOR THIS LINE.

WEST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "E" & "F" AND THEN PROJECTED THE BEARING BETWEEN THEM OF N 00°31'29" W, NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

STORM DRAINAGE NOTES:

(1) INSTALL ON-SITE LIDA FACILITIES WITH OVERFLOW CONNECTED TO PUBLIC STORM SEWER FACILITIES SIZES PER PROPOSED NEW IMPERVIOUS AREAS AND MEASURED SITE INFILTRATION RATE.

GRAPHIC SCALE

0 15 30 60

(IN FEET)

1 INCH = 30 FEET

JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=30'
DRAWN:	ESL
CHKD:	CFF
FILE:	17-4383-1
PLOT:	

ZTEC ENGINEERS INC.
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PH: (503) 235-8795 FAX: (503) 233-7889

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES" LOCATED IN THE S.E. 1/4 SECTION 4, T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2018

DEAN CUNNINGHAM
14530 MAPLELANE RD
OREGON CITY, OREGON
97045

SUPPLEMENTAL SURVEY

TRIP GENERATION CALCULATIONS
Reasonable Worst-Case Development (R-10 Zone)

Land Use: Single-Family Detached Housing
Land Use Code: 210
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 3

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**1**	**1**	**2**

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**2**	**1**	**3**

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**14**	**14**	**28**

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**14**	**14**	**28**

Source: TRIP GENERATION, Tenth Edition

TRIP GENERATION CALCULATIONS
Reasonable Worst-Case Development (R-6 Zone)

Land Use: Single-Family Detached Housing
Land Use Code: 210
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 5

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**1**	**3**	**4**

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**3**	**2**	**5**

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**24**	**24**	**48**

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**24**	**24**	**48**

Source: TRIP GENERATION, Tenth Edition

TRIP GENERATION CALCULATIONS
Existing Development

Land Use: Single-Family Detached Housing
Land Use Code: 210
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 1

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**0**	**1**	**1**

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**1**	**0**	**1**

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**5**	**5**	**10**

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**5**	**5**	**10**

Source: TRIP GENERATION, Tenth Edition

TRIP GENERATION CALCULATIONS
Proposed Development

Land Use: Single-Family Detached Housing
Land Use Code: 210
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 3

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**1**	**1**	**2**

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**2**	**1**	**3**

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**14**	**14**	**28**

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**14**	**14**	**28**

Source: TRIP GENERATION, Tenth Edition

CRASH SUMMARIES BY YEAR BY COLLISION TYPE

CLEARWATER PL at MAPLELANE RD, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015

COLLISION TYPE	FATAL CRASHES	NON-FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER-SECTION	INTER-SECTION RELATED	OFF-ROAD
YEAR: 2015														
REAR-END	0	1	0	1	0	2	0	1	0	1	0	1	0	0
YEAR 2015 TOTAL	**0**	**1**	**0**	**1**	**0**	**2**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**0**
FINAL TOTAL	**0**	**1**	**0**	**1**	**0**	**2**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**0**

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 requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

CITY OF OREGON CITY, CLACKAMAS COUNTY **CLEARWATER PL at MAPLELANE RD, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015**

1- 1 of 1 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S P E D	A L C	U G S	C H L	O R K	W	DATE / DAY / TIME / LAT	CLASS / DIST / FROM / LONG	CITY STREET / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN) / LEGS (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT EVENT	CAUSE
00612	Y	N	N	N	N		02/17/2015	16	CLEARWATER PL	INTER	3-LEG	N	N	CLR	S-1STOP	01	NONE 0	STRGHT										01,29
COUNTY							TU	0	MAPLELANE RD	E		UNKNOWN	N	DRY	REAR		PRVTE	E -W									000	00
N							5P			06	0		N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	21	M	OR-Y		047,026	000	01,29
N							45 20 11.13	-122 34 2.71																OR<25				
																02	NONE 0	STOP										
																	PRVTE	E -W									012	00
																	PSNGR CAR		01	DRVR	INJC	44	F	OR-Y		000	000	00
																								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.

CITY OF OREGON CITY, CLACKAMAS COUNTY **CLEARWATER PL and Intersectional Crashes at CLEARWATER PL, City of Oregon City, Clackamas County, 01/01/2011 to 12/31/2015**

1- 1 of 1 Crash records shown.

SER# / INVEST / RD DPT / UNLOC?	S P E D	A L C	U G S	C H L	O R K	W	DATE / DAY / TIME / LAT	CLASS / DIST / FROM / LONG	CITY STREET / FIRST STREET / SECOND STREET / LRS	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN) / LEGS (#LANES)	INT-REL / TRAF- / CONTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE / TRLR QTY / OWNER	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
00612	Y	N	N	N	N		02/17/2015	16	CLEARWATER PL	INTER	3-LEG	N	N	CLR	S-1STOP	01	NONE 0	STRGHT											01,29
COUNTY							TU	0	MAPLELANE RD	E		UNKNOWN	N	DRY	REAR		PRVTE	E -W										000		00
N							5P			06	0		N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	21	M	OR-Y		047,026	000		01,29
N							45 20 11.13	-122 34 2.71																OR<25					
																02	NONE 0	STOP											
																	PRVTE	E -W									012		00
																	PSNGR CAR		01	DRVR	INJC	44	F	OR-Y		000	000		00
																								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.

(503) 997-9757
Certified Arborist
PN 7179-A

16090 SE McLoughlin Blvd.
Milwaukie, OR 97267
(503) 653-6873

(503) 793-5087
Certified Arborist
PN 0164-A

CCB # 100699
Liability Policy # 52HHUOK3579
SAIF Policy # 485761

May 15, 2018

Dean Cunningham
14530 S Maplelane Rd.
Oregon City OR 97045
kandcdean@gmail.com
CC: Debbie Cleek cleek@bookingroup.com

Dean,

On Wednesday May 9th, at your request, I visited the property site listed above. My assignment was to provide a tree inventory and a health/risk rating for existing trees on site.

The inventory consisted of measuring each tree and assigning a number for easy identification. The health/risk rating consists of good, fair and poor with comments and concerns for each. If you have any questions, please do not hesitate to call.

There are 3 trees on site, which were rated poor, #101 Blue Spruce, #108 Blue Spruce and #112 Birch.

Tree #101 (Blue Spruce):
The upper trunk of this tree splits out to two co-dominate stems. Where these stems are attached to the trunk a vertical seam has formed and a bark inclusion has formed. This is a structural defect of a tree and this weak attachment has a high failure risk. This tree also has small holes on the trunk with sap/fluid secretion. This damage is caused by sapsuckers or wood peckers.

Tree #108 (Blue Spruce):
This tree also has two co-dominate stems that are weakly attached at the lower trunk. There is a vertical crack and a bark inclusion is present. This structural defect is a hazard and the stems have a high risk of failure.

Tree #112 (Birch):
It appears this tree had neighboring trees that died because the stumps appeared to have decay. In the supper crown of this tree, I noticed several dead branches which I suspect this is caused by an insect called brown birch borer. This pest is killing birch trees throughout the metro area.

Attached is a copy of the tree inventory.

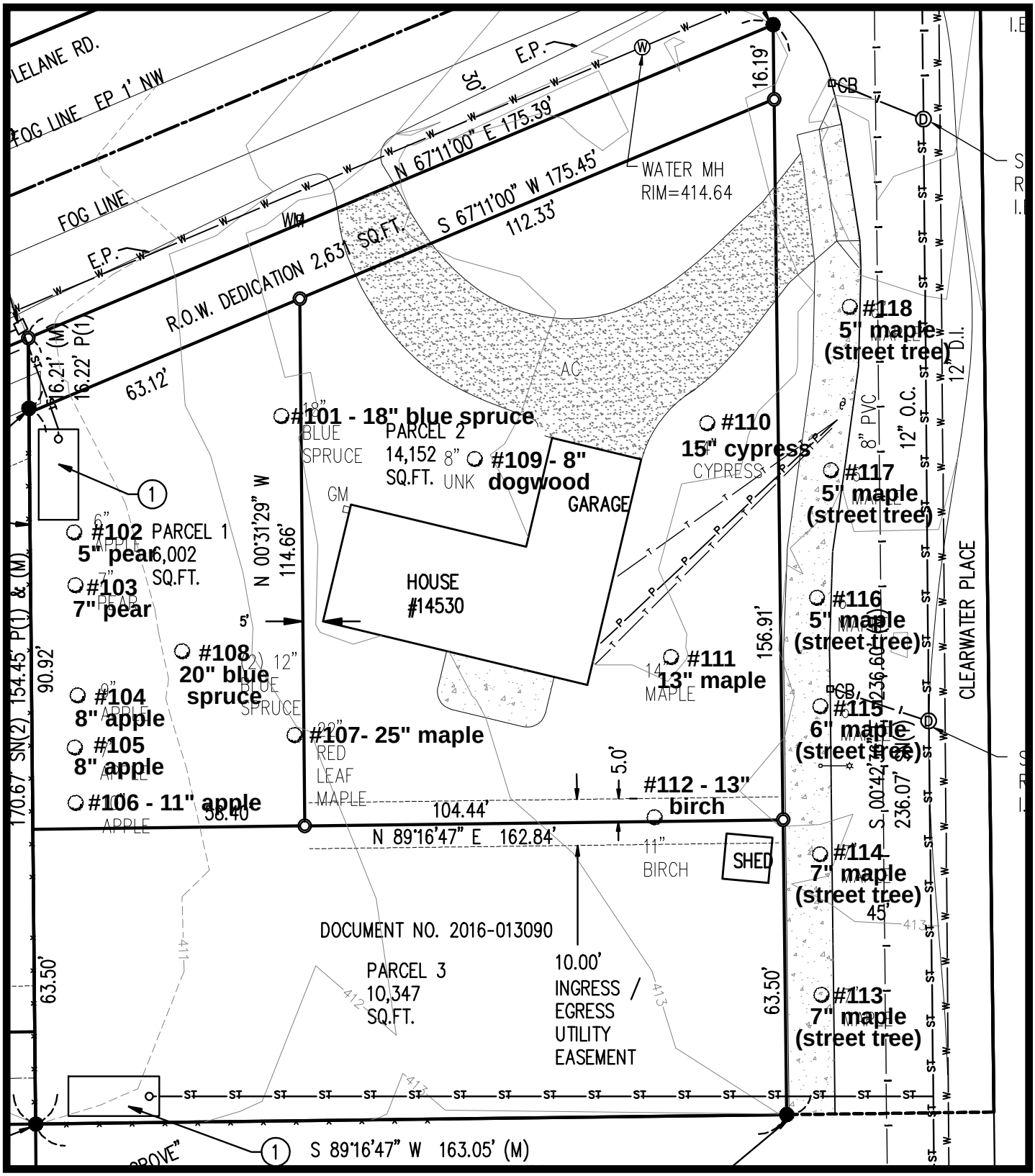
Chris Ritschard

Chris Ritschard
Certified Arborist PN – 0164A

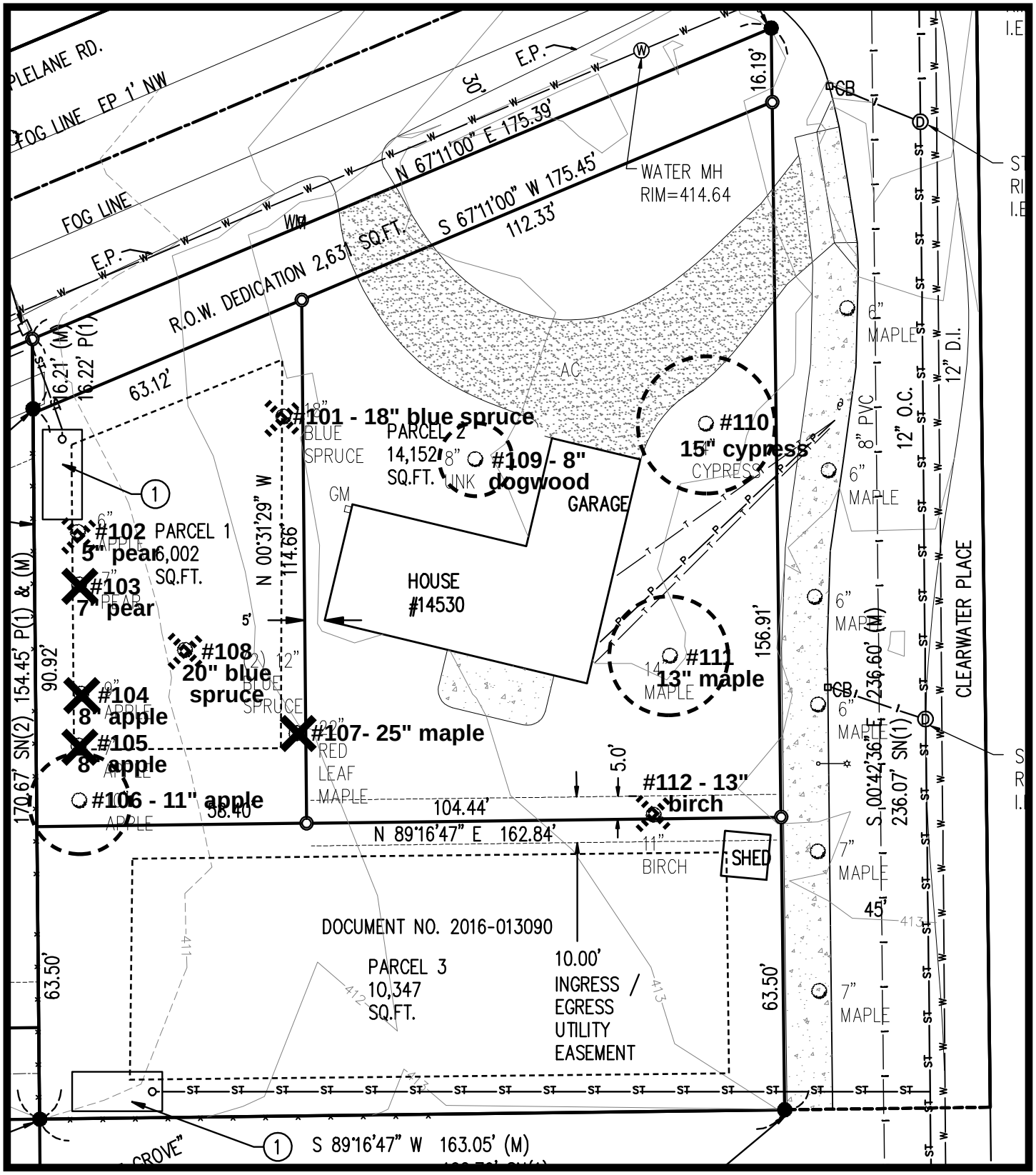
Cunningham 14530 S Maplelane Rd

Tree #	Tree Specie	Size in Inches	Rating	Comments
	Parcel #1			
101	Blue Spruce	18	Poor	Structural defect, bark inclusions 2 tops. Sapsucker/woodpecker damage/ pitch secretions
102	Pear	5	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
103	Pear	7	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
104	Apple	8	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
105	Apple	8	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
106	Apple	11	Fair	Small dwarf fruit bearing tree. Leaf fungus disease
107	Maple	25	Good	Good Incremental growth, nice shade tree
108	Blue Spruce	20	Poor	Co-dominate stems, vertical crack, bark inclusions, structural defect.
	Parcel #2			
109	Pink Dogwood	8	Good	Nice ornamental specimen tree
110	Cypress	15	Fair	Deadwood throughout the crown
111	Silver Leaf Maple	13	Fair	Deadwood throughout the crown
112	Birch	10	Poor	Decay at root flair, Bronze birch borer damage
	Right of Way Trees			
113	Maple	7	Good	Wound lower trunk, young right of way tree
114	Maple	7	Good	Young right of way tree
115	Maple	6	Good	Young right of way tree
116	Maple	5	Good	Young right of way tree
117	Maple	5	Good	Young right of way tree
118	Maple	5	Good	Young right of way tree

Tree Inventory Plan



Tree Removal Plan



Caufield Neighborhood Association - Meeting Minutes **May 22th, 2018**

Attendance: 15 neighbors, 3 guests

Pledge of Allegiance

Mike Villanti - O.C. Police Department

Presented upcoming local PD events including:

Touch a truck event	6/18/18 at OC Library
National Night out	8/7/2018 5:30 - ??
Shred event	9/22 9:00am-12:00pm
Oregon City Police Dept. summer camp	

Beavercreek traffic speed - OCPD upping presence on Beavercreek to slow down traffic in response to the increased number and severity of accidents. Currently proving to be effective in reducing speeding.

Debra Cleek representing Dean Cunningham (land owner) - Brookin Group

Debra passed out plot map, blue print for parcel division, and aerial view map of subject property. Dean currently lives on the property and would like to divide it up into 3 plots to build on. He desires to rezone the land to R6. Plot is currently surround on 2 of 3 sides by city land. With the rezone, the properties will connect to city water and sidewalk will be competed connecting Clearwater Pl. to Maplelane Rd. Access easement will connect one of the homes out onto Clearwater since Maplelane Rd. is an access restricted road. Structures to be build will be similar in design to their neighbors though this area does not fall into a neighborhood that has building style regulations. Dean is not sure if he'll sell the land individually or build and then sell. Debra explained the difference between 4 lots and 3. Land use regulations change, plus the lay out of the homes would create frontage road access challenges. Current water line will received an upgrade in looping the water line from the addition and will improve local regarding fire water pressure.

Motion for CNA to support the annexation
Motion seconded
Motioned passed by voice vote: CNA supports the annexation

Mr. Wes Rogers – OCSD Facilities manager and school board member, presenting the upcoming school bond measure with Q&A.

Wes handed out a packet for feedback on bond measure public opinion. OC School Board had been evaluating school building real estate holding and current holdings and school district facility plans. It has been18 years since last seismic upgrades to structures. The most recent bond measure (2000) was passed to build the high school [OCHS has 1,950 students and can hold up to 2,500]

Do we as citizen want to renew that bond for upgrades?

Fun facts: Majority of residents do not have students in the school district
OCSD State leader in test scores and leadership
ROI- Our bond rate is one of the lowest in Clackamas County.

Presentation:

-What happened to the last bond? City has almost doubled since the last bond. This has lowered the rate on our tax bill. School administration and staff expenses have been kept low, so that the focus is on funding for classroom instruction and amenities.
-Why is the school district looking at another contraction bond? A smaller percentage of the state general fund going to schools. Update facilities to make them more efficient and safe, create up-to-date learning spaces, and upgrade technology access potential. Cost per student per year is approx. $7,500

-Declining enrollment - closed some schools so focus operational spending on existing schools.
-Local school bonds - No money given to school district for building of facilities or upgrades. Bonds is where this type of construction funding comes from.

1.Currently working very hard to be good stewards of funds for current spending.
2.Facility plan and report
3. Community meetings to help continuously revise the plan to meet public's expectations.

Current plan - safety and security in every school. Security: 1. Alert: intercom, visual and audio alarms, updated clocks. Internal building and external building security alert. Perimeter: 2. Intermediate Fencing. Door opening alert, secure entrance, vehicular traffic flow safely improvements.

-Gardiner Middle School will be replaced in possibly a new location and Ogden will be updated and made more secure from outside incursions. The new and updated facilities will also encompass new facilities for community recreation (tracks, ball fields, walking trails, etc.)

CNA Feedback – citizens generally excited to support bond passage and really want to see the school district improve and get stronger; Want OC to be able to compete with other local school districts.

Wes handed out survey sheets that most citizens completed while at the meeting.

Executive Reports:

Darrell Bennett - Chiefs committee guest speaker from OLCC who oversees the weed shops. have hired some new inspectors. Plant is documented from seed to smoke. No reported problems ATT regarding increase in crime or inspection violations. Fire Dept - 9 fire fighters 4 media from schools and are out training in the community; the Mollala Ave. Fire Station is still on schedule to open in Oct 2018

Mike Mitchell - CIC umbrella group of all the neighborhood associations
New park space name 5/31 on city website. Submit suggestions on news website. 300 submissions so far! Great community involvement!

Kristina Browning - Check out Facebook page [Caufield NA]; Also, check out Next Door website community updates

Robert Malchow- Winco is due to open before July 4th! CNA execs are still trying to coordinate an update from the Developer of at the Kmart facility.

Community concerns/suggestions: September and November are the next meetings.

-OC golf course annexation update?

-Gravel pile on Beavercreek was dug up when they put the water line in and will be used for fill. Water line for approved development of live-work space breaking ground delay but not sure why or for how long. Developer is Evergreen development out of Seattle and the location of the land is across and a little south of the high school.

-School bus speeding, they have all slowed down since the last meeting, yay!

-Lower speed limits in residential area for all traffic? Well zoned around schools; Public Works Department working on family friendly routes: park-to-park, school-to-park where where isn't a great curb/sidewalk route. These are in progress.

-Adding lights on Beavercreek school zone speed limit signs? Issue brought up at chiefs meeting. Not enough signage up but not really a plan for installing lights. When the live/work units by Evergreen Development are established flashing lights for school arrival and dismissal may be put in place at the developer's expense.

There were 3 Raffle winners!

Meeting adjourned at 8:25 PM

Next meeting: Tuesday - Sept. 25, 2018 at 6:45 PM

OREGON CITY
Community Development Department
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

PRE-APPLICATION MEETING NOTES
Date of Meeting: February 7, 2018

File Number:	**PA 18-07**– Annexation
Address:	14530 S Maplelane Rd, Oregon City, OR 97045
Tax Assessor Map:	Clackamas County Map 3-2E-04DB-00500
Total Acres:	1 acre
Current County Zone:	FU-10
City Comprehensive	LR – Low Density Residential
Project Name:	Annexation
Staff Present:	Christina Robertson-Gardiner AICP, Senior Planner Email: crobertson@orcity.org Ph: (503) 496-1568 Sang Pau, PE, Development Project Engineer, Email: spau@orcity.org Ph: (503) 974-5503

General Comment Regarding Annexation Review
Annexations are discretionary approvals of the City Commission, which are subject to the criteria in **Chapter 14 – Annexation.** Annexations and must be reviewed and recommended for approval by the Planning Commission to the City Commission. Following City Commission approval, some annexations are subject to approval of the voters of the City of Oregon City prior to any rezoning or subdivision approval.

Note: Recent passage of a new state law has removed the voter approval requirement for annexations that are within the UGB, have a comprehensive plan designation, are contiguous to city limits, and otherwise comply with the city's comprehensive plan.

Generally speaking, it is premature to submit any specific site layout or development plans for review prior to annexation approval. Annexation approval and site plan review are entirely different processes and subject to very different criteria.

Application:
The applicant is wholly responsible for providing a complete application. Staff will provide checklists, examples and templates to assist you with the application process. *If you are unfamiliar with the process, staff recommends that you have your application for annexation prepared by a qualified professional who is familiar with the annexation process in Oregon, such as a land use planner, land use attorney, or engineer*.

City Code Chapter 14

- OCMC 14.04.050.(E).(1-9). <u>The required narrative statement in response to items 7(a) through (g) must be included</u>:
  7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:

a. *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*
b. *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
c. *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
d. *Statement outlining method and source of financing required to provide additional facilities, if any;*
e. *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*
f. *Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*
g. *Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;*

- OCMC 14.04.060 – Annexation Factors. Narrative shall address each of the required Annexation Factors (1) through (7). *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*

1. Adequacy of access to the site;
Comment: Address how current and future access to the site is adequate.

2. Conformity of the proposal with the city's comprehensive plan;
Comment: The applicant's narrative should the applicable goals and policies. Staff will include the applicable goals and policies with the Code Response Template.

3. Adequacy and availability of public facilities and services to service potential development;
Comment: The applicant's narrative should the current Oregon City public facilities plans for Water, Sewer, Stormwater and Transportation and the respective demand placed on these services by the potential development of the site.

4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;
Comment: The applicant's narrative should these criteria.

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
Comment: The applicant's narrative should address any natural hazards present on site.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
Comment: The applicant's narrative should address any specially designated open space, scenic, historic or natural resource areas on the site. Staff is not aware of any, although there are constraints on building in a powerline easement. We recommend contacting the County Historic Preservation staff for any cultural or historic records for the site.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Comment: The applicant's narrative should address any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Metro Code 3.09.045.A-D (Boundary Change Criteria)

- Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.
- Whether the proposed boundary change will affect the quality and quantity of urban services
- Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

Oregon City Comprehensive Plan – Applicable Goals and Policies

Section 1: *Citizen Involvement*, Goals 1.1-1.4, Policies 1.1.1, 1.2.1,1.4.1
Section 2: *Land Use*, Goals 2.1, 2.4, 2.5, 2.7, Policies 2.1.2, 2.4.1-5, 2.5.1, 2.5.2, 2.5.4, 2.7.1-3
Section 5: *Open Space, Scenic and Historic Areas and Natural Resources*, Goals 5.1, 5.2, Policies 5.1.1, 5.1.2, 5.2.1, Goal 5.3, Policies 5.3.2, Goal 5.4, Policies 5.4.2, 5.4.4-11, 5.4.16
Section 6: *Quality of Air, Water and Resources*, Goal 6.1, Policy 6.1.1, 6.1.4, Goal 6.2, Policies 6.2.1, 6.2.2
Section 7: *Natural Hazards*, Goal 7.1, Policies 7.1.1, 7.1.8, 7.1.11
Section 8: *Parks and Recreation*, Goal 8.1, Policies 8.1.1, 8.1.5, 8.1.6, 8.1.9, 8.1.11, 8.1.12, 8.1.14
Section 9: *Economic Development*, Goals 9.1, 9.4, 9.5, 9.7, Policies 9.5.1, 9.7.1
Section 10: *Housing*, Goals 10.1, 10.2, Policies 10.1.1-7, 10.2.2, 10.2.5
Section 11: *Public Facilities*, Goals 11.1-4, 11.6, 11.8, 11.9, 11.10, Policies 11.1.1-7, 11.2.2, 11.2.5, 11.3.1, 11.4.1,
11.6.1, 11.8.3, 11.9.1, 11.10.1, 11.10.2
Section 12: *Transportation*, Goals 12.1, 12.3, 12.5-8, Policies 12.1.1–4, 12.3.1-4, 12.3.8, 12.3.9, 12.5.1-3, 12.6.1-
6.4, 12.7.1, 12.7.4, 12.8.1, 12.8.3
Section 13: *Energy Conservation*, Goals 13.1, 13.2, Policies 13.2.1-13.2.3, 13.2.5
Section 14, *Urbanization*: Goals 14.1, 14.3-5, Policies 14.1.1, 14.1.2, 14.3.1-4, 14.4.1-4, 14.5.2

Concept Plan Goals and Policies

- This area is not within a Concept Plan area boundary regulated under Metro Title 11.

Zone Change

A Zone Change request to R10, R8, or R6 may be submitted concurrently with the annexation request or submitted separately and is a discretionary zone change processed pursuant to the criteria in OCMC 17.68. If the traffic analysis assigned more than 20 pm peak trips to Beavercreek and 213, there will be a condition that it cannot be applied until alternate mobility is effective and the code amended is adopted.

Alternative Mobility Targets

During the Transportation System Plan (TSP) update in 2012, it was determined that the intersection of Beavercreek and Hwy 213 would not meet Oregon Highway Plan mobility standards through the TSP planning horizon year of 2035. The TSP recommended the City move forward with a requirement to address the need for a refinement plan at the intersections. The City, along with a Technical Advisory Group and a Community Advisory Group identified multi-modal transportation improvements to meet Oregon Highway Plan mobility targets at the intersection and determined those improvements are not feasible and practical, primarily due to cost. As a result the City is currently in a public review process to consider reasonable improvements to increase the capacity and/or safety of the intersection, though allow additional congestion (alternative mobility targets).

The study is critical to implementation of the Beavercreek Road Concept Plan, as areas located in the new urban growth boundary expansion areas of the Beavercreek Road Concept Plan cannot request development approval until the study is adopted. In addition, the study may identify public improvements necessary prior to proceeding with implementation of the Concept Plan. The public meetings for this process began in December of 2016 and the product is anticipated to be completed with a local adoption in spring of 2018. See- https://www.orcity.org/publicworks/project/ps-16-024 or https://www.orcity.org/planning/project/l-17-03-alternate-mobility-targe... for more information.

Transportation

If a concurrent Zone Change is pursued. Fees for review of the traffic analysis letter will be required pursuant to the TIA fee structure. The City's transportation consultant John Replinger has reviewed the pre-application and has the following comments: Even though the amount of trips are very small for this proposal, because the traffic generated by development of the site would impact that intersection of 2013/Beavercreek, it becomes more difficult.

The problem that arises from this annexation and zoning is that it will impact the 213/Beavercreek intersection. The impact is minimal (about 6 AM and 6 PM peak hour trips.) ODOT might want the applicant to actually analyze the intersection to see if the additional trips push the v/c above 0.99. With over 4,000 peak hour trips, the additional 6 trips probably will not. At the very least, the applicant must calculate the number of trips during the AM and PM peak hours that would go through the 213/Beavercreek intersection.

Based on the paragraph below, Oregon City would condition the approval of the application to pay a proportional share of the planned improvements for the 213/Beavercreek intersection. Based on the Highway 213 Corridor Alternative Mobility Targets study, that would mean participating in funding for the planned $1.5 million project. Since the traffic volume is so small, the applicants share would not be more than a couple thousand dollars. Mr Replinger would perform a calculation based on the applicant's TIA.

The applicant should also be aware of OCMC 12.04.205.D. The final paragraph reads as follows:

> 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.

Therefore:

> *The applicant will need to have a traffic engineer conduct a transportation study in conformance with the City's Guidelines for Transportation Impact Analyses available on the Oregon City website.*
>
> *Based on the information provided by the applicant, it appears the transportation analysis associated with this development proposal can be satisfied by submittal of a Transportation Analysis Letter (TAL). This option*

is available when specific criteria are met. These include a determination that the development generates 24 or fewer AM and PM peak hour trips and fewer than 250 daily trips. Details for a TAL can be found in Section 3.1 of the Guidelines. It is the applicant's responsibility to verify the trip generation characteristics of the proposed development.

Because the proposal includes a zone change, the applicant will also need to address the requirements of Oregon's Transportation Planning Rule. Specifically, the applicant shall address the provisions of 660-12-0060 Plan and Land Use Regulation Amendments. When a zone change is proposed, a future year analysis is required assessing the impact associated with the planning horizon specified in the city's adopted Transportation System Plan.

The applicant's traffic engineer is welcome to contact the city's traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

- Annexation area is part of the original 1979 UGB, which has a designation of Low Density Residential – LR.
- Pursuant to OCMC 17.68.025 - Zoning changes for land annexed into the city.
- Pursuant to OCMC 12.04.205 - Mobility standards. (D)(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.*

Annexation Election

It appears that this annexation may be exempt from the voter approval requirements of OCMC 14.04, pursuant to SB 1573.

Review Fees (2018 Fee Schedule)

Annexation:	$4,526.00
Mailing Labels:	$15.00
Metro Mapping Fees:	$150.00

Zone Change:	$2,916.00
Traffic Analysis Letter (TAL)	$489.00

Neighborhood Association Meeting Required

Per OCMC 17.50.055 - Neighborhood association meeting. Documentation of the meeting with the applicable Neighborhood Association is required for a complete application. Staff will confirm which N.A. the annexation would be included within upon annexation. The annexation property is within the Caulfield Neighborhood Association boundary. See Web page http://www.orcity.org/community/neighborhood-associations for contact and meeting information.

Miscellaneous Comments

Staff will provide you a Code Response template similar to a Staff Report and electronic versions of the applicable plans, policies and approval criteria above to assist in the preparation of your application.

These pre-application conference notes were prepared in accordance with OCMC 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.

OREGON CITY

Public Works – Development Services

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7829

DEVELOPMENT SERVICES

PRE-APPLICATION MEETING NOTES

Planning Project Number:	PA 18-07
Address:	14530 Maplelane Road, Oregon City, OR 97045
Map Number(s):	3-2E-4DB
Tax Lot(s):	00500
Project Name:	14530 Maplelane Annexation
Meeting Date:	February 7, 2018
Reviewer(s):	Sang Pau

General Comments

1. The annexation of this property does not appear to have enough impact to nearby public infrastructure to warrant improvements.

Streets

1. The property has frontage on Maplelane Road. Maplelane Road is under the jurisdiction of Clackamas County.

2. The property has frontage on Clearwater Place. Clearwater Place is under the jurisdiction of the City of Oregon City.

Stormwater

1. There is an existing 12-inch stormwater main within Maplelane Road at the western edge of the property's frontage.

2. There is an existing 12-inch stormwater main and catch basins within Clearwater Place.

Water

1. There is an existing City owned 12-inch ductile iron water main within Maplelane Road near the western edge of the property's frontage.

2. There is an existing City owned 12-inch ductile iron water main within Clearwater Place.

3. There is an existing Clackamas River Water District (CRW) owned 16-inch water main within Maplelane Road

4. There is an existing CRW owned 12-inch ductile iron water main within Maplelane Road.

5. The existing home is currently served by CRW but will need to switch to a City owned water main when the property is redeveloped. The property will be automatically withdrawn from the District upon approval of the annexation.

Sanitary Sewer

1. There is an 8" sanitary sewer main within Maplelane Road near the western edge of the property's but does not extend across the frontage of the subject property.

2. There is also an 8" sanitary sewer main within Clearwater Place which runs across the frontage of the subject property.

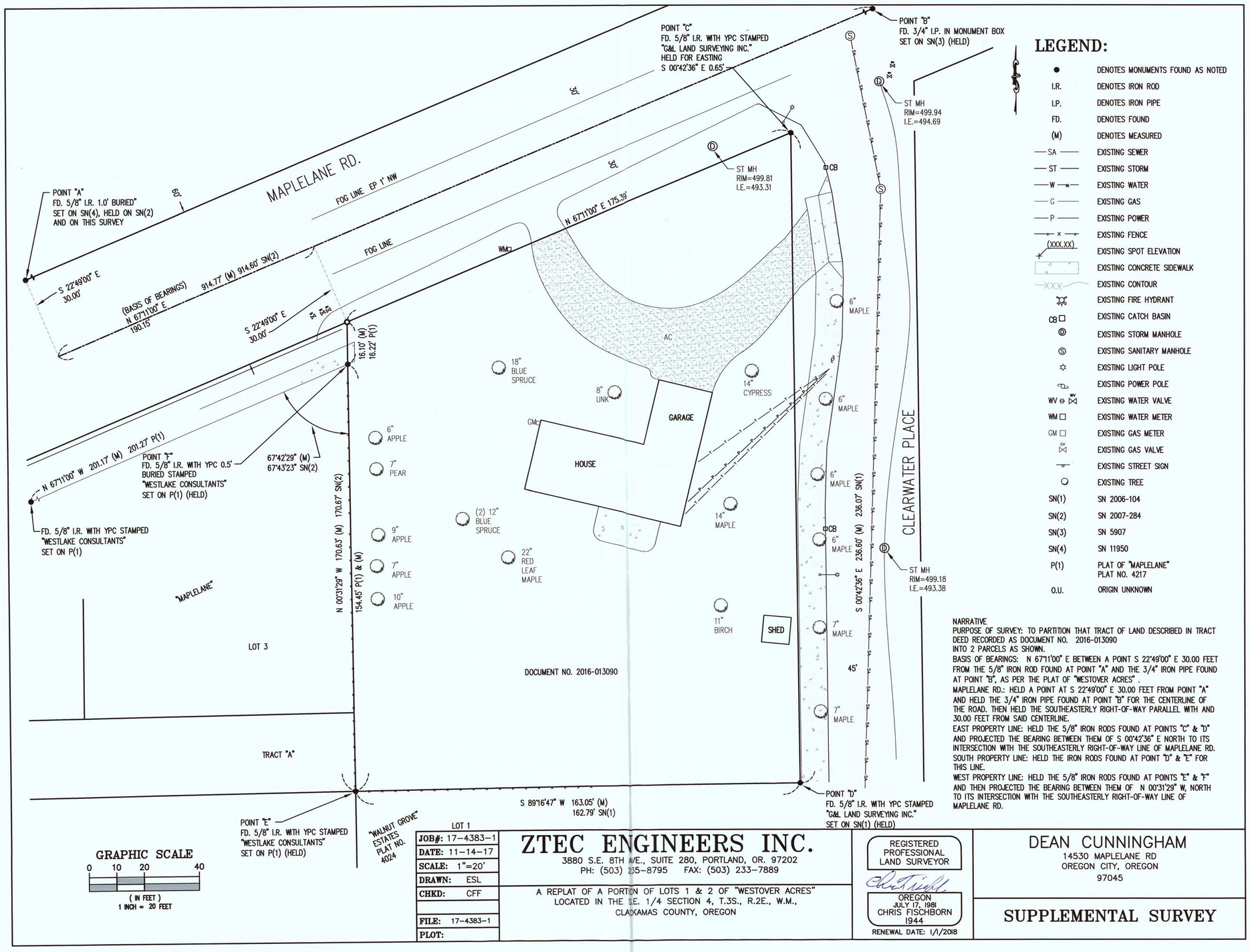
3. A building permit will be required if the applicant intends to connect to a City sewer main. The applicant must pay System Development Charges (SDC) upon building permit issuance.

4. For connection to sanitary sewer, annexation into the Tri-City Service District will be required prior to connection to the City's sanitary sewer system. The application can be found at http://www.clackamas.us/wes/annexation.html.

From: Pete Walter
Sent: Tuesday, March 22, 2016 3:17 PM
To: Diliana Vassileva
Subject: FW: 14530 maplelane narrative

-----Original Message-----
From: Dean And Krysten [mailto:deanandkrysten@yahoo.com]
Sent: Tuesday, March 22, 2016 2:28 PM
To: Pete Walter <pwalter@ci.oregon-city.or.us>
Subject: 14530 maplelane narrative

I Dean Cunningham, am seeking to annex one (1) parcel into the City of Oregon City. The parcel is currently located within unincorporated Clackamas County, inside the Portland metropolitan area Urban Growth Boundary (UGB), and within the Urban Growth Management Agreement (UGMA) Area of Oregon City and Clackamas County. The area of the proposed annexation is at 14530 maplelane rd. The area is comprised of one (1) tax lot for a total area of approximately 0.89 acres. The property is part of the original UGB (1979).



LEGEND:

●	DENOTES MONUMENTS FOUND AS NOTED
I.R.	DENOTES IRON ROD
I.P.	DENOTES IRON PIPE
FD.	DENOTES FOUND
(M)	DENOTES MEASURED
SA	EXISTING SEWER
ST	EXISTING STORM
W	EXISTING WATER
G	EXISTING GAS
P	EXISTING POWER
	EXISTING FENCE
(XXX.XX)	EXISTING SPOT ELEVATION
	EXISTING CONCRETE SIDEWALK
XXX	EXISTING CONTOUR
	EXISTING FIRE HYDRANT
CB	EXISTING CATCH BASIN
D	EXISTING STORM MANHOLE
S	EXISTING SANITARY MANHOLE
	EXISTING LIGHT POLE
	EXISTING POWER POLE
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
GM	EXISTING GAS METER
	EXISTING GAS VALVE
	EXISTING STREET SIGN
	EXISTING TREE
SN(1)	SN 2006-104
SN(2)	SN 2007-284
SN(3)	SN 5907
SN(4)	SN 11950
P(1)	PLAT OF "MAPLELANE" PLAT NO. 4217
O.U.	ORIGIN UNKNOWN

NARRATIVE

PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN TRACT DEED RECORDED AS DOCUMENT NO. 2016-013090 INTO 2 PARCELS AS SHOWN.

BASIS OF BEARINGS: N 67°11'00" E BETWEEN A POINT S 22°49'00" E 30.00 FEET FROM THE 5/8" IRON ROD FOUND AT POINT "A" AND THE 3/4" IRON PIPE FOUND AT POINT "B", AS PER THE PLAT OF "WESTOVER ACRES".

MAPLELANE RD.: HELD A POINT AT S 22°49'00" E 30.00 FEET FROM POINT "A" AND HELD THE 3/4" IRON PIPE FOUND AT POINT "B" FOR THE CENTERLINE OF THE ROAD. THEN HELD THE SOUTHEASTERLY RIGHT-OF-WAY PARALLEL WITH AND 30.00 FEET FROM SAID CENTERLINE.

EAST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "C" & "D" AND PROJECTED THE BEARING BETWEEN THEM OF S 00°42'36" E NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

SOUTH PROPERTY LINE: HELD THE IRON RODS FOUND AT POINT "D" & "E" FOR THIS LINE.

WEST PROPERTY LINE: HELD THE 5/8" IRON RODS FOUND AT POINTS "E" & "F" AND THEN PROJECTED THE BEARING BETWEEN THEM OF N 00°31'29" W, NORTH TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAPLELANE RD.

GRAPHIC SCALE
0 10 20 40
(IN FEET)
1 INCH = 20 FEET

LOT 1

JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=20'
DRAWN:	ESL
CHKD:	CFF
FILE:	17-4383-1
PLOT:	

ZTEC ENGINEERS INC.
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PH: (503) 235-8795 FAX: (503) 233-7889

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES" LOCATED IN THE SE. 1/4 SECTION 4, T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

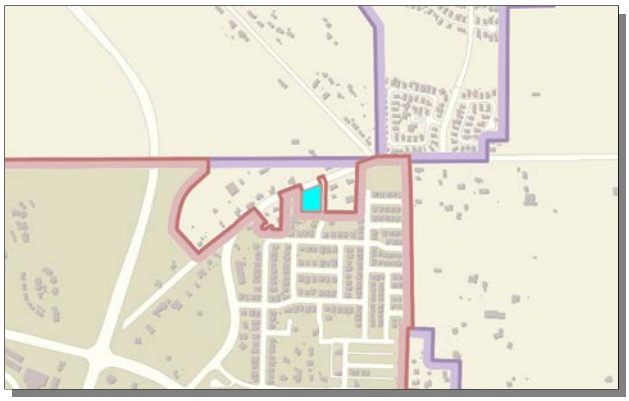
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944
RENEWAL DATE: 1/1/2018

DEAN CUNNINGHAM
14530 MAPLELANE RD
OREGON CITY, OREGON
97045

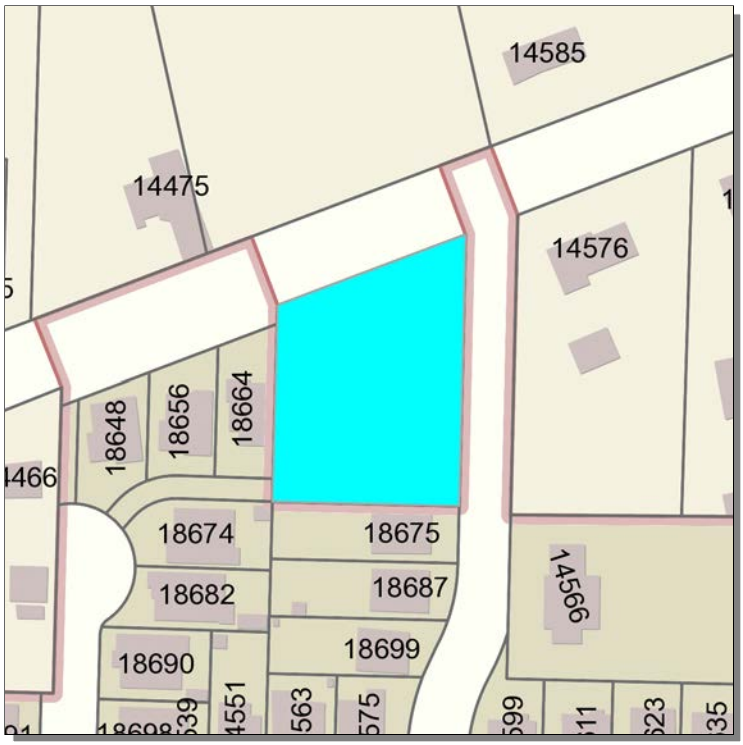
SUPPLEMENTAL SURVEY

Taxlot Detail Report

Taxlot: 3-2E-04DB-00500



Overview Map



Taxlot highlighted in blue

Taxlot Information

APN: 3-2E-04DB-00500

Alt ID: 00842789

Site Address: 14530 S MAPLELANE RD
OREGON CITY, OR 97045

Year Built: 1966

Taxpayer Information

Taxpayer: *Suppressed*

Address: *Suppressed*

Reference Information

Parcel Area (acres - approx): 0.8

Parcel Area (sq. ft. - approx): 32,670

Twn/Rng/Sec: 03S 02E 4

Tax Map Reference: 32E04DB

Values

Mkt Values as of: 01/05/2016

Land Value (Mkt): $141,711

Building Value (Mkt): $136,740

Exempt Amount: $0

Net Value (Mkt): $278,451

Note: These are Market, NOT Assessed values.

Assessed Value: $193,014

Planning Designations

Zoning: County
- County

Comprehensive Plan: Ir
- Residential - Low Density

Subdivision: WESTOVER ACRES

PUD (if known):

Neighborhood Assn:

Urban Renewal District: Not in an urban renewal district

Concept Plan: Not in a concept plan area

Historic District: Not in a historic district

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In High Water Table Area? N

In Nat. Res. Overlay District (NROD)? N

In 1996/FEMA 100 Yr Floodplain? N

In Sewer Moratorium Area? N

In Thayer Pond Fee Area? Y

In Beavercreek Rd Access Plan Area? N

In Barlow Trail Corridor? N

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.

Report generated 3/10/2016 12:12 PM

City of Oregon City
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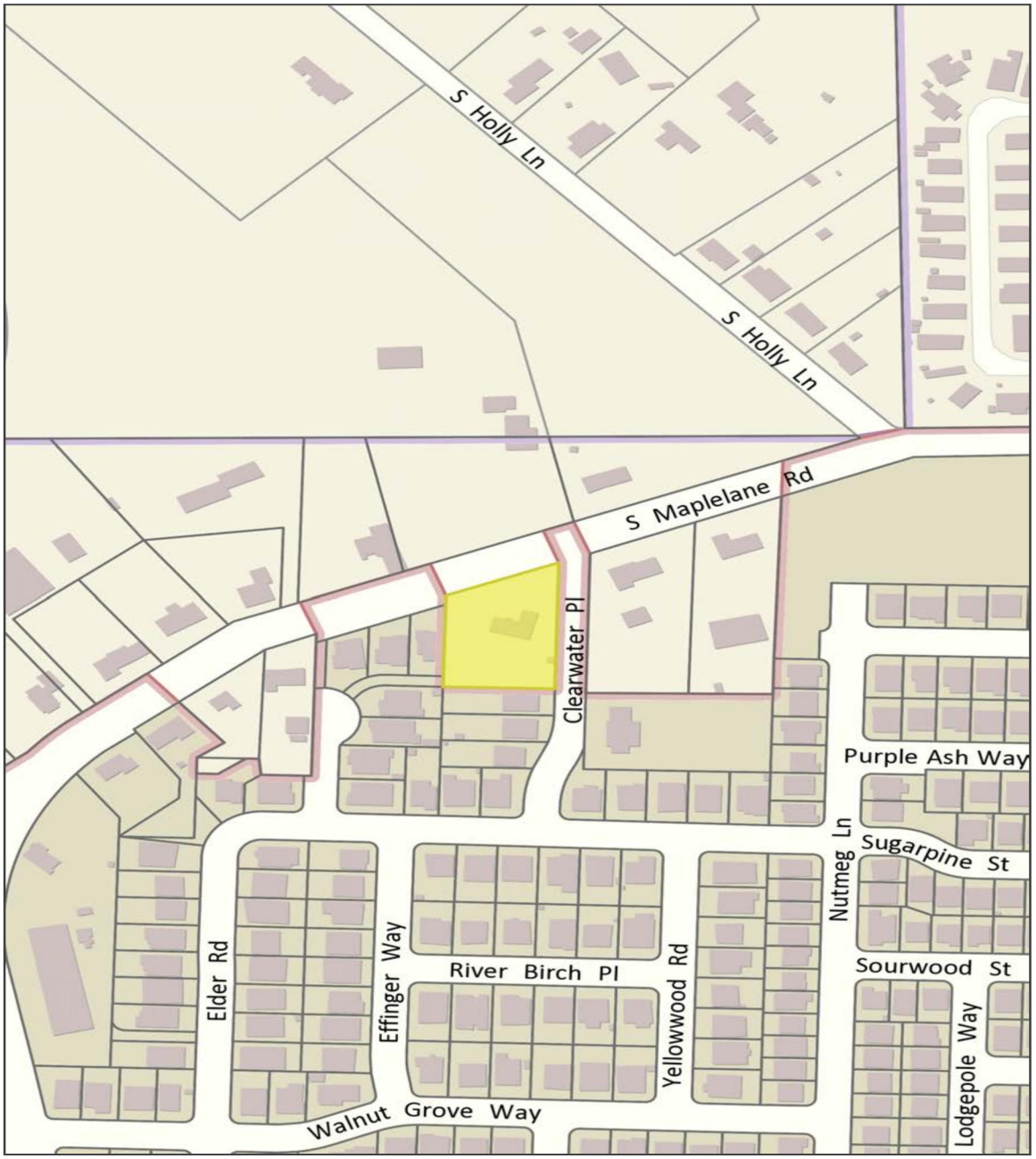
www.orcity.org



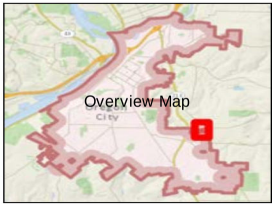
Unimproved ROW

City Limits

UGB

Basemap

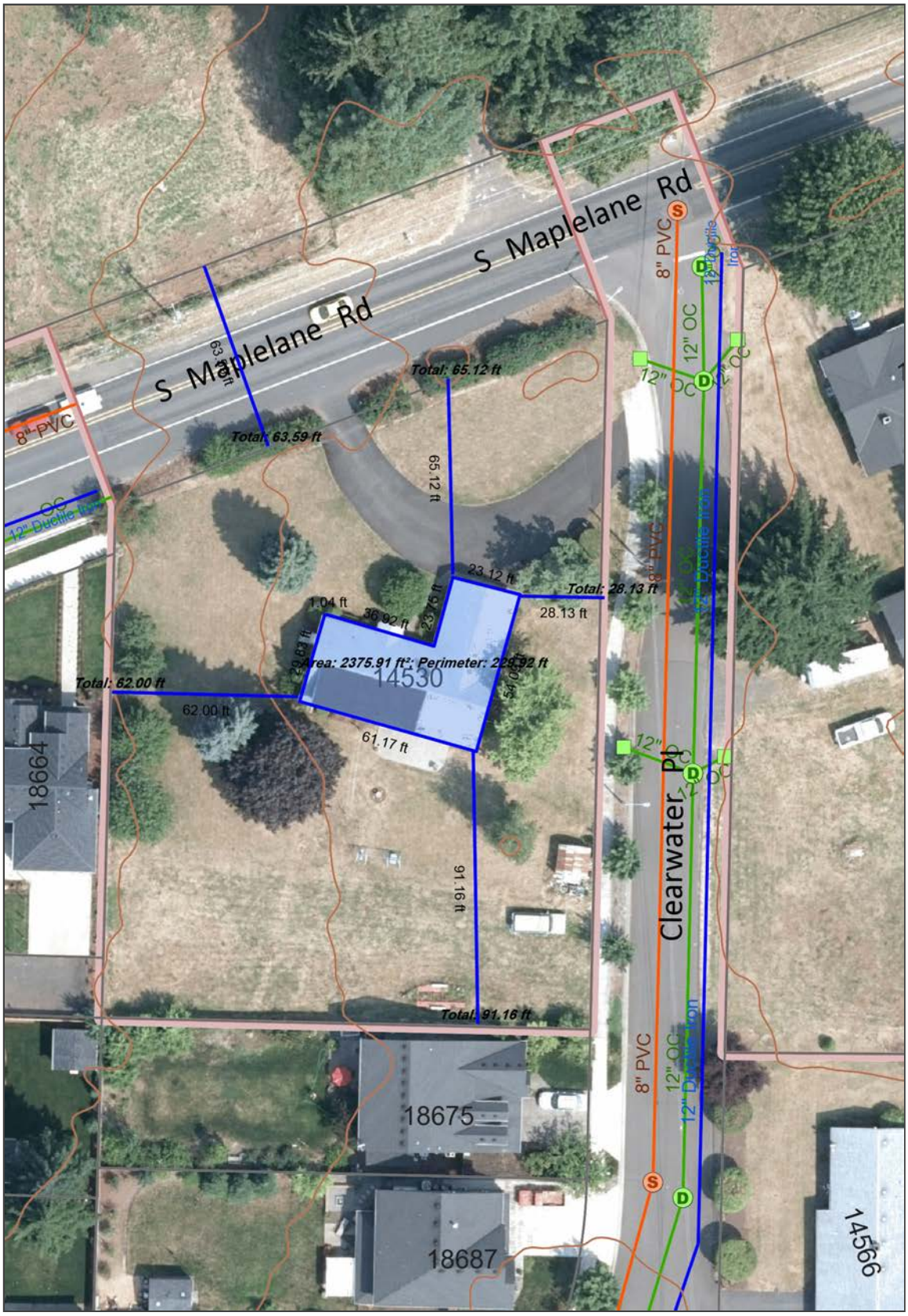
Notes



The City of Oregon City makes no representations,

City of Oregon City

Oregon City GIS Map

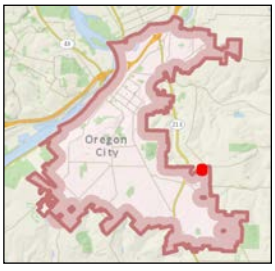


Legend

- Contours (2ft) - 1:3,600 and clc
  - 10 foot
  - 2 foot
- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants
- Water Pipes (City Owned)
- Sewer Structures (City Owned)
- Sewer Pipes (City Owned)
  - Gravity Line
  - Force Main
  - Outfall
- Storm Structures (City Owned)
  - Manhole
  - Inlet
  - Outlet
- Storm Conduits (City Owned)
  - Pipe
  - Culvert
  - Ditch
  - Detention Tank
- Storm Ponds
  - Pond
  - Swale
  - Man-Made Wetland
- City Limits
- UGB
- Basemap

Notes

Overview Map



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N

0 50 Feet

1: 599

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

Map created 3/10/2016

CLACKAMAS COUNTY

MIKE MCCALLISTER, MANAGER
SEPTIC AND ONSITE WASTEWATER SYSTEMS PROGRAM

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

SEWER AVAILABILITY WORK SHEET

DATE: _____ **PERMIT/SERVICE NO.:**_____

SECTION 1

APPLICANT INFORMATION

1. Property Address: 14530 S Maplelane RD

   City, Zip: _____

   Township: _____ Range: _____ Section: _____ Tax Lot #:_____

2. Name of Applicant: _____ Telephone #: _____

   Mailing Address: _____

   City, Zip: _____

3. Describe type of facility the on-site sewage system will serve (business, residence or other):

   ❑ Single Family Residence ❑ Business ❑ Other: _____

4. Type of on-site sewage system permit application being proposed for this property:

   ❑ New Installation Permit ❑ Repair Permit ❑ Alteration Permit

   ❑ Non water-carried facility requests (pit privy, vault toilets for campgrounds)

SECTION 2

TO BE FILLED OUT BY SEWER DISTRICT, CITY ENGINEERING, PUBLIC WORKS DEPARTMENT OR OTHER SEWER ADMINISTRATIVE BODY

SANITARY SEWER AVAILABILITY

OAR 340-071-0160 requires a permit application for onsite sewage disposal be denied if:
A sewerage system which can serve the proposed sewage flow is both legally and physically available.

* *Physical Availability*: A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:

• For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than 450 gallons, within 300 feet;

• For a proposed subdivision or group of two to five single family dwellings, or equivalent projected daily sewage flow, not further than 200 feet multiplied by the number of dwellings or dwelling equivalents;

• For proposed subdivisions or other developments with more than five single family dwellings, or equivalents, the county agent shall make a case-by-case determination of sewerage availability.

EXCEPTION: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

* *Legal Availability*: A sewerage system shall be deemed legally available if the system is not under a DEQ connection permit moratorium, *and the sewerage system owner is willing or obligated to provide sewer service.*

10. Is a sewerage system physically available and legally available to serve this property?

Physically available: ❑YES ❑ NO

Legally available: ❑YES ❑ NO

Distance from property to nearest accessible service line in feet: _____

Reason sewer is not available (if either "No" is check above): _____

_____

SEWER ADMINISTRATOR SIGNATURE:

Print name: _____

Title:_____ Contact Number: _____

Signature:_____ Date: _____

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E. Chris C. Fischborn, P.L.S. Ronald b. Sellards, P.E.

3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795
FAX: 503-233-7889
Email: chris@ztecengineers.com

Dean Cunningham
Annexation Tract

Exhibit "A"

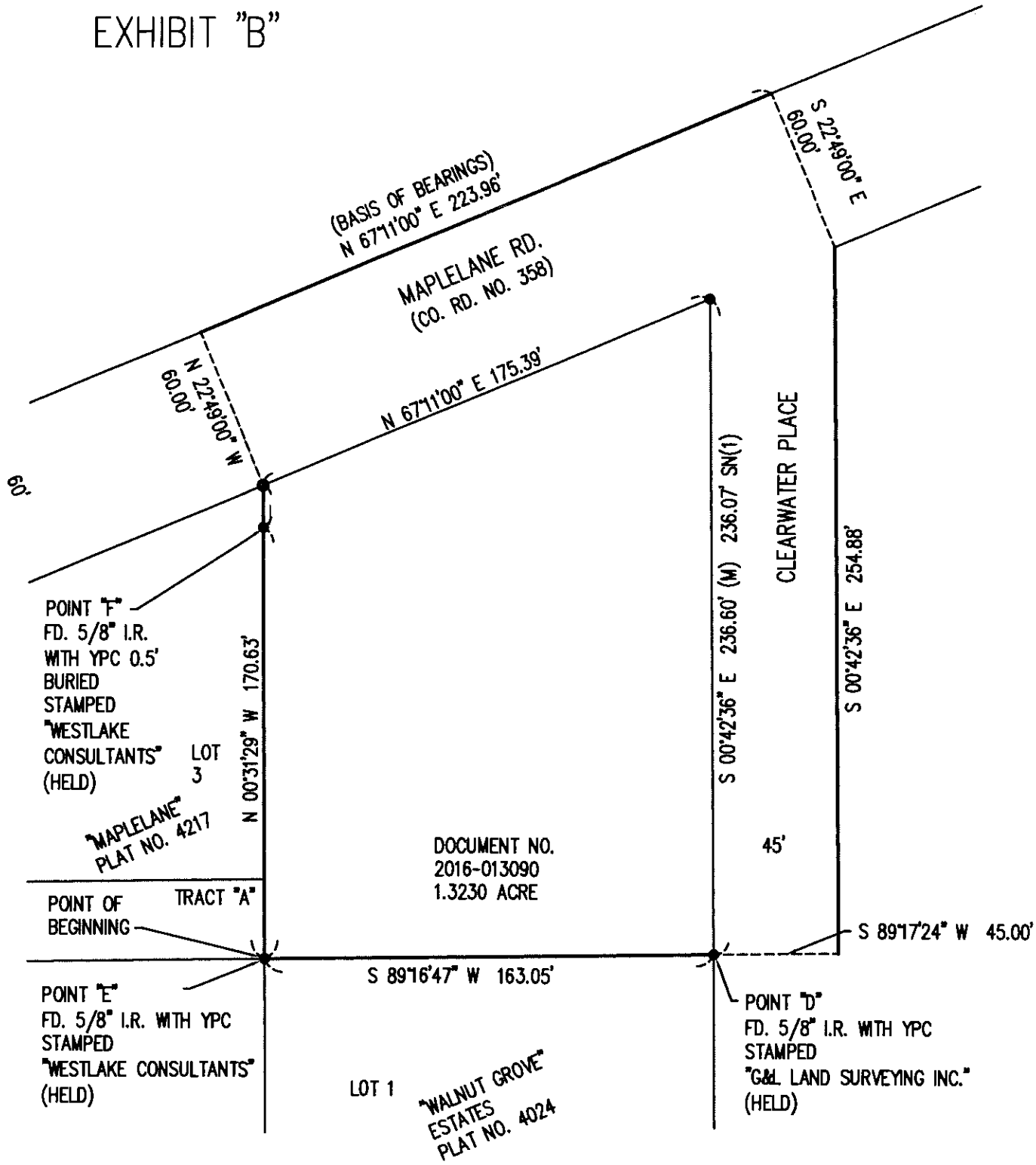
A Tract of land being all of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records and being a portion of Maplelane Road and a portion of Clearwater Place , all located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the Easterly line of said "Maplelane", a distance of 170.63 feet to a point on the Southeasterly right-of-way line of Maplelane Road; thence North 22°49'00" West, a distance of 60.00 feet to a point on the Northwesterly right-of-way line of said "Maplelane Road; thence North 67°11'00" East, along said Northwesterly right-of-way line, a distance of 223.96 feet to a point; thence South 22°49'00" East, a distance of 60.00 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 254.88 feet to a point; thence South 89°17'24" West, a distance of 45.00 feet to 5/8 inch iron rod with yellow plastic cap stamped "G&L LAND SURVEYING, INC" found on the West right-of-way line of said Clearwater Place, said point also being the Southeast corner of said Document No. 2016-013090 and on the North line of the plat of "Walnut Grove Estates"; thence South 89°16'47" West, along said North line of said Walnut Grove Estates, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 1.3230 acres more or less.

The basis of bearings for this description is the Plat of "Westover Acres".

EXHIBIT "B"

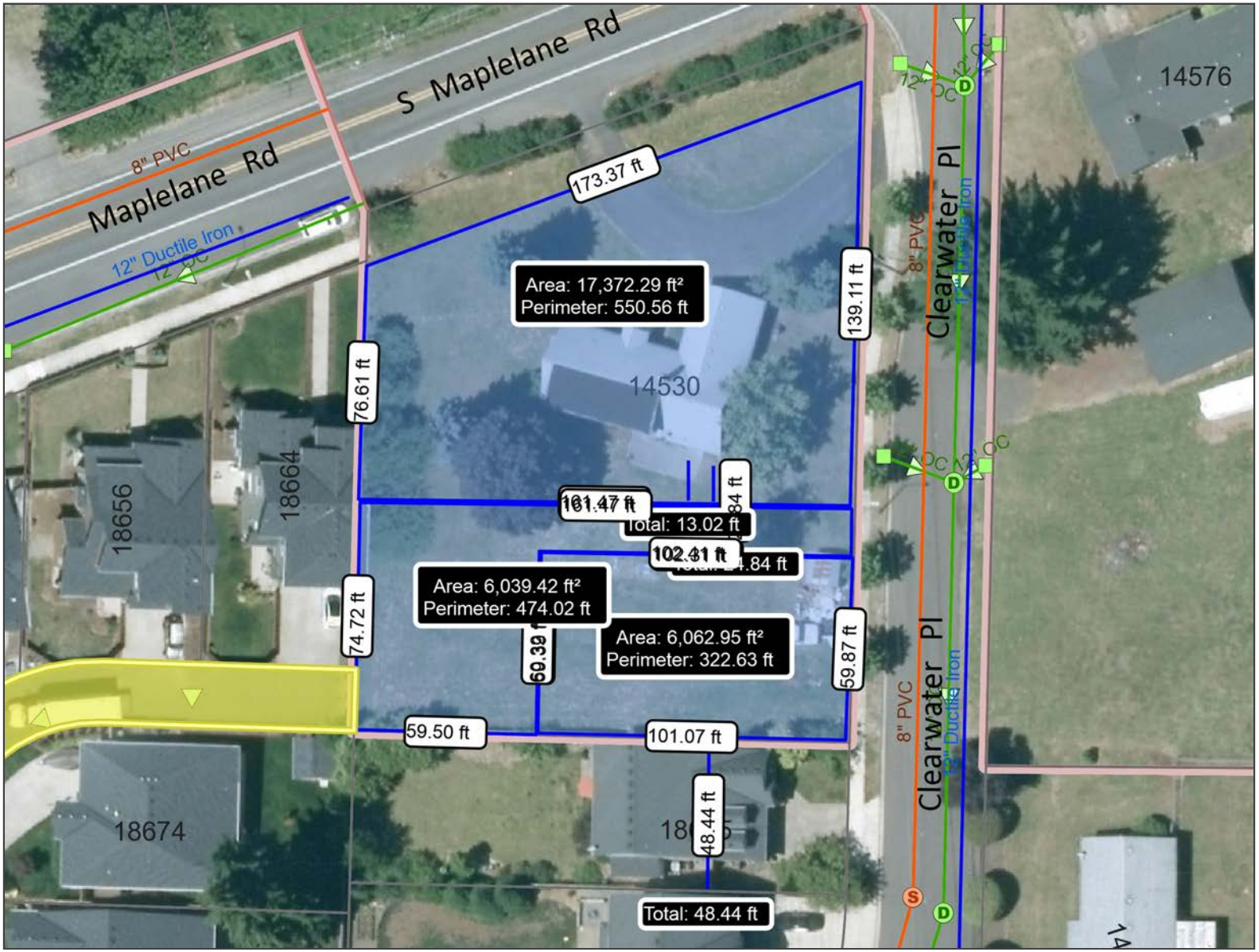


NOTE;
YPC - DENOTES YELLOW PLASTIC CAP

LOCATED IN THE S.E. 1/4 SECTION 4,
T.3S., R.2E., W.M., CLACKAMAS COUNTY, OREGON

TITLE: EXHIBIT - ANNEXATION	ZTec ENGINEERS, INC. 3880 S.E. 8TH AVE., SUITE 280 PORTLAND, OREGON 97202 (503) 235-8795
PLOT DATE: 11/22/17	
FILE: 17-4383-1	
CLIENT: DEAM CUNNINGHAM / SHEET: 1	

Oregon City GIS Map



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants
- Water Pipes (City Owned)
- Sewer Structures (City Owned)
- Sewer Pipes (City Owned)
  - Gravity Line
  - Force Main
  - Outfall
- Storm Structures (City Owned)
  - Manhole
  - Inlet
  - Outlet
- Storm Conduits (City Owned)
  - Pipe
  - Culvert
  - Ditch
  - Detention Tank

Notes

Overview Map

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 2/7/2018

N

0 50 100 Feet

1: 600

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

tyler
TECHNOLOGIES

City of Oregon City
Permit Receipt
RECEIPT NUMBER 00038243

Account Number: 020662 **Date:** 1/22/2018

Applicant: GREGORY DEAN CUNNINGHAM

Type: charge # 2

Permit Number	Fee Description	Amount
PA-18-0007	4332 Pre-App Fee	574.00
	Total:	$574.00

From: Rogers, Wes
To: Carlos Callava
Subject: Re: PA 18-07 Annexation on Maplelane Road
Date: Monday, January 22, 2018 3:59:43 PM

All public schools for this property have capacity to accommodate any students that eventually may reside at this address.
..wes rogers

On Mon, Jan 22, 2018 at 3:52 PM, Carlos Callava <ccallava@orcity.org> wrote:

> Good afternoon,
>
> Please join us for a pre-application conference to discuss an emergency sewer annexation on Maplelane Road. The applicant's previous pre-app has expired (PA 16-12). The subject property is located at 14530 S Maplelane Road, Clackamas Map 3-2E-04DB, Tax Lot 00500. Please provide your comments by January 31, 2018.
>
> Thank you.
>
> **Carlos Callava**
> **Assistant Planner**
> **Planning Division**
> City of Oregon City
> PO Box 3040
> 221 Molalla Avenue, Suite 200
> Oregon City, Oregon 97045
> Direct - 503.496-1562
> Planning Division - 503.722.3789
> Fax 503.722.3880
>
> **Website:** www.orcity.org | webmaps.orcity.org | Follow us on: Facebook!|Twitter
> Think **GREEN** before you print.
>
> Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.
> PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--
Wes Rogers, Director of Operations
503-785-8426
wes.rogers@orecity.k12.or.us
Oregon City School District
PO Box 2110
Oregon City, OR 97045

From:	Carr, Erik
To:	Carlos Callava
Cc:	Pete Walter
Subject:	Declined: PA 18-07 Annexation on Maplelane Road
Start:	Wednesday, February 07, 2018 10:00:00 AM
End:	Wednesday, February 07, 2018 12:00:00 PM
Location:	221 Molalla Avenue, Suite 200, Oregon City, Oregon 97045
Attachments:	TCSD Packet Oct 2009.pdf

Carlos –
I'm unable to attend this pre-app. Please inform the applicant that, in order to receive sanitary sewer service, they must annex into both the City of Oregon City and the Tri-City Service District. I've attached the TCSD annexation packet. Any questions can be directed to either Rob Hungerford (robhun@co.clackamas.or.us <mailto:robhun@co.clackamas.or.us> , 503-742-4576) or myself (ecarr@clackamas.us <mailto:ecarr@clackamas.us> , 503-742-4571).
Regards,
Erik Carr
Development Review Specialist
Water Environment Services

The Confederated Tribes of the Grand Ronde Community of Oregon

Historic Preservation Department
Phone (503) 879-2185
1-800 422-0232
Fax (503) 879-2126

8720 Grand Ronde Rd
Grand Ronde, OR 97347

February 12, 2018

Carlos Callava
Assistant Planner, Planning Division
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

RE: Development Review in Oregon City -- Multiple Projects

Greetings Carlos,

The Confederated Tribes of Grand Ronde have received and reviewed the following Oregon City Projects: PA 18-01, PA 18-03, PA 18-04, PA 18-05, PA 18-06, PA 18-07, PA 18-08, PA 18-09, and PA 18-010.

We request that an Inadvertent Discovery Plan (IDP) be in place for all projects with ground disturbing activities. Due to concerns with ground disturbing activities in areas that are within areas of high probability for cultural resources, we recommend a cultural resource inventory be undertaken prior to action on the following projects: PA 18-04, PA 18-05, PA 18-06, PA 18-08 and PA 18-09.

Should you have any questions, feel free to contact me at (503) 879-1675.

Respectfully,

Christopher Bailey
Cultural Protection Specialist
Cultural Protection
Historic Preservation
Confederated Tribes of the Grand Ronde Community of Oregon

chris.bailey@grandronde.org
503-879-1665

Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org

February 9, 2018

Mr. Carlos Callava
City of Oregon City
221 Molalla Ave, Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 18-0170
City of Oregon City, Single family residence
single family residence
3S 2E 4, Oregon City, Clackamas County

Dear Mr. Callava:

Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Jamie French, M.A.
SHPO Archaeologist
(503) 986-0729
Jamie.French@oregon.gov

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	☒ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	☒ Minor Partition (<4 lots)	❑ Conditional Use
❑ Site Plan and Design Review	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	❑ Variance
	❑ Natural Resource (NROD) Review	☒ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Annexation into Oregon City, Zone Change to R-6 and 3 lot partition

Project Name: Cunningham Annexation Number of Lots Proposed (If Applicable): 3

Physical Address of Site: 14530 S. Maplelane Road

Clackamas County Map and Tax Lot Number(s): 3 2E 04DB 3 2E 04DB 00500

Applicant(s):

Applicant(s) Signature: [signature]

Applicant(s) Name Printed: Dean Cunningham Date: _____

Mailing Address: 14530 S. Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: _____ Email: kandcdean@gmail.com

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: Dean Cunningham Date: _____

Mailing Address: 14530 S Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: _____ Email: kandcdean@gmail.com

Representative(s):

Representative(s) Signature: [signature]

Representative (s) Name Printed: Debbie Cleek - The Bookin Group Date: 8/2/18

Mailing Address: 1140 SW 11th Ave, Suite 500 Portland, OR 97205

Phone: 503-787-3211 Fax: _____ Email: cleek@bookingroup.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.

OREGON CITY
Community Development – Planning
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

AUG 6 2:11PM

AUG 6 2:11PM

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

Type II (OCMC 17.50.030.B)
- ☐ Extension
- ☐ 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): AN-18-02 / ZC-18-01 / MP-18-04

Proposed Land Use or Activity: Annexation into Oregon City, Zone Change to R-6 and 3 lot partition

Project Name: Cunningham Annexation Number of Lots Proposed (If Applicable): 3

Physical Address of Site: 14530 S. Maplelane Road

Clackamas County Map and Tax Lot Number(s): 32E04DB 32E04DB00500

Applicant(s):

Applicant(s) Signature:

Applicant(s) Name Printed: Dean Cunningham Date:

Mailing Address: 14530 S. Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: Email: kandcdean@gmail.com

Property Owner(s):

Property Owner(s) Signature:

Property Owner(s) Name Printed: Dean Cunningham Date:

Mailing Address: 14530 S. Maplelane Road Oregon City, OR 97045

Phone: 503-819-4211 Fax: Email: kandcdean@gmail.com

Representative(s):

Representative(s) Signature: Debbie Cleek

Representative (s) Name Printed: Debbie Cleek - The Booking Group Date: 8/2/18

Mailing Address: 1140 SW 11th Ave, Suite 500 Portland, OR 97205

Phone: 503-781-3211 Fax: Email: dleek@bookingroup.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.

Attachment B - Annexation Petition

PETITION OF OWNERS OF 100 % OF LAND AND PETITION OF A MAJORITY OF REGISTERED VOTERS

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

CITY OF OREGON CITY

ANNEXATION PETITION

By signing below I indicate my consent to and support of being annexed into the City of Oregon City, and my consent for having my signature (below) used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

SIGNATURE	PRINTED NAME	I AM A *			ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	1/4 SEC	TWNSHP	RANGE		
	Gregory Dean Cunningham			✓	14530 Mapleline Rd	500	DB	3 2E	04		

* PO = Property Owner
RV = Registered Voter
OV = Owner and Registered Voter

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E. Chris C. Fischborn, P.L.S. Ronald b. Sellards, P.E.

3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795
FAX: 503-233-7889
Email: chris@ztecengineers.com

Dean Cunningham
Annexation Tract

Exhibit "A"

A Tract of land being all of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records and being a portion of Maplelane Road and a portion of Clearwater Place , all located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the Easterly line of said "Maplelane", a distance of 170.63 feet to a point on the Southeasterly right-of-way line of Maplelane Road; thence North 22°49'00" West, a distance of 60.00 feet to a point on the Northwesterly right-of-way line of said "Maplelane Road; thence North 67°11'00" East, along said Northwesterly right-of-way line, a distance of 223.96 feet to a point; thence South 22°49'00" East, a distance of 60.00 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 254.88 feet to a point; thence South 89°17'24" West, a distance of 45.00 feet to 5/8 inch iron rod with yellow plastic cap stamped "G&L LAND SURVEYING, INC" found on the West right-of-way line of said Clearwater Place, said point also being the Southeast corner of said Document No. 2016-013090 and on the North line of the plat of "Walnut Grove Estates"; thence South 89°16'47" West, along said North line of said Walnut Grove Estates, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 1.3230 acres more or less.

The basis of bearings for this description is the Plat of "Westover Acres".

TD
8/6/18

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Terry Donovan

TITLE GIS Cartographer 2

DEPARTMENT A+T

COUNTY OF Clackamas

DATE 8/6/18

* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 32E04DB) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Terry Donovan

TITLE GIS Cartographer 2

DEPARTMENT A&T

COUNTY OF Clackamas

DATE 8/6/18

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Jennifer Wessels

TITLE Deputy Clerk

DEPARTMENT Elections

COUNTY OF Clackamas

DATE 8/6/18

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: _____

COUNTY OF CLACKAMAS 18 43 STATE OF OREGON

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E. Chris C. Fischborn, P.L.S. Ronald b. Sellards, P.E.

3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795
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Dean Cunningham
Annexation Tract

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Said Tract of land contains an area of 1.3230 acres more or less.

The basis of bearings for this description is the Plat of "Westover Acres".

32E04B 02800
Honeycutt Phyllis E (Trustee)
17731 S Holly Ln
Oregon City, OR 97045

32E04B 02802
Honeycutt Phyllis E (Trustee)
17731 S Holly Ln
Oregon City, OR 97045

32E04B 02890
Honeycutt Phyllis E (Trustee)
17731 S Holly Ln
Oregon City, OR 97045

32E04B 02892
Phyllis Honeycutt
17731 S Holly Ln
Oregon City, OR 97045

32E04C 00100
Rocky Younger
Po Box 1337
Oregon City, OR 97045

32E04C 00203
Joseph & Kelaine Armato
14455 Maple Lane Rd
Oregon City, OR 97045

32E04C 00204
Theodore & Linda Ragsdale
14457 Maple Lane Rd
Oregon City, OR 97045

32E04C 01900
Northwest Investment Holdings Llc
Po Box 1152
Gig Harbor, WA 98335

32E04C 02001
Stone Cliff Properties Llc
1826 NE Broadway St
Portland, OR 97232

32E04CD04100
Joseph & Becky Sharpe
14503 Sugarpine St
Oregon City, OR 97045

32E04CD04200
Sherrie Fish
18691 Whitehorse Ct
Oregon City, OR 97045

32E04DB00100
Gary Boom
14594 Maple Lane Rd
Oregon City, OR 97045

32E04DB00200
Karen James
14576 Maple Lane Rd
Oregon City, OR 97045

32E04DB00300
Joni Sayre
14566 Maple Lane Rd
Oregon City, OR 97045

32E04DB00500
Gregory Cunningham
14530 Maple Lane Rd
Oregon City, OR 97045

32E04DB00601
Dan Cruz
18648 Whitehorse Ct
Oregon City, OR 97045

32E04DB00602
Michelle Detour
18656 Whitehorse Ct
Oregon City, OR 97045

32E04DB00603
Brian Anderson
18664 Whitehorse Ct
Oregon City, OR 97045

32E04DB00604
John & Martha Rush
18674 Whitehorse Ct
Oregon City, OR 97045

32E04DB00605
Rebecca & Ricky Krueger
18682 Whitehorse Ct
Oregon City, OR 97045

32E04DB00606
Daniel & Linda Hill
18690 Whitehorse Ct
Oregon City, OR 97045

32E04DB00607
Eric & Suzanne Larson
18698 White Ln
Oregon City, OR 97045

32E04DB00608
Michael Day & Marie Angela
14551 Sugarpine St
Oregon City, OR 97045

32E04DB00609
Brian Anderson
18664 Whitehorse Ct
Oregon City, OR 97045

32E04DB00610
City Of Oregon City
Po Box 3040
Oregon City, OR 97045

32E04DB00700
Michael & Andra Koller
18675 Clearwater Pl
Oregon City, OR 97045

32E04DB00800
Michael Obrien & Lori Hewitt-Obrien
18687 Clearwater Pl
Oregon City, OR 97045

32E04DB00900
Karen Griggs
18699 Clearwater Pl
Oregon City, OR 97045

32E04DB01000
Colby & Marissa Hyde
14563 Sugarpine St
Oregon City, OR 97045

32E04DB01100
Thomas Garrett
14575 Sugarpine St
Oregon City, OR 97045

32E04DB01200
Steve & Amy Curtiss
14599 Sugarpine St
Oregon City, OR 97045

32E04DB01300
Kevin Alexander & Lynn Kelly
14611 Sugarpine St
Oregon City, OR 97045

32E04DB01400
Brandon Smith
14623 Sugarpine St
Oregon City, OR 97045

32E04DB01500
Jane Pearson
14635 Sugarpine St
Oregon City, OR 97045

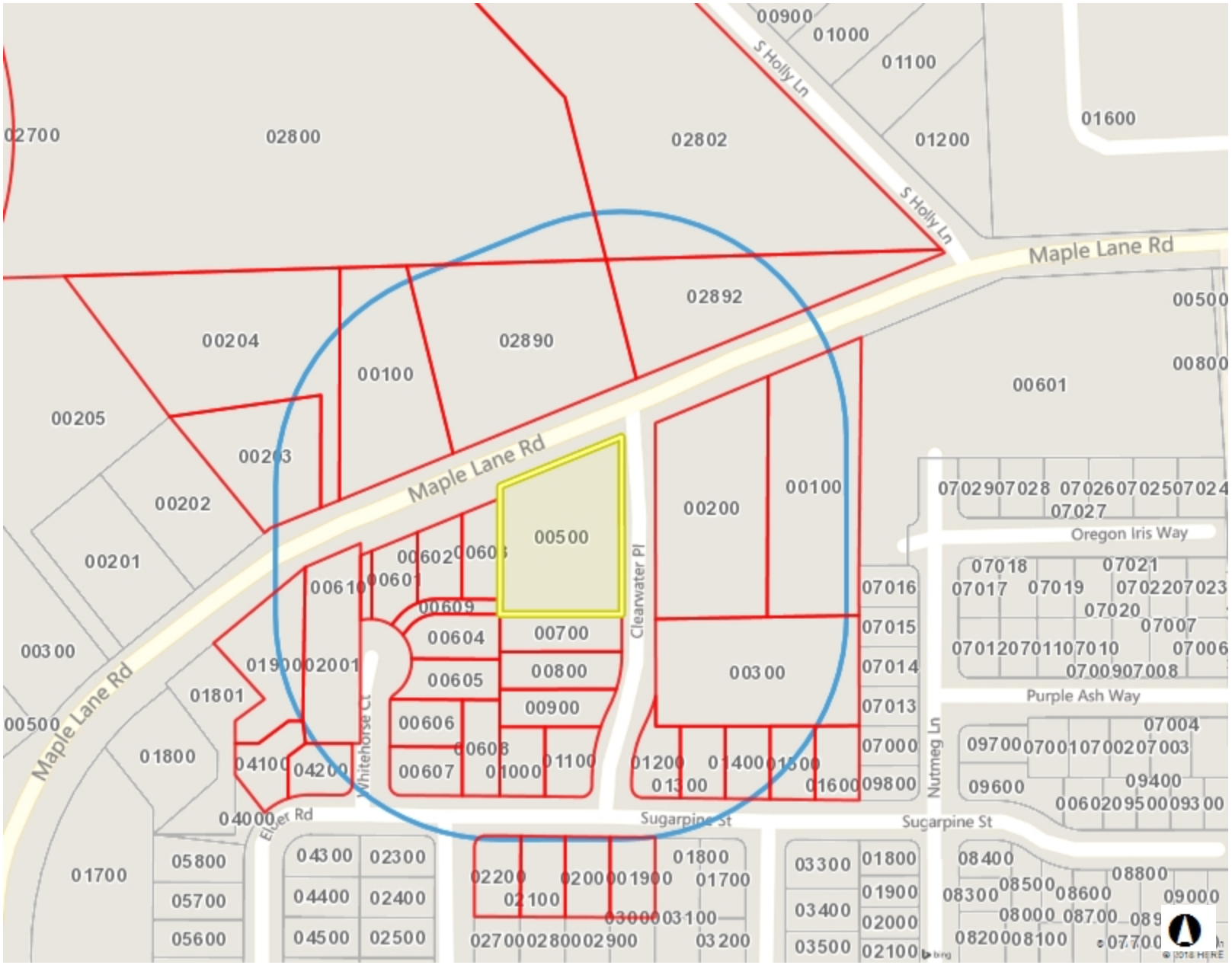
32E04DB01600
Victoria & Wayne Munroe
14647 Sugarpine St
Oregon City, OR 97045

32E04DB01900
Herrmann Judith K (Trustee)
Po Box 2064
Oregon City, OR 97045

32E04DB02000
Justin & Christa Wolfe
14578 Sugarpine St
Oregon City, OR 97045

32E04DB02100
Soon Choi & Sook Yang
14566 Sugarpine St
Oregon City, OR 97045

32E04DB02200
Anthony & Jessica Tautfest
14554 Sugarpine St
Oregon City, OR 97045



0.1 0 0.05 0.1 Miles

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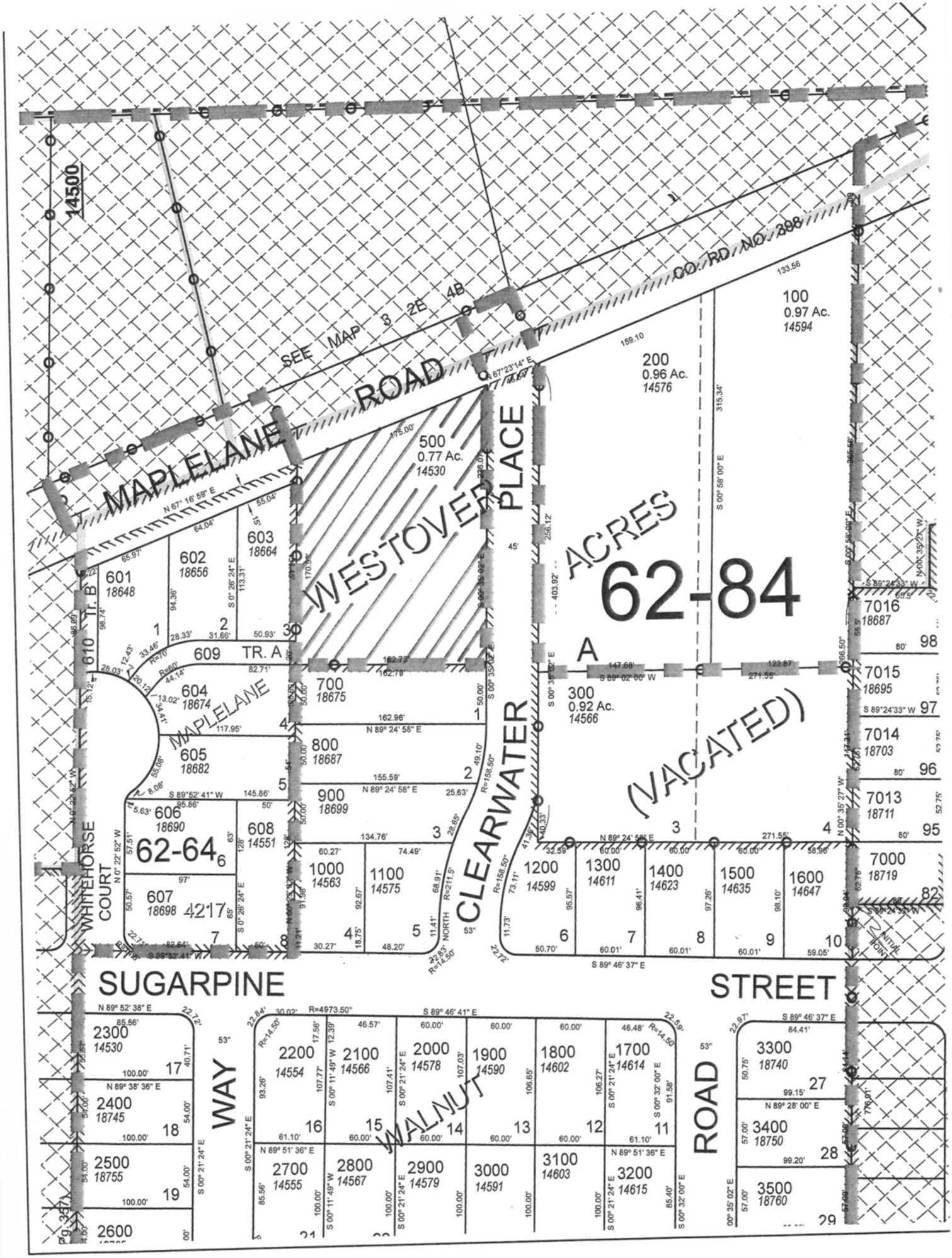
First American Title™

☐ Taxlot

7/18/2018

Notes


14500
SEE MAP 3 2E 4B
CO. RD. NO. 398
MAPLELANE ROAD
WESTOVER PLACE
CLEARWATER
(VACATED)
62-84 ACRES
100
0.97 Ac.
14594
200
0.96 Ac.
14576
500
0.77 Ac.
14530
300
0.92 Ac.
14566
601
18648
602
18656
603
18664
609 TR. A
610 Tr. B
604
18674
605
18682
606
18690
607
18698
608
14551
700
18675
800
18687
900
18699
1000
14563
1100
14575
1200
14599
1300
14611
1400
14623
1500
14635
1600
14647
7016
18687
7015
18695
7014
18703
7013
18711
7000
18719
62-64
4217
WHITEHORSE COURT
MAPLELANE
SUGARPINE
STREET
WALNUT
WAY
ROAD
2300
14530
2400
18745
2500
18755
2600
2200
14554
2100
14566
2000
14578
1900
14590
1800
14602
1700
14614
2700
14555
2800
14567
2900
14579
3000
14591
3100
14603
3200
14615
3300
18740
3400
18750
3500
18760
INITIAL POINT
Pg. 357

First American

Owner's Policy

Owner's Policy of Title Insurance
ISSUED BY
First American Title Insurance Company
POLICY NUMBER
5011400-2583982

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.

(Covered Risks Continued on Page 2)

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

(This Policy is valid only when Schedules A and B are attached) This Jacket was created electronically and constitutes an original document

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5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection
   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
      (i) to be timely, or
      (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
      (i) the occupancy, use, or enjoyment of the Land;
      (ii) the character, dimensions, or location of any improvement erected on the Land;
      (iii) the subdivision of land; or
      (iv) environmental protection;
      or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

1. DEFINITION OF TERMS
The following terms when used in this policy mean:
(a) “Amount of Insurance”: The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
(b) “Date of Policy”: The date designated as “Date of Policy” in Schedule A.
(c) “Entity”: A corporation, partnership, trust, limited liability company, or other similar legal entity.
(d) “Insured": The Insured named in Schedule A.
(i) The term "Insured" also includes
(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
(C) successors to an Insured by its conversion to another kind of Entity;
(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
(2) if the grantee wholly owns the named Insured,
(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
(e) "Insured Claimant": An Insured claiming loss or damage.
(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land” does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
(j) “Title”: The estate or interest described in Schedule A.
(k) "Unmarketable Title”: Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE
The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT
The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS
In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS
(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY
   (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
   (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
   (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.
10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY
    All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.
11. LIABILITY NONCUMULATIVE
    The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.
12. PAYMENT OF LOSS
    When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.
13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT
    (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
    If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
    (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.
14. ARBITRATION
    Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of $2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.
15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT
    (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
    (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
    (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
    (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.
16. SEVERABILITY
    In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.
17. CHOICE OF LAW; FORUM
    (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.
    Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
    (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.
18. NOTICES, WHERE SENT
    Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way; Santa Ana, CA 92707. Phone: 888-632-1642.

Schedule A

Name and Address of Title Insurance Company:
First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707.

File No.: 7072-2583982

Address Reference: 14530 Maple Lane Road, Oregon City, OR 97045

Amount of Insurance: $320,000.00

Premium: $990.00

Date of Policy: February 25, 2016 at 10:15 a.m.

1. Name of Insured:

   Gregory Dean Cunningham

2. The estate or interest in the Land that is insured by this policy is:

   Fee Simple

3. Title is vested in:

   Gregory Dean Cunningham

4. The Land referred to in this policy is described as follows:

   See Exhibit "A" attached hereto and made a part hereof.

EXCEPTIONS FROM COVERAGE

File No.: 7072-2583982

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

   This exception (#5) is hereby waived without additional cost in accordance with the provisions of the Oregon Title Insurance Rating Manual provision 5.001 A 5 PROVIDED a Lender has been issued a simultaneous title insurance policy on the subject property and to the extent this exception has been eliminated or modified on said Lender's policy.

6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.

7. These premises are within the boundaries of the Clackamas River Water District and are subject to the levies and assessments thereof.

8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

9. Deed of Trust and the terms and conditions thereof.

Loan No.:	1216003044
Grantor/Trustor:	Gregory Dean Cunningham, a married man
Grantee/Beneficiary:	Mortgage Electronic Registration Systems, Inc., acting solely as nominee for United Wholesale Mortgage
Trustee:	Krista L. White, Esq.
Amount:	$210,000.00
Dated:	February 23, 2016
Recorded:	February 25, 2016
Recording Information:	2016-013091

First American

Exhibit A

ISSUED BY
First American Title Insurance Company
POLICY NUMBER
5011400-2583982

File No.: 7072-2583982

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Clackamas, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

A part of Block A of vacated WESTOVER ACRES, in Section 4, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of Lot 2, Block A, vacated WESTOVER ACRES; thence North 67°11' East along the Southerly line of Maplelane Road, 175.00 feet, thence South 0°58' East 236.07 feet; thence South 89°02' West 162.43 feet to the West line of said Lot 2, thence North 0°58' West along said West line 170.93 feet to the point of beginning.

NOTE: This legal description was created prior to January 1, 2008.

OREGON CITY

May 22, 2018
Meeting Date

Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
Kurt + Jane Radtke	28023 Quinault Dr. Oreg city, Or		
Maggie Grant	14950 Coquille CT.		
Darrell + Randi Bennett	15084 Dewannon Way		
Wes Rogers	Oregon City SD		
Dave [illegible]	OC 14935 Quinalt Dr.		
Rocky + Debby Butzer	OC 19346 Rollins St		
Dean Cunningham	14530 Maplelane RD		
Robert Malchow	20153 Woodglen Way		R.MALCHOW@COMCAST.NET
Mike Mitchell			
Gus Carter	19186 Beavercreek Rd	503 656 1376	
Debbie Cleek	1140 SW 11th Ave # 500		
BEV & ART STRAUB	20245 COQUILLE DR	503-650-3323	
Shannon Schiller		503 875 4583	hairbysilver@yahoo.com
Camiam Larson	15025 Saint Andrews Dr	971 808 1425	

P.3

Caufield Neighborhood Association Meeting – May 22, 2018

Cunningham Annexation, Zone Change and Land Division
Summary of Issues Discussed

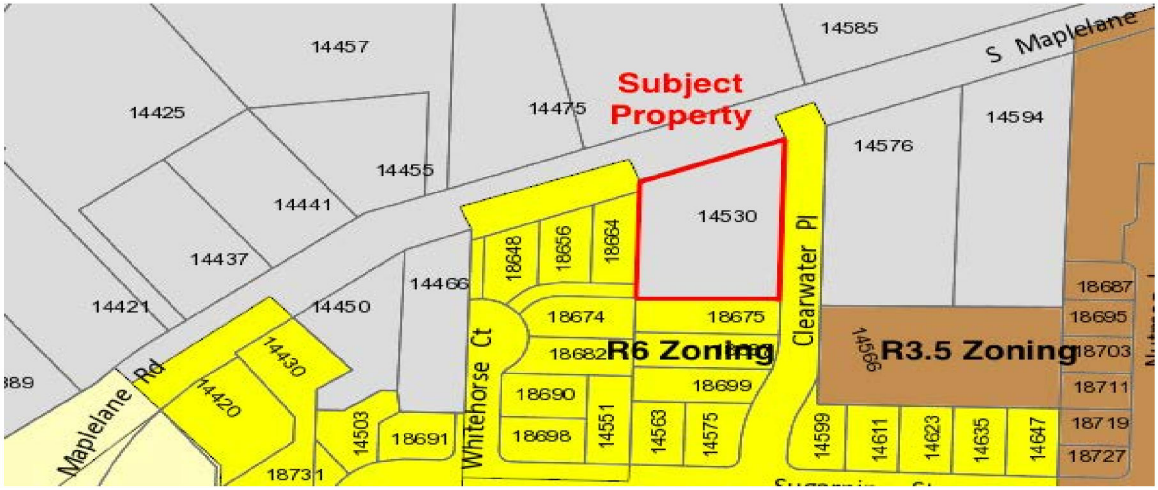
Two exhibits were presented to the meeting attendees: a copy of the aerial photo and zoning map for the subject property; and a preliminary proposal showing how the land would be divided. (attached)

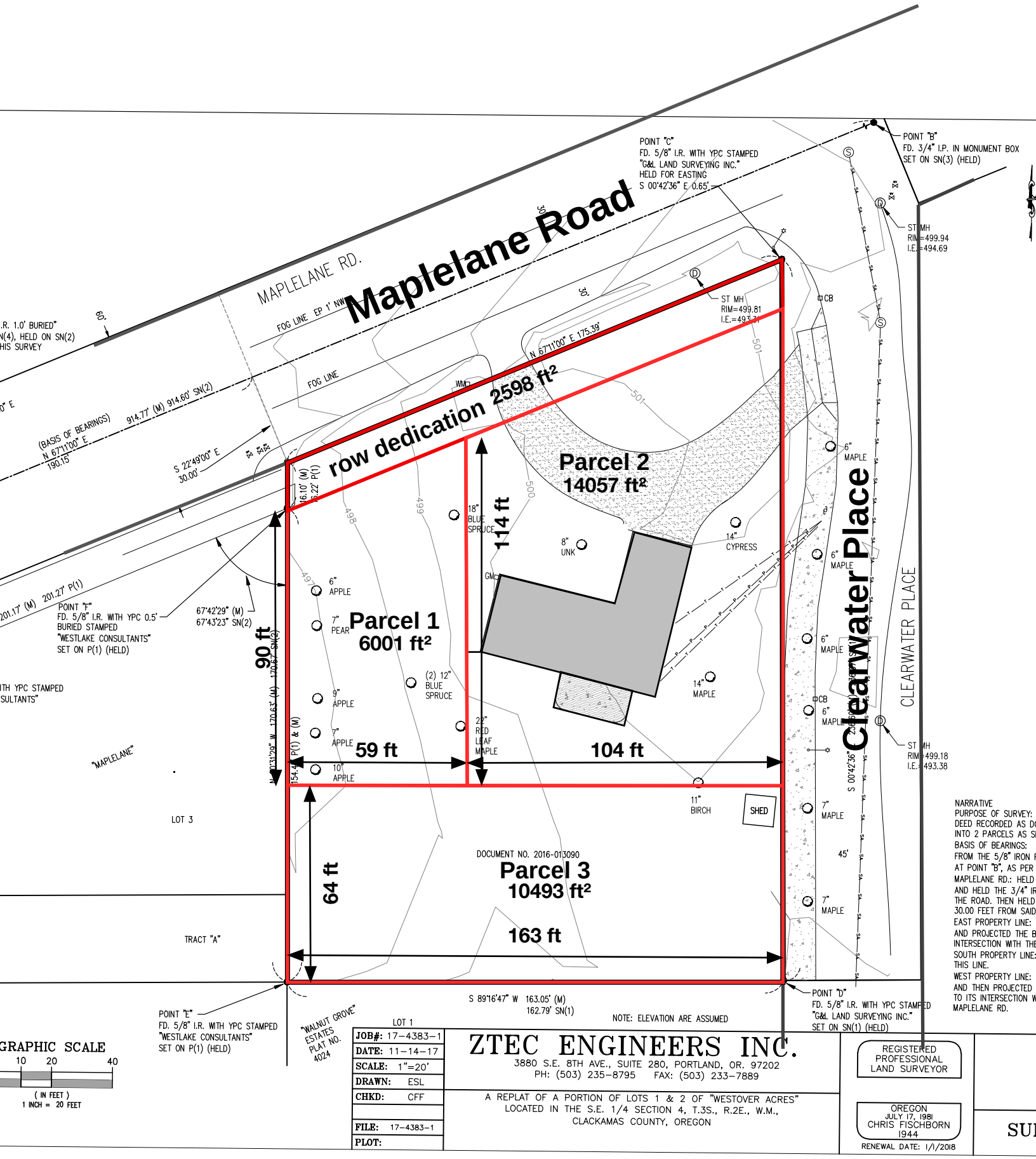
The following questions were raised by the meeting attendees:

- **How big will each of the lots be?** Between 6,000 and 14,000 sf.
- **Will a new sidewalk be installed on Maplelane Road?** Yes.
- **How far back will the new houses have to be set from Maplelane Road?** A minimum of 10 feet, after right-of-way dedication.
- **Will a new water line need to be installed in Maplelane Road?** Yes – it will loop into the waterline in Clearwater Place, providing better fire protection for the area.
- **What will the design of the new houses look like?** This is not known at this time, but the City does have design standards that will have to be met.
- **Will the lots be sold individually?** Yes.
- **Why is the land division not being developed to the maximum density?** Because the location of the existing house on the lot, which will be preserved, prevents it.
- **Will all of the utilities be required to be underground?** Yes.

The attendees motioned to support the proposal, and the motion was seconded. The new sidewalk on Maplelane Road and improved fire protection from the water line extension and loop were seen as positive changes for the neighborhood.

Request for Annexation, Zone Change to R6 and 3-lot Land Division





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EAST PROPERTY LINE:
AND PROJECTED THE B
INTERSECTION WITH THE
SOUTH PROPERTY LINE:
THIS LINE.
WEST PROPERTY LINE:
AND THEN PROJECTED
TO ITS INTERSECTION W
MAPLELANE RD.

JOB#:	17-4383-1
DATE:	11-14-17
SCALE:	1"=20'
DRAWN:	ESL
CHKD:	CFF
FILE:	17-4383-1
PLOT:	

ZTEC ENGINEERS INC.
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PH: (503) 235-8795 FAX: (503) 233-7889

A REPLAT OF A PORTION OF LOTS 1 & 2 OF "WESTOVER ACRES"
LOCATED IN THE S.E. 1/4 SECTION 4, T.3S., R.2E., W.M.,
CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944
RENEWAL DATE: 1/1/2018

SU

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E. | Chris C. Fischborn, P.L.S. | Ronald b. Sellards, P.E.

3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795
FAX: 503-233-7889
Email: chris@ztecengineers.com

Dean Cunningham
Parcel 1

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:
Commencing at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 63.50 feet to a point; thence continuing along said East line, North 00°31'29" West a distance of 90.92 feet to a point; thence North 67°11'00" East a distance of 63.12 feet to a point; thence South 00°31'29" East, parallel with said East line of said "Maplelane", a distance of 114.66 feet to a point; thence South 89°16'47" West a distance of 58.40 feet to the true point of beginning of the Tract of land herein described.
Said Tract of land contains an area of 6002 square feet more or less.

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

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Dean Cunningham
Parcel 2

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:
Commencing at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, on the East line of said "Maplelane", a distance of 63.50 feet to a point; thence North 89°16'47" East a distance of 58.40 feet to the true point of beginning of the Tract of land herein described; thence North 00°31'29" West a distance of 114.66 feet to a point; thence North 67°11'00" East a distance of 112.33 to a point on the West right-of-way line of Clearwater Place; thence South 00°42'36" East, along said West right-of-way line, a distance of 156.91 feet to a point; thence South 89°16'47" West a distance of 104.44 feet to the true point of beginning of the Tract of land herein described.
Said Tract of land contains an area of 14,152 square feet more or less.

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

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Dean Cunningham
Parcel 3

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:
Beginning at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 63.50 feet to a point; thence North 89°16'47" East a distance of 162.84 feet to a point on the West right-of-way line of Clearwater Place; thence South 00°42'36" East, along said West right-of-way line, a distance of 63.50 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "G&L LAND SURVEYING INC." at the Northeast corner of lot 1 of the Plat of "Walnut Grove"; thence South 89°16'47" West, along the North line of said Lot 1, a distance of 163.05 feet to the true point of beginning of the Tract of land herein described. Said Tract of land contains an area of 10,347 square feet more or less.

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E. Chris C. Fischborn, P.L.S. Ronald b. Sellards, P.E.

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Portland, OR 97202
503-235-8795
FAX: 503-233-7889
Email: chris@ztecengineers.com

Dean Cunningham
Right-of-way Dedication

A Tract of land being a portion of that tract of land described in that deed recorded as Document No. 2016-013090, Clackamas County Deed Records, located in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:
Commencing at a 5/8 inch rod with a yellow plastic cap stamped 'Westlake Consultants" found at the Southeast corner of Tract "A" of the plat of 'Maplelane", said point being the Southwest corner of said Document No. 2016-013090; thence North 00°31'29" West, along the East line of said "Maplelane", a distance of 154.41 feet to the true point of beginning of the Tract of land herein described; thence continuing along said East line of said "Maplelane" North 00°31'29" West a distance of 16.21 feet to a point on the Southerly right-of-way line of Maplelane Rd.; thence North 67°11'00" East, along said Southerly right-of-way line, a distance of 175.39 feet to a point on the East right-of-way line of Clearwater Place; thence South 00°42'36" East, along said East right-of-way line, a distance of 16.19 feet to a point; thence South 67°11'00" West, parallel with said Southerly right-of-way line of said Maplelane Rd., a distance of 175.45 feet to the true point of beginning of the Tract of land herein described.
Said Tract of land contains an area of 2631 square feet more or less.

Attachment K - Tax Receipt

2017 CLACKAMAS COUNTY REAL PROPERTY TAX STATEMENT

Account: 00842789 **Alternate Property Number:** 32E04DB00500

TCA: 062-084

Legal Desc: Section 04 Township 3S Range 2E Quarter DB TAX LOT 00500

Location: 14530 S MAPLELANE RD

Bill To Party: CUNNINGHAM GREGORY DEAN
14530 S MAPLELANE RD
OREGON CITY OR 97045

Lender: HOMESELECT SETTLEMENT SOLUTIONS LLC

Delinquent Interest Computed Through: 8/6/2018

ACCOUNT VALUES

Description	2016	2017
AVR Total	$198,804	$204,768
TVR Total	$198,804	$204,768
Real Mkt Total	$314,643	$342,517
AV Exception	$0	$0

TAXES AND SPECIAL ASSESSMENTS

Year	Description	Amount Assessed	Balance Due
2017	Property Tax Principal	$3,025.88	$0.00
		Total for Tax Year 2017	**$0.00**
		Total Taxes and Assessments	**$0.00**

Comment:

Payment Terms

PAYMENT INSTALLMENTS
Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	8/6/2018

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS
Amount includes any unpaid prior year tax

Pay This Amount	Due By
$0.00	8/6/2018

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

Total Taxes and Assessments: $0.00

CUNNINGHAM GREGORY DEAN
14530 S MAPLELANE RD
OREGON CITY OR 97045

Account: 00842789

Enter Payment Amount

$

Make payment to:
Department of Assessment and Taxation 150 Beavercreek Rd. Oregon City, OR 97045

I. SUMMARY OF PROPOSAL

Applicant: Dean Cunningham
14530 S Maplelane Road
Oregon City, OR 97045
Telephone: 503-819-4211
Email: kandcdean@gmail.com

Planner: Debbie Cleek, The Bookin Group
1140 SW 11th Avenue, Suite 500
Portland, Oregon 97205
Telephone: 503.241.2423
E-mail: cleek@bookingroup.com

Request: An Annexation of the property from Clackamas County to Oregon City, a Zone Change to change the zoning from FU-10 to R-6, and a Partition to divide the lot into three parcels, all of which will take access from Clearwater Place.

Location: 14530 S Maplelane Road

Property ID: 32E04DB00500

Site Size: 33,132 square feet (0.76 acres)

Current Zoning: FU-10 – Future Urban 10 acres (a Clackamas County Zoning Designation)

Summary: The applicant is seeking to annex one parcel into the City of Oregon City from Clackamas County and concurrently re-zone the property from the County designation of FU-10 (Future Urban) to R-6 (Single-Family Dwelling Zone). The properties directly adjacent to the subject property on the south and west are already zoned R-6, as is Clearwater Place to the east of the subject property, so the R-6 (vs. the automatic R-10) zoning will be compatible with the surrounding properties and not a "spot-zoning". Additionally, the property is located within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of LR (Low Density Residential).

In addition to the Annexation and Zone Change, the applicant is requesting preliminary approval of a land division for the property to partition it into three parcels for the future development of two new single-family houses. Parcel 1 will be approximately 6,002 square feet and will take access off of Clearwater Place via a 10 foot wide access easement across proposed Parcels 2 and 3. Parcel 2 will be approximately 14,153 square feet and will contain the existing house and driveway. Parcel 3 will be approximately 10,347 square feet and will also take access from Clearwater Place. Additionally, an approximately 2,631 square foot dedication along Maplelane Road will be provided to allow the continuation of the curb and public sidewalk along the property frontage.

Water service to the future parcels will be obtained by connecting to the Oregon City water mains located in Maplelane Road and Clearwater Place. These water mains will be connected with a water main extension in Maplelane Road to provide a continuous, looped system. Sanitary service for the parcels will be obtained by connecting to the existing sewer main in Clearwater Place. Stormwater disposal will be obtained by connecting to the public storm sewers located in Maplelane Road and Clearwater Place.

A Pre-Application Meeting with Oregon City was held on February 7, 2018 under application PA 18-07. A copy of the Pre-Application Meeting Notes is attached as Exhibit F. In the Pre-App, the City Engineer indicated that the Highway 213 Corridor Alternative Mobility Targets Study would need to be completed before this application could be submitted, since the project would be generating a small number of trips that would impact the intersection of Highway 213 and Beavercreek Road. The City Council adopted the study on May 2, 2018 and it was recorded later that month, allowing this application to move forward.

A request to meet with the Caufield Neighborhood Association to discuss the proposal was sent via email on April 16, 2018. The information about the proposal was presented to the Caufield neighborhood at their regular meeting on May 22, 2018 and the neighborhood was supportive of the proposal. A copy of the meeting minutes from the meeting are attached as Exhibit E.

II. CURRENT CONDITIONS

1. Vicinity.

The site and neighboring lots are somewhat rural in character but are transiting to more urban densities. The subject parcel is located at the corner of S Maplelane Road, a Clackamas County Minor Arterial and Clearwater Place an Oregon City Local Street. The subject parcel is surrounded on the west by the Maplelane subdivision and on the south by the Walnut Grove Estates subdivision, both of which are within Oregon City and developed at R-6 zoning density with single-family houses. The parcel east of the property (across Clearwater Place) is still in unincorporated Clackamas County and developed with a single-family house and several accessory buildings. All of the properties north of the site (across Maplelane Road) are also located in unincorporated Clackamas County and are developed at a rural density. Both the properties to the east and north are within the Urban Growth Boundary and have the FU-10 (Future Urban) zoning designation, so they would have the opportunity to annex into Oregon City and be developed at a higher density in the future.

2. Site Characteristics.

The entire .77-acre site is primarily flat, with a slight slope down toward the west. The site is developed with a single-family house and attached garage built in 1966 as well as a large shed on the eastern edge of the property. The house was most recently assessed at $204,768 in 2017. An asphalt pull-though driveway currently provides vehicle access to both Maplelane Road and Clearwater Place. There are several large trees (both evergreen and deciduous) on site, as well as a row of smaller fruit trees on the western edge of the site and several large shrubs.

Maplelane Road is a 60-foot wide right-of-way developed with a paved surface providing two vehicle travel lanes and a wide shoulder, but no formal bike lane or sidewalk along the site frontage. The developed properties west of the subject site do have a sidewalk, and it is anticipated that this sidewalk would be continued across the subject property with this development. Clearwater Place is a 40-foot wide right-of-way developed with a paved surface and a sidewalk and planting strip on the west side along the site frontage.

The site is not on or near any natural hazards identified by either Clackamas County or the City (such as wetlands, floodplain or steep slopes). Additionally, the site is not near any open space, scenic, or natural resource areas that would be affected by the proposal. There is no historic designation on or near the property as well. Several large trees exist on the site and their health and species are inventoried in the Arborist Report submitted with this application (Exhibit D). None of these trees are designated as heritage trees or groves.

The parcel is currently served by Clackamas River Water via a 16-inch water main located in Maplelane Road. There is also a 12-inch abandoned Clackamas River Water main along the site frontage. Oregon City water mains are located just to the west of the property in Maplelane (a 12-inch main) and in Clearwater Place along the property frontage (also a 12-inch main). It is anticipated that these mains would be looped together as part of this application, to provide water service to the subject property. If necessary, the existing house will connect to the City water main in Maplelane Road after annexation.

The parcel is not currently served by sanitary or storm water management facilities, though the site would be annexed into the Tri-City Service District upon approval of the annexation into the City. An 8-inch sanitary sewer is line is located in Clearwater Place and is available to serve the site. Likewise a 12-inch storm sewer main in also located in Clearwater and can provide stormwater management for the subject property.

III. ANNEXATION APPROVAL CRITERIA

OCMC 14.04.050

In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.050(E)(7).

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

a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
Findings: All of the necessary services are available to serve the property within the City of Oregon City as described below:

Water: The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

Sanitary Sewer: The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

Storm Drainage: There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon

City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

Transportation Facilities: The site had direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

Park Facilities: The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The proposed annexation and addition of two additional homes on the subject property is not a large enough development project to affect park capacity in any way.

School Facilities: The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion a is met.

b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
Findings: The increased demand generated by the proposed development is described below.

Water Facilities: As noted above, the subject property is currently served by Clackamas River Water, but the applicant will be required to extend the existing Oregon City water lines in order to serve the proposed development. There is sufficient capacity available in the on the Oregon City water system to serve the increased demand of the existing house plus two additional new homes.

Sewer Facilities: As noted above, the subject property will be required to connect to the existing sanitary sewer line in Clearwater Place. There is sufficient capacity available in this sewer system to serve the proposal. Additionally, this new demand on the system would be off-set by the payment of SDC fees at the time the new houses on the proposed parcels are constructed.

Storm Drainage Facilities: As noted above, the subject property is not connected to any stormwater management system. The subject property and new homes will be able to connect to the storm sewer line in Clearwater Place, which has adequate capacity to handle the modest increased demand required with this proposal.

Transportation Facilities: Once annexed the property would automatically be designated with the R-10 zoning, which would allow the 33,541 square foot property to be developed with a total of three houses. As demonstrated in the Transportation Analysis Letter (Exhibit C) submitted with this application, the R-10 zone would result in only a nominal increase in daily and peak vehicle trips. The impacts of these new trips are not expected to significantly alter the operation or safety of the existing transportation facilities or nearby intersections.

Park Facilities: As noted above, the subject property will have little to no impact on the existing nearby parks.

School Facilities: As noted above, the proposal, which includes two new residences may result a minor increase on student populations for adjacent schools, however there are no capacity issues within the school district, so these increases will not be an issue.

As described above, the increased demand on the existing facilities will be quite minor and all of the available systems have adequate capacity to meet these demands, so criterion b is met.

c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
Finding: The subject property is served by Clackamas County Fire District #1. The closest fire station is Hilltop Station #16 at 19340 Molalla Ave, Clackamas RFPD #1 approximately 1.5 miles southwest of the property. The Fire District has adequate capacity to server the increase of two additional residences on this property. Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase. Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

No additional police or fire facilities will be required to serve this proposal, and no phasing of these facilities is proposed, and therefore criterion c is met.

d. Statement outlining method and source of financing required to provide additional facilities, if any;
Finding: Annexation of the subject property to the City of Oregon City would not cause increased demand on City or service provider resources. Therefore, additional facilities requiring financing are not required or relevant to the proposal. The development of the subject property with two new houses will trigger the payment of SDC's and other fees to support services already in place to serve the site. With these financing mechanisms in place, criterion d is met.

e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
Finding: The annexation of the subject property to the City of Oregon City will create only a modest physical change to the property when two new houses are added. Included with this proposal are enhancements to the surrounding area, which include looping of the Oregon City water lines (a benefit for fire fighting purposes) and the frontage improvements along Maplelane Road that will provide a new sidewalk and street trees. These improvements will provide a benefit to the physical and social environment of the surrounding area and community, and criterion e is met.

f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
Finding: The annexation and development of the subject property to the City of Oregon City will not result in a physical, aesthetic, or discernable social change in surrounding the community. There are no

negative effects anticipated, and as described above the proposal will actually result in some benefits to the neighborhood. Therefore, no mitigation is required to address the negative impacts and criteria f is met.

g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;
Finding: The subject property is under the Clackamas County/Oregon City UGMA, and already had an Oregon City Comprehensive Plan designation of Low Density Residential (LR). This request to change the zoning of the property to the City's R-6 zoning, to match the designation of the adjacent properties, is consistent with the LR Comprehensive Plan designation, so a comprehensive plan map amendment is not required. Criterion g is met.

OCMC 14.04.060 - Annexation Factors

In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.060 – Annexation Factors
When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
Finding: The subject property has direct access onto S. Maplelane Road, a minor arterial controlled by Clackamas County, as well as Clearwater Place, a local street controlled by Oregon City. Therefore, the subject property has excellent site access and this criterion is met.

2. Conformity of the proposal with the city's comprehensive plan;
Finding: The following Goals and Policies of the Oregon City Comprehensive Plan apply to this proposal:

- ***Goal 2.1: Efficient Use of Land. Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.***
  Finding: The subject property is located within the UGB, and has an existing Low Density Residential Comprehensive Plan designation. The use of the property, once divided will be single-family residential at R-6 density, consistent with the adjacent properties and the City's Comprehensive Plan designation. This will ensure that there will be an efficient use of residential property in an area where urban services are readily available, and this goal is met.

- ***Goal 2.7: Oregon City Comprehensive Plan Land-Use Map. Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.***
  Finding: The annexation/zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. This application has no impact on this policy and therefore this goal is met.

- ***Goal 14.1: Urban Growth Boundary. Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.***
  Finding: The subject property is located within the UGB, therefore this proposal does not include any amendment to the UGB boundary and this goal does not apply.

- ***Policy 14.1.1: The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.***
  Finding: The subject property is within the UGB and is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. The annexation/zone change of the subject property to the City's R-6 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan and this policy is met.

- ***Policy 14.1.2: Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.***
  Finding: A detailed conceptual development plan showing how the property will be divided into three lots was included with the application. This policy is met.

- ***Goal 14.3: Orderly Provision of Services to Growth Areas. Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.***
  Finding: The subject property is located within the UGB but no concept plan has been adopted for the area. However, the development of the property at the R-6 density is consistent with other projects in the area. The City's Capital Improvement Program includes utility master plans that have been updated to serve newly annexed properties and the availability, capacity, and status of services and facilities (water, sanitary sewer, storm drainage, access/transportation) in the area were been discussed previously in this narrative. This goal is met.

  - ***Policy 14.3.1: Minimize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.***
    Finding: Annexation of the subject property will not affect current public facilities or services in the area. The zone change of the property to the City's R-6 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property. This policy is met.

  - ***Policy 14.3.2: Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.***
    Finding: Annexation of the subject property will not affect existing utility services. The City's utility master plans have been updated to account for the extension of services to annexed properties while still providing the current level of services to existing residents within the City limits. This policy is met.

  - ***Policy 14.3.3: Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.***
    Finding: Annexation of the subject property will not create a new service district or affect the future delivery of City utilities to the subject property or the area. This policy is met.

  - ***Policy 14.3.4: Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.***

Finding: The costs for new service connections to the new proposed lots will be borne by the applicant. The extension and looping of the City water line along Maplelane Road will be paid for entirely by the applicant. The developers of the individual lots will pay the utility connection fees and SDC's at the time of construction. This policy is met.

- ***Goal 14.4: Annexation of Lands to the City. Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.***
  Finding: This application will be reviewed by the City through the Type IV land use process, which ensures consideration of the effects of annexed properties on public services and the City as a whole. The anticipated use of the property at the R-6 density is consistent with other projects in the area, and Comprehensive Plan designation of the property. This goal is met.

  - ***Policy 14.4.1: Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.***
    Finding: Annexation of the subject property would support compact urban form and support efficient delivery of public services. The property is within the UGB and contiguous to properties that are already within the City limits. This policy is met.

  - ***Policy 14.4.2: Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.***
    Finding: The annexation of the subject property will have no fiscal impacts on the City because the costs of providing utilities and services to the 3 proposed lots will be borne entirely by the applicant. Once annexed into the City, the taxes collected from these three lots will help pay for the future services required by the eventual residents. The City will benefit from the extension of the public sidewalk along Maplelane and the looping of the City water line, both of which will be completed by the applicant as part of the proposal. Therefore the potential benefits outweigh the cost and this policy is met.

  - ***Policy 14.4.3: Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:***
    - ***avoid creating unincorporated islands within the city;***
    - ***enable public services to be efficiently and cost-effectively extended to the entire area; or***
    - ***implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.***

    Finding: Annexation of the subject property will not create unincorporated islands within the City, or interfere with the timely or efficient extension of public services to the area in the future, therefore this policy is met.

  - ***Policy 14.4.4: Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.***
    Finding: The subject property is currently on a private septic system, but is not subject to a public health hazard associated with a failing septic system. This policy does not apply.

As shown, the proposal conforms to the applicable goals and policies of the Oregon City Comprehensive Plan and this criterion is met.

3. Adequacy and availability of public facilities and services to service potential development;
Finding: As described in the preceding sections of this narrative, adequate public facilities and services are available to support potential future development of the subject property. This criterion is met.

4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;
Finding: ORS Chapter 222 provides several options for annexing land into a City, and requires that property to be annexed be contiguous to City limits. The planned annexation of the subject property meets ORS Ch. 222, as it is within the adopted UGB, is within an area subject to the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous to existing City limits. In addition, this application is consistent with the applicable boundary change criteria of Metro's Code Section 3.09, more specifically Section 3.09.045 D, which has been addressed below.

Metro Code 3.09.045.D:

To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065
Finding: The subject property is currently within the Clackamas River Water service district. Upon annexation the property will be included in the City's service districts. The property will annex into the Tri-City Service District.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;
Finding: No applicable annexation plan for the area currently exists.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
Finding: Annexation of the subject property is consistent with the applicable UGMA in place between Clackamas County and Oregon City.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
Finding: Annexation of the subject property is consistent with the City's Capital Improvement Program, which includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area.

e. Any applicable comprehensive plan;
Finding: Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Low Density Residential.

f. Any applicable concept plan;
Finding: No applicable concept plan for the area currently exists.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provisions of public facilities and services;
Finding: The subject property is within the UGB, contiguous to City limits, and adjacent to properties currently receiving City services. Therefore, the application promotes the timely, orderly, and economic provision of public facilities.

b. Affect the quality and quantity of urban services; and

Finding: Annexation of the subject property will not affect the quality and quantity of urban services in the area.

c. Eliminate or avoid unnecessary duplication of facilities or services.
Finding: As part of the annexation process, the City will notify applicable service providers about the annexation and addition or withdrawal of the property from their district to avoid duplication of facilities and/or services.

As shown, ORS Ch. 222, and Metro Code Section 3.09 can both be met, and therefore this criterion is met.

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
Finding: The subject property is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes). This criterion does not apply.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
Finding: The annexation of the subject property will not have an effect on designated open space, scenic, historic, or natural resource areas and this criterion is met.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.
Finding: The annexation of the subject property will have no adverse effects on the economic, social, and/or physical environment of the community. Public services are available to support future land uses of the property. This criterion is met.

IV. ZONE CHANGE APPROVAL CRITERIA

Chapter 17.68: ZONE CHANGES AND AMENDMENTS (17.68.20)

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

The following goals and policies apply to this application:

- ***Goal 1.2: Citizen Involvement. Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.***
  Finding: The Oregon City Comprehensive Plan and Municipal Code include provisions to ensure citizens, neighborhood groups, and affected property owners have an opportunity to participate in the land use process. Prior to submitting this application the proposal was presented to the Caufield Neighborhood Association at their May 22, 2018 meeting. In addition, citizens have the opportunity to attend and participate in public hearings before the Oregon City Planning Commission and the Oregon City Commission prior to approval, as part of the Type IV process. Therefore, the application is consistent with this Goal.

- ***Goal 2.1: Land Use. Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.***
  Finding: This application involves a zone change from the R-10 zoning designation to the R-6 zoning designation. This represents an increase in density while still remaining in a single-family zone. Densities corresponding to the R-6 zone represent a more sustainable development pattern

because is encourages the development of smaller and more compact houses. Additionally, increasing densities within the UGB limits urban sprawl, therefore, the application is consistent with this Goal.

- ***Goal 2.7: Land Use.*** ***Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.***
  Finding: This goal is addressed above as part of the approval criteria for the annexation request.

- ***Goal 5: Natural Resources.***

  - ***Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.***
    Finding: Not applicable. According to City maps, the Natural Resource Overlay District (NROD) does not apply to this property. Therefore, the application is consistent with this Goal.

- ***Goal 6.1.1: Quality of Air, Water and Land Resources.*** ***Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.***
  Finding: The planned R-6 zoning designation promotes a compact land use pattern that reduces the amount of land dedicated to public streets and other infrastructure per dwelling unit. Compact land use patterns reduce travel distance by single-occupancy vehicles, and increases opportunities for alternative modes of transportation, including walking, biking, and transit. Thus, the R-6 zoning strategically increases opportunities for increased populations to walk and bike to places of education, shopping, and employment. The R-6 zoning designation is consistent with this Goal.

  - ***Policy 6.2.1: Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.***
    Finding: The application is subject to City grading, drainage, and erosion control standards. Development of the individual lots will require approval of grading plans to ensure that erosion and sedimentation control standards are satisfied. To the extent this Goal is relevant to the application, it is satisfied.

- ***Goal 10.1: Housing.*** ***Provide for the planning, development and preservation of a variety of housing types and lot sizes.***

  - ***Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.***

  - ***Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.***

  - ***Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.***

  Finding: The proposal includes preserving the existing house on the site, built in the 1960's. When the additional lots develop they will have the opportunity to construct accessory dwelling units along with the new single-family home is allowed. Additionally, cottage housing may be permitted

with density bonuses. These two unit types provided an opportunity for more diverse, and often more affordable housing opportunities within existing neighborhoods. These housing related policies are met.

- ***Goal 10.2: Housing.*** ***Provide and maintain an adequate supply of affordable housing.***

  - ***Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.***
    Finding: The City provides the opportunity to construct ADUs and other small dwelling units on these lots, which would likely be lower in cost. Additionally, the zone change from R-10 to R-6 allows the creation of smaller lots, which may result in the construction of smaller, lower cost homes. This policy is met.

- ***Goal 11.1: Public Facilities.*** ***Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.***
  Finding: The requested change from Clackamas County's FU-10 to the City's R-6 zoning district meets the City's Low Density Residential Comprehensive Plan Map designation, and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and discussed earlier in this report. Based on the small size of the property and the nominal number of new units this proposal will create, the additional density will not have a negative impact on school district capacity. This goal is met.

- ***Goal 12.6: Transportation.*** ***Develop and maintain a transportation system that has enough capacity of meet users' needs.***
  - ***Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.***

  - ***Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.***

  - ***Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.***

  - ***Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.***

  Finding: A Transportation Analysis Letter (TAL) that includes a Transportation Planning Rule (TPR) analysis, prepared by a registered professional traffic engineer was included with this application as Exhibit C. The TAL includes trip generation estimates for the automatic R-10 zoning designation, and the planned R-6 zoning designation, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20- year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660- 012-060). As documented in the TAL, the additional vehicle trips generated by the addition of two house on the site is expected to have only a minimal impact on the safety and operation of the existing transportation facilities in the area.

  Additionally, as requested at the Pre-Application Meeting, the TAL included analysis of the Site Trip Impacts on the intersection of Highway 213 and Beavercreek Road. In this analysis it is assumed that 80% of the site trips generated would travel through the OR 213/Beavercreek intersection,

which would only result in an increase of one AM peak-hour trip and two PM peak-hour trips. The TAL concluded that this impact on the intersection would be de minimis. It is anticipated that the applicant will be required to pay a proportional share of the improvements adopted by City Council in the Highway 213 Corridor Alternative Mobility Targets study, based on this nominal increase in trips. Further mitigation is not required or warranted with this application, and the Transportation Planning Rule is therefore satisfied.

As shown above, the proposed Zone Change compiles with the applicable goals and policies of the comprehensive plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: The public facilities (sanitary sewer, storm drainage, water, and streets) available to server the lot are all adequate and can support two additional houses. The change from R-10 to R-6 is a shift within the Low Density Residential Comprehensive Plan Map designation and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and have been addressed earlier in this report. This criterion is met.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: As described in the response to Policy 12.6 of the Comprehensive Plan above, the TAL (Exhibit C) prepared by a registered professional traffic engineer shows the function, capacity, and level of service of the surrounding traffic system will not be impacted by the addition of two house units. This criterion is met.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

- ***Statewide Planning Goal 1: Citizen Involvement. Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.***

  Finding: Addressed in Comprehensive Plan Goal 1.

- ***Statewide Planning Goal 2: Land Use Planning. Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.***

  Finding: Addressed in Comprehensive Plan Goal 2.

- ***Statewide Planning Goal 3: Agricultural Lands. Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.***

  Finding: Addressed in Comprehensive Plan Goal 3.

- ***Statewide Planning Goal 4: Forest Lands.*** ***This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."***
  Finding: Addressed in Comprehensive Plan Goal 4.

- ***Statewide Planning Goal 5: Open Spaces, Scenic and Historic Area, and Natural Resources.*** ***Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.***
  Finding: Addressed in Comprehensive Plan Goal 5.

- ***Statewide Planning Goal 6: Air, Water and Land Resources Quality.*** ***This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.***
  Finding: Addressed in Comprehensive Plan Goal 6.

- ***Statewide Planning Goal 7: Areas Subject to Natural Hazards.*** ***Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.***
  Finding: Addressed in Comprehensive Plan Goal 7.

- ***Statewide Planning Goal 8: Recreational Needs.*** ***This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.***
  Finding: Addressed in Comprehensive Plan Goal 8.

- ***Statewide Planning Goal 9: Economic Development.*** ***Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.***
  Finding: Addressed in Comprehensive Plan Goal 9.

- ***Statewide Planning Goal 10: Housing.*** ***This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.***
  Finding: Addressed in Comprehensive Plan Goal 10.

- ***Statewide Planning Goal 11: Public Facilities and Services.*** ***Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.***
  Finding: Addressed in Comprehensive Plan Goal 11.

- ***Statewide Goal 12: Transportation.*** ***The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."***
  Finding: Addressed in Comprehensive Plan Goal 12.

- ***Statewide Planning Goal 13. Energy Conservation.*** ***Goal 13 states that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."***
  Finding: The proposal to rezone the property allows for additional dwelling units within the same square footage of land, resulting in a more efficient use of city streets and utilities.

- ***Statewide Planning Goal 14: Urbanization.*** ***This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.***
  Finding: The proposal would allow more efficient urbanization of the site within the Urban Growth Boundary.

- ***Statewide Planning Goal 15: Willamette River Greenway.*** ***Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.***
  Finding: This goal is not directly applicable to the proposal since the site is not within the designated Willamette River Greenway.

- ***Statewide Planning Goal 16: Estuarine Resources***
- ***Statewide Planning, Goal 17: Coastal Shorelands***
- ***Statewide Planning, Goal 18: Beaches and Dunes***
- ***Statewide Planning Goal 19: Ocean Resources***
  Finding: These goals are not applicable as the site is not located in any of the identified areas.

OAR 660-012-0060(1)-(3) TRANSPORTATION PLANNING RULE (TPR)

The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.

Finding: Addressed in Comprehensive Plan Goal 12 and in the Transportation Analysis Letter (Exhibit C) submitted with this application.

OAR CHAPTER 660, DIVISION 7, "METROPOLITAN HOUSING RULE"

The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

Finding: Refer to the findings for Goal 10 of the Comprehensive Plan above.

REGIONAL TRANSPORTATION PLAN

The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.

Finding: Addressed in Comprehensive Plan Goal 12.

URBAN GROWTH MANAGEMENT METRO FUNCTIONAL PLAN

3.07.810.C states that after one year following acknowledgement of a functional plan requirement, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

Finding: The City of Oregon City's comprehensive plan and land use regulations associated with comprehensive plan and zone change amendments are in compliance with the UGB Metro Functional Plan.

METRO FUNCTIONAL PLAN

3.07.120(e), "Housing Capacity" *A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.*

Finding: Refer to the findings for Goal of the Comprehensive Plan above.

V. LAND DIVISION APPROVAL CRITERIA

CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

17.12.020 Permitted uses. Permitted uses in the R-6 district are: A. Single-family detached residential units.

Finding: This application includes 2 lots in the R-6 zoning district for the future construction of single-family detached homes. This standard is met.

17.12.040 Dimensional standards. Dimensional standards in the R-6 district are:

A. Minimum lot area: 6,000 square feet.
B. Minimum lot width: 50 feet.
C. Minimum lot depth: 70 feet.

Finding: The table below shows how the proposed lots comply with the minimum dimensional standards.

Parcel	Proposed Lot Area	Proposed Lot Width	Proposed Lot Depth
1	6,002 square feet	58 feet	103 feet
2	14,152 square feet	104 feet	136 feet
3	10,347 square feet	63 feet	163 feet

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

Finding: The existing house is two stories tall, and the new houses will comply with this standard.

E. Minimum required setbacks:
1. Front yard, ten feet minimum setback,
2. Front porch, five feet minimum setback,
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.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
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: The future homes on Parcels 1 and 3 will be reviewed for compliance with the maximum height, setback, and lot coverage requirements of the R-6 zone at the time of building permit issuance. However, both these lots are large enough that these requirements should easily be met. The existing home on Parcel 2 complies will all of the setback requirements as shown on the preliminary plan. Because of the location of the existing house, this lot is oversized at 14,152 square feet, so the house is well below the maximum allowed lot coverage standard of 40 percent. The standards of Chapter 17.20 are addressed below in this report. These requirements are met.

CHAPTER 17.20 – RESIDENTAL DESIGN AND LANDSCAPING STANDARD

17.20.010 - Purpose. *The residential design standards are intended to:*

- *A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.*
- *B. Ensure that there is a physical and visual connection between the living area of the residence and the street.*
- *C. Improve public safety by providing "eyes on the street".*
- *D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.*
- *E. Prevent garages from obscuring or dominating the primary facade of the house.*
- *F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.*
- *G. The community development director may approve an alternative design that achieves the intent of this chapter.*

Finding: These standards will primarily apply to the new houses on Parcels 1 and 3, which will be designed to comply with these standards. The existing house on Parcel 2 will meet the standards where applicable. This criterion is met.

17.20.015 - Street trees. *All new single or two-family dwellings or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way.*

Finding: Street tree requirements are discussed below in part of Chapter 12.08 – Public and Street Trees.

17.20.020 - Applicability. *The standards in Sections 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in Section 17.20.030 or Chapter 12.21.*

Finding: These standards will apply to the new houses on Parcels 1 and 3. The proposed lots are shaped and sized in such a way that meeting these requirements should not be problematic. These standards can be met.

17.20.030 - Residential design options.

- *A. A dwelling with no garage or a detached garage shall comply with five of the residential design elements in Section 17.20.040A on the front facade of the structure.*
- *B. A dwelling without a garage on the primary street-facing facade may be permitted if…*
- *C. A dwelling with a front garage where the building is less than twenty-four feet wide may be permitted if…*
- *D. A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if…*
- *E. A dwelling with a garage that extends up to sixty percent of the length of the street-facing-facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if…*
- *F. A dwelling with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if…*

G. *A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if…*

H. *A dwelling with a garage that is side-orientated to the front lot line and may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if…*

Finding: The existing house on Parcel 2 does have an attached garage, but does not match any of these scenarios, since the garage is less that 50% of the street facing façade and the house itself is more than 24 feet wide, therefore these standards do not apply to the existing house on Parcel 2. Additionally this house and garage was built in 1966, before these standards existed, so any areas where it does not comply with these standards should be considered as legal non-conforming development. It is anticipated that the future houses on Parcels 1 and 3 will comply fully with these requirements at the time of building permit review and these standards can be met.

17.20.035 - Corner lots and through lots.

A. *Homes on corner lots and through lots shall comply with one of the options in Section 17.20.030 for the front of the home.*

B. *The other street-facing side of the home shall include the following:*
   1. *Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade; and*
   2. *Minimum four-inch window trim; and*
   3. *Three additional residential design elements selected from Section 17.20.040A.*

Finding: The existing house on Parcel 2 is on an existing corner lot and will remain on a corner lot after the proposed partition. As described above, because this house and garage already exist making any modifications to the design of the house would be problematic. No other corner lots are proposed with this land division. These standards will be met.

17.20.040 - Residential design elements. *The residential design elements shall be provided as required in Section 17.20.030.*

Finding: As described in 17.30.030 above the existing house is not required to meet these standards and the future homes on Parcels 1 and 3 will meet the applicable standards at the time of building permit approval. These standards will be met.

17.20.050 - Main entrances. *The main entrance for each structure shall:*

A. *Face the street; or*

B. *Be at an angle up to forty-five degrees from the street;*

C. *Open onto a covered porch that is at least sixty square feet with a minimum depth of five feet on the front or, in the case of a corner lot, the side of the home.*

Finding: The main entrance for the existing house on Parcel 2 faces Maplelane Road. The future homes on Parcels 1 and 3 will meet these standards at the time of building permit approval. These standards will be met.

17.20.060 - Residential yard landscaping. *The intent of this section is to ensure that residential lots are landscaped and to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City. Though not required, the use of native species and low water use vegetation is recommended, but in no case may materials identified on the Oregon City Nuisance Plant list be used.*

A. Tree Requirement. *This requirement may be met using one or any combination of the three options below (Tree Preservation, Tree Planting, or Tree Fund). Table 17.20.060A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the Tree Fund.*

Table 17.20.060A

Lot Size (square feet)	*Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund*
0—4,999	*4"*
5,000—7,999	*6"*
8,000—9,999	*8"*
10,000—14,999	*10"*
15,000 +	*12"*

Finding: Proposed Parcel 2 is 14,152 square feet in size and therefore required to have 10" inches of trees. This parcel has three trees on site that are in fair to good condition and proposed to remain, for a total of 36 inches. Parcel 1 is 6,002 square feet in size and will have an 11 inch tree protected on it, which will satisfy the standards of this table. Parcel 3 will be 10,347 square feet in size and has no existing trees on it, so it will be required to plant 10 inches of new trees at the time of development. Tree preservation for the land division is addressed in Chapter 17.41 of this report and is shown to be met for the land division proposal as a whole. This standard can be met.

B. Residential front yard landscaping requirements. *The following minimum landscaping standards shall apply to residential uses in residential zones:*

1. *At a minimum, a three-gallon shrub or three-gallon accent plant shall be planted between the front property line and the front building line for every four linear feet of foundation.*
2. *On lots zoned R-5, R-6, R-8 and R-10, fifty percent of the area between the front lot line and the front building line shall be landscaped.*
3. *On lots zoned R-3.5, at least forty percent of the area between the front lot line and the front building line shall be landscaped.*
4. *At a minimum, the required landscaped area shall be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians, such as walkways, play areas or patios.*
5. *A landscaping plan is required.*

Finding: Parcel 2, with the existing house is fully landscaped with mature shrubs and ground cover. For Parcels 1 and 3 the landscaping requirements will be met at the time of building permit for the new homes. This standard will be met.

CHAPTER 16.16 –MINOR PARTITIONS PROCESS AND STANDARDS

16.16.020 - Minor partition application submission requirements.

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

16.16.025 - Frontage width requirement. *For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).*

Finding: All of the parcels will have more than 20 feet of frontage on a public road. Parcel 1 has 63 feet of frontage on Maplelane Road, but due to access restrictions it will take vehicle access from Clearwater Place via an easement. Parcel 2 had 111 feet of frontage on Maplelane and 156 feet of frontage on Clearwater. Parcel 3 has 64 feet of frontage on Clearwater. This standard is met.

16.16.030 - Flag lots—R-10, R-8, R-6, and R-3.5.
Not Applicable. No flag lots are proposed.

16.16.035 - Pavement requirements. *Accessways for lots created through the minor partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.*
Finding: The proposed access easement for Parcel 1 will be 103 feet long and only serve one residence. Therefore, this access does not need to be a 20-foot wide paved surface or provide a turnaround since it will not need to be used as a Fire District access. This standard is met.

CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

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.*
Not Applicable. There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

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.*
Not Applicable. There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

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*
Finding: The size, width, depth, shape, and orientation of the planned parcels comply with the minimum requirements for the R-6 zone (17.12.040) as demonstrated above. This standard is met.

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.
Not Applicable. This proposal is for a partition, not for a subdivision.

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.*
Not Applicable. All of the lots will meet the minimum lot area of the R-6 zone.

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.*
Not Applicable. 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: 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 are met. Please refer to the preliminary plans for additional information.*
Finding: The subject lot is relatively flat and only minor grading will be required to divide the property when the street improvements are constructed. The grading required to develop the individual lots will comply with Chapter 15.48, Chapter 16.12, the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 at the time of building permit approval. This requirement is met.

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.*
Finding: Maplelane Road is classified as a minor arterial and Clearwater Place is a local street. The existing house on Parcel 2 is already orientated toward Maplelane Road. On Parcel 1 the future house will be able to be orient, and have it's most architecturally significant elevation facing Maplelane Road, even though vehicle access will be from Clearwater Place. Parcel 3 is exempt from this standard, since it only frontage is on Clearwater Place. This standard is met.

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: Proposed Parcel 2 is 14,031 square feet, and therefore capable of redivision under the R-6 zoning standards. This parcel currently contains the existing house, which is located in such a way as to make the redivision of this parcel impractical at this time. However, if this house was

removed in the future, it would be possible to create two lots with frontage on Clearwater Place. This standard is met.

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: A 10-foot wide utility easement is proposed to provide sanitary sewer access from Clearwater Place for proposed Parcel 1. The City Engineer has indicated that 10 feet is an adequate width for this easement, and this standard is met.

B. Unusual Facilities.

Not Applicable. There are no unusual facilities proposed or required within this development.

C. Watercourses.

Not Applicable. The land division is not traversed by a watercourse.

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: Maplelane Road, a County road, has restricted vehicle access in order to maintain higher vehicle speeds. Therefore a 10-foot wide access easement is proposed to provide Parcel 1 vehicle access to Clearwater Place. Because this access will not need to provide fire truck access to the house (since it is under 150 feet in length) the City Engineer has indicated that 10 feet is an adequate width for this easement. This standard is met.

E. Resource Protection.

Not Applicable. No natural or historic features have been identified on the site.

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.

Finding: It is anticipated that a Public Works review will be required for the sidewalk improvements required along Maplelane Road, and for the extension of the Oregon City water main. This work will not commence until after construction plans have been reviewed and approved by the City Engineer. Inspections of the planned improvements, including erosion control measures are required. Upon completion of the improvements, as-built drawings will be filed with the City Engineer. This standard can be met.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division:

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.

Finding: The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. It is anticipated that the applicant will pay a proportional share of the improvements planned for this intersection to help maintain the target level of service required. This standard is met.

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.

Finding: The applicant is proposing to install water quality facilities on each of the individual parcels to treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the impervious surface created by the new curb and sidewalk. It is anticipated that all of these water quality facilities will be a "low impact" design, such as a vegetated filter or swale in compliance with the applicable city code. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. The approximate location of these facilities is shown on the partition plan. This standard is met.

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.

Finding: Each of the parcels will be connected to the Oregon City public sewer in Clearwater Place. Parcel 1 will connect via a 10-foot wide utility easement across Parcels 2 and 3. The existing house on Parcel 2 will connect to the City sewer line (if required) prior to final plat approval. This standard is met.

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.

Finding: Parcels 2 and 3 will connect directly to the City water main in Clearwater Place. The City Engineer has indicated that the city water line in Maplelane will need to be connected to the city line in Clearwater Place, to create a continuous looped line. This standard is met.

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.
Finding: A new sidewalk is proposed along the Maplelane Road frontage of the site, as required by the City and County. This standard is met.

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: It is anticipated that the required street improvements along Maplelane Road will also include a bicycle lane. This standard is met.

G. Street Name Signs and Traffic Control Devices.
Not applicable. No new streets or traffic control devices are required with this proposal.

H. Street Lights.
Not applicable. No new streets lights are required with this proposal.

I. Street Trees.
Finding: Please refer to the analysis in section 12.08 of this report. This standard is met.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
Finding: The final plat will reference a benchmark utilizing the datum specified by the City Engineer. This standard is met.

K. Other.
Not Applicable. No other improvements are anticipated.

L. Oversizing of Facilities
Not Applicable: All facilities will be properly sized to serve the lots created with this application and are not required to be oversized.

M. Erosion Control Plan—Mitigation.
Finding: Refer to the analysis in section 17.47 of this report.

16.12.100 Same—Road standards and requirements
Not Applicable. No new public streets are proposed.

16.12.105 Same—Timing requirements. *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.*

Finding: It is anticipated that construction of street improvements and water line extension will be finically guaranteed prior to final plat. The actual construction of these improvements will occur at the same time as the construction of the house on Parcel 1. This standard can be met.

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 permitee to submit a performance guarantee in lieu of actual construction of the improvement.*
Finding: The financial guarantee for the public improvements will comply with the City's standard procedures described in this section. The applicant will submit the required performance guarantees prior to plat recordation. This standard can be met.

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.*
Finding: The applicant intends to comply with the provisions of this chapter related to public street improvements as described above. This standard is met.

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.*
Finding: The applicant understands that the City has jurisdictional management over Clearwater Place and Clackamas County has jurisdictional management over Maplelane Road. Therefore, planned improvements to Maplelane will be coordinated with Clackamas County. This standard is met.

12.04.007 Modifications.
Not Applicable. Modifications to these standards are not planned with this land division.

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: The sidewalk and curb planned for Maplelane Road will comply with applicable portions of the City's construction standards and Transportation System Plan. This standard is met.

12.04.020 Construction specifications—Unimproved streets.
Not Applicable. No unimproved streets are associated with this project.

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.

Single or Two-Family Dwelling with two Car Garage/Parking Space
Minimum Driveway Width at sidewalk or property line: 12 feet
Maximum Driveway Width at sidewalk or property line: 24 feet

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements.

C. The decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.

D. For all driveways, the following standards apply:
1. Each new or redeveloped curb cut shall have an approved concrete approach and a minimum hard surface for at least ten feet back into the lot.
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.
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.
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.

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: Parcel 2, a corner lot, currently has a driveway approach on both Maplelane Road and Clearwater Place. Maplelane Road has restricted access, so when the new curb and sidewalk improvements are constructed along the site's frontage the driveway approach on Maplelane will be eliminated. Only one driveway each will be provided for the other two parcels, with driveway and curb cut design, dimensions, and spacing in accordance with the above requirements. This standard is met.

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: The future homeowner will be responsible for maintaining sidewalk and abutting curb.

12.04.031 Liability for sidewalk injuries.
Not Applicable. Any injuries incurred on public sidewalk will be administered when necessary, and is not related to this proposal

12.04.032 Required sidewalk repair.

Not Applicable. Any repairs to the public sidewalk will be administered when necessary, and is not related to this proposal.

12.04.033 City may do work.
Not Applicable. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.04.034 Assessment of costs.
Not Applicable. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.04.040 Streets--Enforcement.
Not Applicable. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.04.045 Street design – Constrained local streets and/or rights-of-way.
Not Applicable. The proposal does not include any constrained local streets or rights-of-way.

12.04.050 Retaining walls--Required.
Not Applicable. As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

12.04.060 Retaining walls--Maintenance.
Not Applicable. As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

12.04.070 Removal of sliding dirt.
Not Applicable. As shown on the preliminary plan, the site is relatively flat so dirt sliding into the public right-of-way from the lot is unlikely.

12.04.090 Excavations--Permit restrictions.
Not Applicable. This criterion is applicable to a single excavation. The required street improvements will be permitted as part of a public works review and will be designed and certified by professional engineer.

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.*
Finding: The applicant will comply with City standards regarding number and design of curb cuts and driveway approaches. These standards are addressed in detail in the TAL (Exhibit C). This standard can be met.

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: The proposal includes work in the public right-of-way that will require pavement restoration, specifically the new waterline in Maplelane Road, and the individual utility connections for Parcels 1 and 3. After the work is complete, the applicant will restore the pavement in accordance with the city's standards. This standard can be met.

12.04.120 Obstructions – Permit Required.
Not Applicable. This proposal does not include or anticipate any obstructions.

12.04.140 Obstructions--Nuisance--Penalty.
Not Applicable. This proposal does not include or anticipate any obstructions.

12.04.150 - Street and alley vacations—Cost.
Not Applicable. The proposal does not include a street or alley vacation.

12.04.160 Street vacations--Restrictions.
Not Applicable. The proposal does not include a street or alley vacation.

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: The design of the street improvements along Maplelane Road will comply with all the requirements of this chapter and the City design standards. Additionally, because Maplelane Road is controlled by Clackamas County the street improvements will be reviewed and approved by County Staff as well. This standard can be met.

12.04.175 Street Design--Generally.
Not Applicable. No new public street is proposed with this land division.

12.04.180 Street Design.
Not Applicable. No new public street is proposed with this land division.

12.04.185 Street Design--Access Control.
Not Applicable. No new public street is proposed with this land division, so there will be no opportunity to create access control.

12.04.190 Street Design--Alignment.

Not Applicable. No new public street is proposed with this land division, so there will be no change to the alignment of the existing adjacent streets.

12.04.194 Traffic Sight Obstructions.

Not Applicable. No new public street is proposed with this land division.

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.

Finding: No new public street is proposed with this land division.

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

Street Functional Classification: Local Streets (Clearwater Place)
Minimum distance from a street corner to a driveway for all uses: 25'

Finding: The existing driveway on Clearwater Place for Parcel 2 is approximately 30 feet from the intersection with Maplelane Road. However, 16 feet of right-of-way dedication is required to accommodate the street improvements on Maplelane Road, which will leave this driveway about 15 feet from the intersection. If necessary, this driveway can be moved back from the intersection to meet this standard, since this parcel has over 150 feet of frontage on Clearwater Place, and standard can be met. It should be noted that spacing on Maplelane Road is not addressed since the existing driveway on this Minor Arterial will be eliminated. More information on driveway spacing is included in the TAL (Exhibit C). This standard can be met.

12.04.199 Pedestrian and Bicycle Accessways.

Not Applicable. No new public streets are proposed with this land division, therefore there is no need for them to be replaced with a pedestrian or bicycle accessway.

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…

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…

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…

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.

b. 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: The un-signaled intersection of Maplelane Road and Clearwater Place is not within the Regional Center, nor is it designated on the Arterial and Throughway Network. In the Transportation Analysis Letter (Exhibit C) submitted with this application, the applicant's traffic engineer concluded that the addition of two new houses on the site would only increase the AM peak-hour trips by one trip and the PM peak hour-trips by two trips. This small increase in trips will not affect the current level of service of the Maplelane/Clearwater intersection. In addition the City adopted new Alternative Mobility Targets for the intersection of OR 213 and Beavercreek Road this summer. The TAL provides specific analysis on the trip impacts the proposal will have on this intersection and has also concluded that the impacts on this intersection will be minimal. This standard is met.

12.04.210 Street design--Intersection Angles.

Not Applicable. This land division proposal does not include any new streets, so there will be no change to the existing intersection angle of the adjacent streets.

12.04.215 Street design--Off-Site Street Improvements.

Not Applicable: As discussed in 12.04.205 above, there impact of the proposal will not create the need for off-site improvements.

12.04.220 Street Design--Half Street.
Not Applicable. No half streets exist or are proposed with this land division.

12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.
Not Applicable. No cul-de-sacs or permanent dead-end streets are proposed with this land division.

12.04.230 Street Design--Street Names.
Not Applicable. No new streets are proposed with this land division.

12.04.235 Street Design--Grades and Curves.
Not Applicable. No new streets are proposed with this land division.

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: The project site fronts onto Maplelane Road, which is classified as a minor arterial. Access to this Road is restricted by Clackamas County and none of the parcels are proposed to take access from Maplelane. This standard is met.

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: The street system adjacent to the site is designed to City standards and Clearwater Place currently discourages non-local through traffic.

12.04.255 Street design-Alleys.
Not Applicable. No alleys are proposed.

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.*
Finding: As shown on the preliminary plans, the planter strip in Clearwater Place already exists and conforms to City standards. The new sidewalk improvements along Maplelane Road will

include a new planter strip that will be planted with street trees in conformance with the requirements of Chapter 12.08 (addressed below) and any County requirements. This standard is met.

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.*

Finding: Construction plans for the sidewalk improvements are planned to be submitted to the appropriate review agency and will comply with the applicable requirements. Once construction permits are obtained, the improvements will be constructed by a licensed general contractor in accordance with the approved plans and inspected for consistency with the plans. This standard will be met.

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: The applicant understands that any act in violation of this Chapter is to be deemed a nuisance and be subject to code enforcement procedures.

Chapter 12.08 - PUBLIC AND STREET TREES

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.*

- *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.*
- *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.*
- *C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*
- *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: Street trees will be planted along the Maplelane Road frontage once the driveway is closed and the sidewalk improvements are installed. The frontage is 175 feet long, so it is anticipated that five trees will be required. The trees will be spaced to meet all appropriate standards and will be planted at 2-inch caliper. A street tree plan will be submitted with the Public Works review showing the final species and spacing of the new street trees. This standard can be met.

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: The species of street trees will be selected from the Oregon City Street Tree List (or approved by a certified arborist) and planted in conformance with this Section. This standard can be met.

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: General tree and planter strip maintenance is planned to be the responsibility of future home owners. This standard will be met.

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.*
Finding: No public tree removal is proposed with the land division proposal, however, existing street trees may need to be removed along Clearwater Place to accommodate the new driveways for Parcel 1 and 3. Removal will be done in accordance with OCMC 17.41 and where practical these street trees will be replaced. This standard will be met.

12.08.040 - Heritage Trees and Groves.
Not applicable. The proposal will not designate or remove any heritage trees or groves.

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.*
Finding: The Stormwater Management requirements apply to this project since more than 5,000 square feet of impervious surface will be replaced by development. Additionally, the construction of sidewalk improvements in Maplelane Road will require public stormwater conveyance and water quality facilities.

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: The preliminary land division plat shows that each individual parcel will manage stormwater with water quality facilities that will treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the additional impervious surface created by the new curb and sidewalk. It is anticipated that these water quality facilities will all be of a "low impact" design, such as a vegetated filter or swale. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. This standard is met.

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: A final stormwater report will be submitted with the Public Works review for the street improvements and will fully address stormwater management for the site. This standard will be met.

13.12.100 - Alternative materials, alternative design and methods of construction.

Not Applicable: The proposal does not include any alternative design methods requiring special approval by the City Engineer.

13.12.120 - Standard construction specifications. *The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, 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: When constructed, the stormwater facilities will be in accordance with the Stormwater and Grading Design Standards that are in effect. This standard will be met.

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: Grading activities for the street improvements and development of the lots will exceed ten cubic yards of earth; therefore, a grading permit will be required when this work commences. This standard can be met.

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.*
Finding: The subject site is fairly flat, so it is anticipated that only nominal grading will be required to construct the sidewalk improvements along Maplelane Road, and a grading plan will be submitted along with the Public Works review. Residential Lot Grading Plans shall also be required as part of the house construction on Parcels 1 and 3. This standard can be met.

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: The subject site is relatively flat, and the grading anticipated will be nominal, so it is unlikely there will be significant erosion concerns with this proposal.

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: It is anticipated that an Erosion Prevention and Sedimentation Control Plan will be provided to the City in conjunction with the future grading permits that will be required. This standard can be met.

17.47.070 - ***Erosion and sediment control plans.*** *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.*
Finding: The Erosion Prevention and Sedimentation Control Plans that will be submitted with future grading permits will comply with all of the City of Oregon City public works standards. This standard can be met.

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.*
Finding: This application includes a Minor Partition 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: The trees within the boundaries of the property are regulated under this section of code.

17.41.040 - Same—Exemptions.
Not Applicable. The proposal does not include a request for an exemption.

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.*

Finding: There are 12 trees located on the project site that have been identified in the Arborist Report (Exhibit D) prepared and reviewed by a certified arborist. Three of the trees (#101, #108 and #112) are in poor health and will be removed. One of the trees identified by the arborist (#102) is only 5 inches DBH and is exempt from the tree preservation requirements. Of the eight remaining regulated trees, four will be removed and are identified in the detailed tree inventory plan included with the Arborist report. The remaining four will be preserved. The applicant is choosing to use a combination of Option 1 and Option 4, so the removed trees are subject to mitigation, which is described in more detail in Section 17.41.060 below. This standard is met.
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 arborculture. 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;*
   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*

Table 17.41.060-1 Tree Replacement Requirements

	Column 1	***Column 2***
Size of tree removed (DBH)	***Number of trees to be planted. (If removed Outside of construction area)***	***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*

All replacement trees shall be either: Two-inch caliper deciduous, or Six-foot high conifer

Finding: Three trees on the site (#101, #108 and #112) have been deemed diseased, hazardous, or invasive by the certified arborist. All of these trees will be removed in order to develop Parcels 1 and 3. Of the eight healthy trees left, four are proposed to be removed, and subject to replacement requirements.

- Trees #103, #104 and #105 are located within the construction area of Parcel 1. Each of these trees are between 6” and 12” in size and will be replaced with 3 new trees meeting the replacement tree standards of this section.
- Tree #107 is located on Parcel 1, outside of the construction area defined by 17.04. This 25-inch maple tree is in good health and is a quality tree. However, because this tree is so large protecting it would require a large root protection zone that would extend approximately halfway across Parcel 1. It is possible that this tree could be preserved depending on the specific development plan for the parcel, but if not, it will also need to be removed. If removed, 12 new replacement trees would be required, increasing the total number of replacement trees on the overall site from 3 to 15. In this situation the applicant would opt to use Option 4 – cash-in-lieu to mitigate for a portion of these trees, so that the new trees planted on the site will have adequate room to grow, ensuring their future health.

Tree #106, an 11-inch apple tree of fair quality, is located outside of the construction area for Parcel 1 defined by 17.04, and is in a location that allows it to be preserved on Parcel 1. This tree is shown to remain on the preliminary removal plan and will be protected during construction. The preliminary tree removal plan has been prepared and reviewed by a certified arborist, therefore this standard is met**.**

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: Mitigation trees are planned to be planted on-site and/or cash-in- lieu of planting is to be paid in accordance with this chapter. This standard is met.

17.41.075 - Alternative mitigation plan.

Not Applicable. The proposal does not include an alternative mitigation plan.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).
17.41.090 - Density transfers incentive for tree protection tracts (Option 2).
17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

Not Applicable. The proposal is not using Option 2.

17.41.110 - Tree protection by restrictive covenant (Option 3).
17.41.120 - Permitted adjustments (Option 3 Only).

Not Applicable. The proposal is not using Option 3.

17.41.125 - 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.*

Finding: Mitigation trees are planned to be planted on site, but cash-in-lieu will be used as a mitigation option if re-planting requirements will result in the new trees being too crowded on the 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.

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: Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site will be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 is will also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. These standards will be met.

RECEIPT (REC-000560-2018)
FOR CITY OF OREGON CITY

BILLING CONTACT
DEBBIE CLEEK
THE BOOKING GROUP
1140 Sw 11Th Ave, 500
Portland, Or 97205

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
MP-18-00004	Minor Partition - Preliminary Plat	Fee Payment	Cash	$1.00
			SUB TOTAL	**$1.00**
			TOTAL	**$1.00**

RECEIPT (REC-000559-2018)
FOR CITY OF OREGON CITY

BILLING CONTACT
DEBBIE CLEEK
THE BOOKING GROUP
1140 Sw 11Th Ave, 500
Portland, Or 97205

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
AN-18-00002	Annexation - Application	Fee Payment	Check #1082	$4,526.00
	Annexation - Metro Mapping	Fee Payment	Check #1082	$150.00
	Traffic Impact Analysis - TAL	Fee Payment	Check #1082	$489.00
			SUB TOTAL	**$5,165.00**
MP-18-00004	Minor Partition - Preliminary Plat	Fee Payment	Check #1082	$4,123.00
			SUB TOTAL	**$4,123.00**
ZC-18-00001	Mailing Labels	Fee Payment	Check #1082	$16.00
	Zone Change	Fee Payment	Check #1082	$2,916.00
			SUB TOTAL	**$2,932.00**
			TOTAL	**$12,220.00**

OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE TRANSMITTAL (Emailed September 10, 2018)

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office

NOTICE OF THE APPLICATION MAILED TO

- All Taxpayers within 300 feet (City and County)
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas River Water (CRW)
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board (SFWB)
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO

COMMENTS DUE BY:	**October 5, 2018**
HEARING DATE:	PC – **October 22, 2018**, CC - TBD
HEARING BODY:	PLANNING COMMISSION and CITY COMMISSION
FILE # & TYPE:	GLUA-18-00020 / AN-18-00002 / Annexation / ZC-18-00001 / MP-18-00004
PLANNER:	Pete Walter, AICP, Planner, 503-496-1568, Email: pwalter@orcity.org
APPLICANT:	Dean Cunningham
REPRESENTATIVE:	Debbie Cleek, The Bookin Group
REQUEST:	Annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of 3 lots.
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-18-00020-18-00002-mp-18-00004-zc-18-00001
LOCATION:	See Map Attached. 14530 S Maplelane Rd, Oregon City, OR 97045 Clackamas County APN: 3-2E-04DB-00500

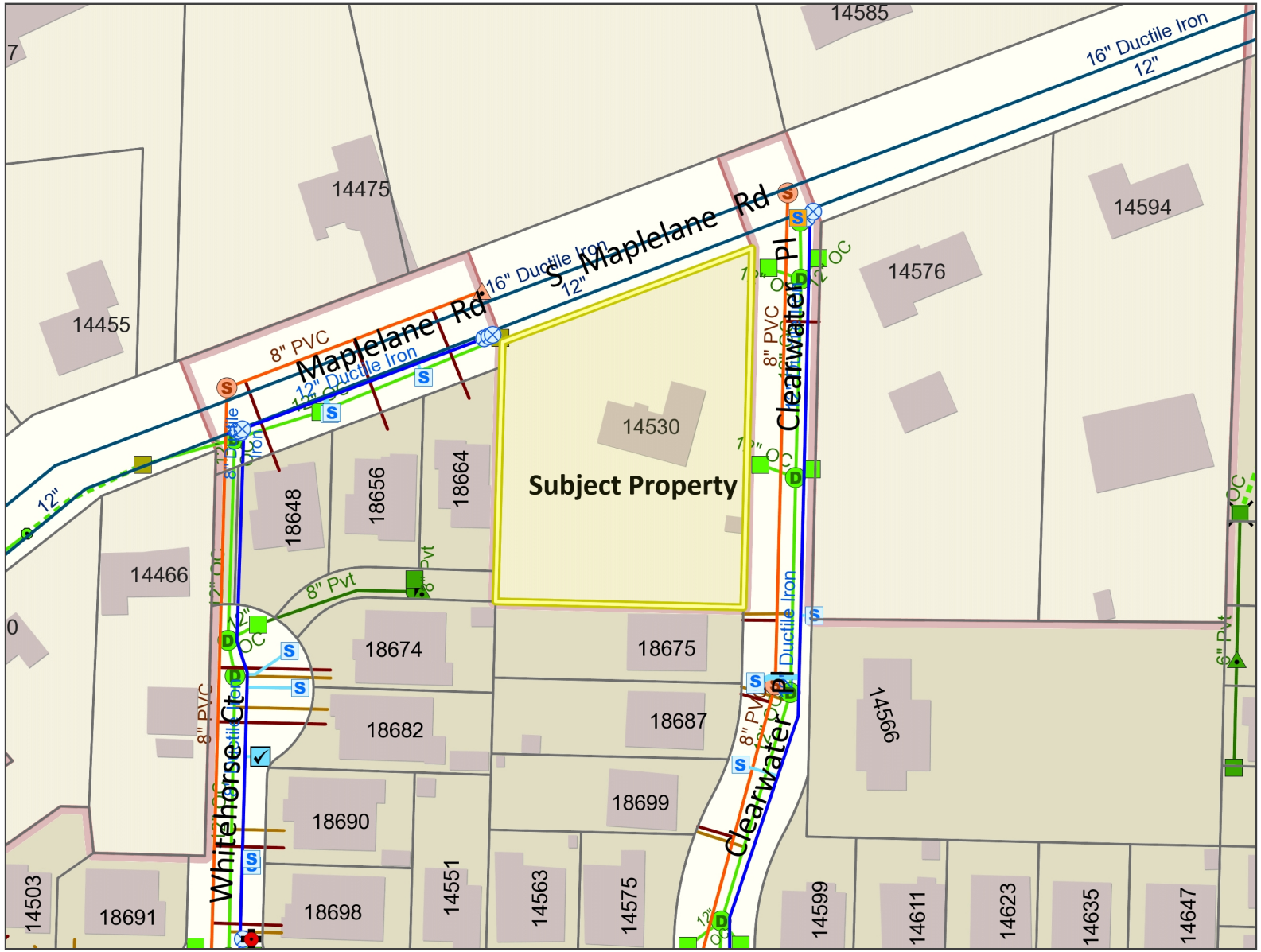
This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

___ The proposal does not conflict with our interests.
___ The proposal conflicts with our interests for the reasons attached.
_X_ The proposal would not conflict our interests if the changes noted below are included.

- Oregon City to withdraw the parcel from CRW's Service District Boundary.
- CRW will coordinate with the City of Oregon City on the Maplelane Rd construction plan review regarding the transferring or abandonment of the water service.

Signed Betty A Johnson

AN-18-00002 / ZC-18-00001 / MP-18-00004



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants
  - (Other owner)
  - OC
  - CRWD
  - Private
- Water Service Meters
  - (Other owner or Type not defined)
  - OC
  - CRWD
- Water Master Meters
  - (Other owner)
  - OC
- Water Irrigation Meters
  - (Other owner)
  - OC

Notes

AN-18-00002
ZC-18-00001
MP-18-00004

Overview Map

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 8/30/2018

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

From: Rogers, Wes
To: Carlos Callava
Subject: Re: PA 18-07 Annexation on Maplelane Road
Date: Monday, January 22, 2018 3:59:43 PM

All public schools for this property have capacity to accommodate any students that eventually may reside at this address.
..wes rogers

On Mon, Jan 22, 2018 at 3:52 PM, Carlos Callava <ccallava@orcity.org> wrote:

> Good afternoon,
>
> Please join us for a pre-application conference to discuss an emergency sewer annexation on Maplelane Road. The applicant's previous pre-app has expired (PA 16-12). The subject property is located at 14530 S Maplelane Road, Clackamas Map 3-2E-04DB, Tax Lot 00500. Please provide your comments by January 31, 2018.
>
> Thank you.
>
> **Carlos Callava**
> **Assistant Planner**
> **Planning Division**
> City of Oregon City
> PO Box 3040
> 221 Molalla Avenue, Suite 200
> Oregon City, Oregon 97045
> Direct - 503.496-1562
> Planning Division - 503.722.3789
> Fax 503.722.3880
>
> **Website:** www.orcity.org | webmaps.orcity.org | Follow us on: Facebook!|Twitter
> Think **GREEN** before you print.
>
> Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.
> PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

--
Wes Rogers, Director of Operations
503-785-8426
wes.rogers@orecity.k12.or.us
Oregon City School District
PO Box 2110
Oregon City, OR 97045

From:	Carr, Erik
To:	Carlos Callava
Cc:	Pete Walter
Subject:	Declined: PA 18-07 Annexation on Maplelane Road
Start:	Wednesday, February 07, 2018 10:00:00 AM
End:	Wednesday, February 07, 2018 12:00:00 PM
Location:	221 Molalla Avenue, Suite 200, Oregon City, Oregon 97045
Attachments:	TCSD Packet Oct 2009.pdf

Carlos –
I'm unable to attend this pre-app. Please inform the applicant that, in order to receive sanitary sewer service, they must annex into both the City of Oregon City and the Tri-City Service District. I've attached the TCSD annexation packet. Any questions can be directed to either Rob Hungerford (robhun@co.clackamas.or.us <mailto:robhun@co.clackamas.or.us> , 503-742-4576) or myself (ecarr@clackamas.us <mailto:ecarr@clackamas.us> , 503-742-4571).
Regards,
Erik Carr
Development Review Specialist
Water Environment Services

From: McIntire, Rick
Sent: Wednesday, September 12, 2018 9:14 AM
To: Pete Walter
Subject: RE: Oregon City Land Use Transmittal for Comment

Thanks Pete, County Planning has no comments on this proposal.

Rick McIntire
Sr. Planner
Planning and Zoning Division
150 Beavercreek Rd.
Oregon City, OR 97045
503-742-4516 (direct)
503-742-4550 (fax)
rickmci@clackamas.us

DTD HOURS:

- *Office hours Tues-Fri, 7a-6p*
- *2nd and 3rd floor permit lobbies open Mon-Thur from 8a-4p; Fri 8a-3p*
- *Our website address is www.clackamas.us/planning and our general email is zoninginfo@clackamas.us.*
-
- The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your feedback. We appreciate your comments and will use them to evaluate and improve the quality of our public service.
-

From: Pete Walter [mailto:pwalter@orcity.org]
Sent: Monday, September 10, 2018 3:52 PM
Subject: Oregon City Land Use Transmittal for Comment

Please see attached land use transmittal for comment.

Thank you,

Pete Walter

Pete Walter, AICP, Planner
Oregon City Planning Division
Community Development Department
We Moved! 698 Warner Parrott Rd, Oregon City, OR 97045 (Map)
Phone: (503) 496-1568
Planning Division Website: www.orcity.org/planning
Check out the Equitable Housing Project
Mapping Tools: OCWebMap and other Useful Maps

OREGON
CITY

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

November 15, 2018

Mr. Pete Walter
City of Oregon City
PO Box 3040
Oregon City, OR 97045

SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – CUNNINGHAM ANNEXATION – AN18-02

Dear Mr. Walter:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted in support of the proposed annexation, partitioning, and development of the property at 14530 S Maplelane Road. The site, currently a single lot with one house, is located on the southside of Maplelane Road west of Clearwater Place. The TAL, dated August 1, 2018, was prepared under the direction of William Farley, PE of Lancaster Engineering.

The proposal would result in three lots with single-family dwellings after partitioning the parcel currently occupied by one house.

Overall

I find the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed development.

Comments

1. ***Trip Generation.*** The TAL presents information on trip generation from the construction of two additional single-family houses. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual.* The two new dwellings are calculated to produce 1 new AM peak hour trip; 2 new PM peak hour trips; and 18 new weekday trips.

2. ***Access Locations.*** The existing house currently has access to both Maplelane Road and Clearwater Lane. The existing access to Maplelane Road would be

abandoned; access to Clearwater Lane would be retained. Access for the two new houses would be to Clearwater Lane using a shared access.

3. ***Driveway Width.*** The engineer indicates driveways will be constructed to meet city standards.

4. ***Intersection Spacing.*** The proposal does not result in a new intersection; it reinforces the existing intersection of Maplelane Road and Clearwater Lane.

5. ***Sight Distance.*** The engineer measured sight distance at the proposed driveway locations along Clearwater Lane. He found sight distance to be adequate for driveways on a local, residential street, but recommended removal of the shed on the parcel to avoid restricting sight distance for the new dwellings.

6. ***Safety Issues.*** The TAL included a crash summary that reported one crash at the intersection of Maplelane Road and Clearwater Lane. The engineer concluded that no specific safety mitigation is necessary or recommended. I concur with the engineer's conclusions.

7. ***Consistency with the Transportation System Plan (TSP).*** Based on the materials submitted it appears that the Maplelane Road and Clearwater Lane frontages would be developed in accordance with city standards and would be consistent with the TSP.

8. ***Transportation Planning Rule (TPR) Analysis.*** The proposal involves rezoning from R-10 to R-6. The proposed rezoning of the property from R-10 to R-6 would have negligible impacts on the operations of any intersections and does not change the functional classification of any existing or planned transportation facility.

9. ***Proportional Share for Key Intersections.*** Consistent with the guidance provided at the Pre-App on 2/7/2018, the applicant is obligated to participate in the funding of improvements to key intersections. The intersection affected by this land use action is the intersection of Highway 213 and Beavercreek Road. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is $1.5 million; the

predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be $219 per trip. This development is calculated to add one PM peak hour trip.

Conclusion and Recommendations

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

I recommend conditions of approval include participating in the funding of the planned improvements of Highway 213/Beavercreek Road as specified in #9, above, implementing frontage improvements, and addressing access issues in #2, above. There are no other transportation-related issues associated with this development proposal requiring mitigation.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

John Replinger, PE
Principal

Oregon City\2018\AN18-02v2

From: kandcdean@gmail.com
To: Pete Walter
Subject: Dean cunningham
Date: Monday, October 15, 2018 11:04:09 AM
Attachments: attachment 1.png

Pursuant to OCMC 17.50.070(D), I hereby grant an two-week extension of the 120-day deadline for planning files GLUA-18-00020 / AN-18-00002 / ZC-18-00001 / MP-18-00004until December 28, 2018."

Dean cunningham

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

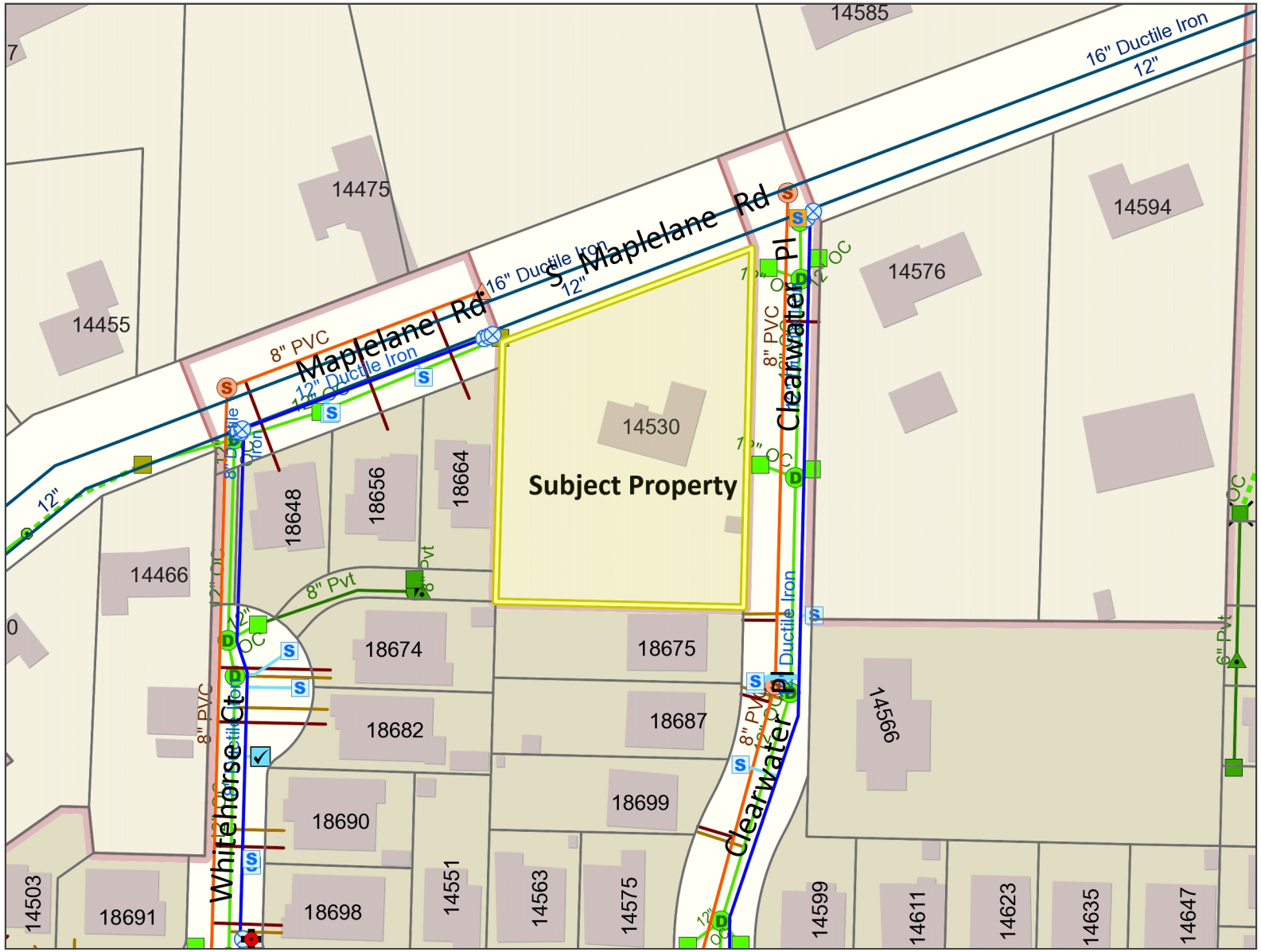
NOTICE OF PLANNING COMMISSION PUBLIC HEARING
Mailed on September 12, 2018

HEARING DATES:	On **Monday, October 22, 2018 the City of Oregon City Planning Commission** will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type IV Applications. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the Commission hearing. Written comments must be received by close of business at City Hall (5:00PM) 10 days before the scheduled hearing to be included in the staff report. Written comments received within 10 days of the hearing will be provided to the Commission at the hearing if received by 3:30pm the day of the hearing. After 3:30 pm on the day of the hearing, all written testimony must be submitted in writing at the hearing. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation.
FILE NUMBERS:	**GLUA-18-00020** AN-18-00002: Annexation (0.76 acres) ZC-18-00001: Zone Change (Clackamas County FU-10 to Oregon City R-6) MP-18-00004: Minor Partition (3 lots)
APPLICANT / OWNER:	Dean Cunningham, 14530 S Maplelane Rd, Oregon City, OR 97045
REPRESENTATIVE:	Debbie Cleek, The Bookin Group, 1140 SW 11th Ave, Ste. 500, Portland, OR 97205
REQUEST:	Annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of 3 lots.
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-18-00020-18-00002-mp-18-00004-zc-18-00001
LOCATION:	14530 S Maplelane Rd, Oregon City, OR 97045 Clackamas County APN: 3-2E-04DB-00500
CONTACT PERSON:	Pete Walter, AICP, Planner (503) 496-1568, Email: pwalter@orcity.org
NEIGHBORHOOD:	Caufield Neighborhood Association
CRITERIA:	**Annexation:** Metro Code 3.09, Oregon City Municipal Code Title 14, the Land Use chapter of the Clackamas County Comprehensive Plan, the City / County Urban Growth Management Agreement, and Sections 11 and 14 of the Oregon City Comprehensive Plan. **Zone Change and Partion:** Administration and Procedures are set forth in Chapter 17.50, Zoning Changes and Amendments in Chapter 17.68, "R-6" Single-Family Dwelling District, Streets, Sidewalks and Public Places in Chapter 12.04; Public and Street Trees in Chapter 12.08; Stormwater Management in Chapter 13.12; Grading, Filling and Excavating in Chapter 15.48; Minimum Improvements and Design Standards for Land Divisions in Chapter 16.12; Minor Partitions – Processes and Standards in Chapter 16.16; Tree Protection Standards in Chapter 17.41; and Erosion and Sediment Control in Chapter 17.47 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org. Oregon City Comprehensive Plan Policies and Goals: Section 1: Goals 1.2; Section 2: Goals 2.1, 2.7; Section 5: Policy 5.4.4; Section 6: Policy 6.1.1, Policy 6.2.1; Section 10: Goal 10.1, Policy 10.1.3;Section 11: Goal 11.1;Section 12: Goal 12. B,C,D.

This application is subject to the Administration and Procedures section of the Oregon City Code set forth in Chapter 17.50. The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Ave., Ste. 200, during regular business days (8:30 am- 3:30 pm). Copies of these materials may be obtained for a reasonable cost. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the record by the Planning Commission. Notice of the Planning Commission decision shall be sent to the applicant and to those persons submitting comments and providing a return address. If the application is denied, any party who participated in the Planning Commission proceedings may appeal the Planning Commission's denial by filing a notice of appeal as required by OCMC 17.50.190. If the Planning Commission approves the request, the approval will be forwarded to the City Commission as a recommendation. Please be advised that the City Commission's review is on the record. Any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission proceeding, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any review of that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

A city-recognized neighborhood association requesting an appeal fee waiver following issuance of a land use decision 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.

AN-18-00002 / ZC-18-00001 / MP-18-00004



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants
  - (Other owner)
  - OC
  - CRWD
  - Private
- Water Service Meters
  - (Other owner or Type not defined)
  - OC
  - CRWD
- Water Master Meters
  - (Other owner)
  - OC
- Water Irrigation Meters
  - (Other owner)
  - OC

Notes

AN-18-00002
ZC-18-00001
MP-18-00004

Overview Map

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 8/30/2018

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

OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE TRANSMITTAL (Emailed September 10, 2018)

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office

NOTICE OF THE APPLICATION MAILED TO

- All Taxpayers within 300 feet (City and County)
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas River Water (CRW)
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board (SFWB)
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO

COMMENTS DUE BY:	**October 5, 2018**
HEARING DATE:	PC – **October 22, 2018**, CC - TBD
HEARING BODY:	PLANNING COMMISSION and CITY COMMISSION
FILE # & TYPE:	GLUA-18-00020 / AN-18-00002 / Annexation / ZC-18-00001 / MP-18-00004
PLANNER:	Pete Walter, AICP, Planner, 503-496-1568, Email: pwalter@orcity.org
APPLICANT:	Dean Cunningham
REPRESENTATIVE:	Debbie Cleek, The Bookin Group
REQUEST:	Annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of 3 lots.
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-18-00020-18-00002-mp-18-00004-zc-18-00001
LOCATION:	See Map Attached. 14530 S Maplelane Rd, Oregon City, OR 97045 Clackamas County APN: 3-2E-04DB-00500

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

____ The proposal does not conflict with our interests.
____ The proposal conflicts with our interests for the reasons attached.
____ The proposal would not conflict our interests if the changes noted below are included.

_____

_____

Signed _____

Pamplin MediaGroup

6605 SE Lake Road, Portland, OR 97222
PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **Clackamas Review, Estacada News, Oregon City News**, a newspaper of general circulation, serving Clackamas, Estacada, Oregon City in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Oregon City-Planning Dept.
NOTICE OF PLANNING COMMISSION PUBLIC HEARING
FILE NUMBERS: GLUA-18-00020
Ad#: 68115

A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):
09/19/2018, 09/20/2018

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 09/20/2018.

NOTARY PUBLIC FOR OREGON

OFFICIAL STAMP
SHERRYL R ANDERSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 953783
MY COMMISSION EXPIRES AUGUST 25, 2020

Acct #: 105466
Attn: Pete Walter
OREGON CITY, CITY OF
698 WARNER PARROTT RD
OREGON CITY, OR 97045

NOTICE OF PLANNING COMMISSION PUBLIC HEARING

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REQUEST: Annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of 3 lots.

PROJECT WEBPAGE:https://www.orcity.org/planning/project/glua-18-00020-18-00002-mp-18-00004-zc-18-00001

LOCATION: 14530 S Maplelane Rd, Oregon City, OR 97045

Clackamas County APN: 3-2E-04DB-00500

CONTACT PERSON: Pete Walter, AICP, Planner (503) 496-1568, Email: pwalter@orcity.org

NEIGHBORHOOD: Caufield Neighborhood Association

CRITERIA:Annexation: Metro Code 3.09, Oregon City Municipal Code Title 14, the Land Use chapter of the Clackamas County Comprehensive Plan, the City / County Urban Growth Management Agreement, and Sections 11 and 14 of the Oregon City Comprehensive Plan. Zone Change and Partion: Administration and Procedures are set forth in Chapter 17.50, Zoning Changes and Amendments in Chapter 17.68, "R-6" Single-Family Dwelling District, Streets, Sidewalks and Public Places in Chapter 12.04; Public and Street Trees in Chapter 12.08; Stormwater Management in Chapter 13.12; Grading, Filling and Excavating in Chapter 15.48; Minimum Improvements and Design Standards for Land Divisions in Chapter 16.12; Minor Partitions – Processes and Standards in Chapter 16.16; Tree Protection Standards in Chapter 17.41; and Erosion and Sediment Control in Chapter 17.47 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org. Oregon City Comprehensive Plan Policies and Goals: Section 1: Goals 1.2; Section 2: Goals 2.1, 2.7; Section 5: Policy 5.4.4; Section 6: Policy 6.1.1, Policy 6.2.1; Section 10: Goal 10.1, Policy 10.1.3;Section 11: Goal 11.1;Section 12: Goal 12. B,C,D.

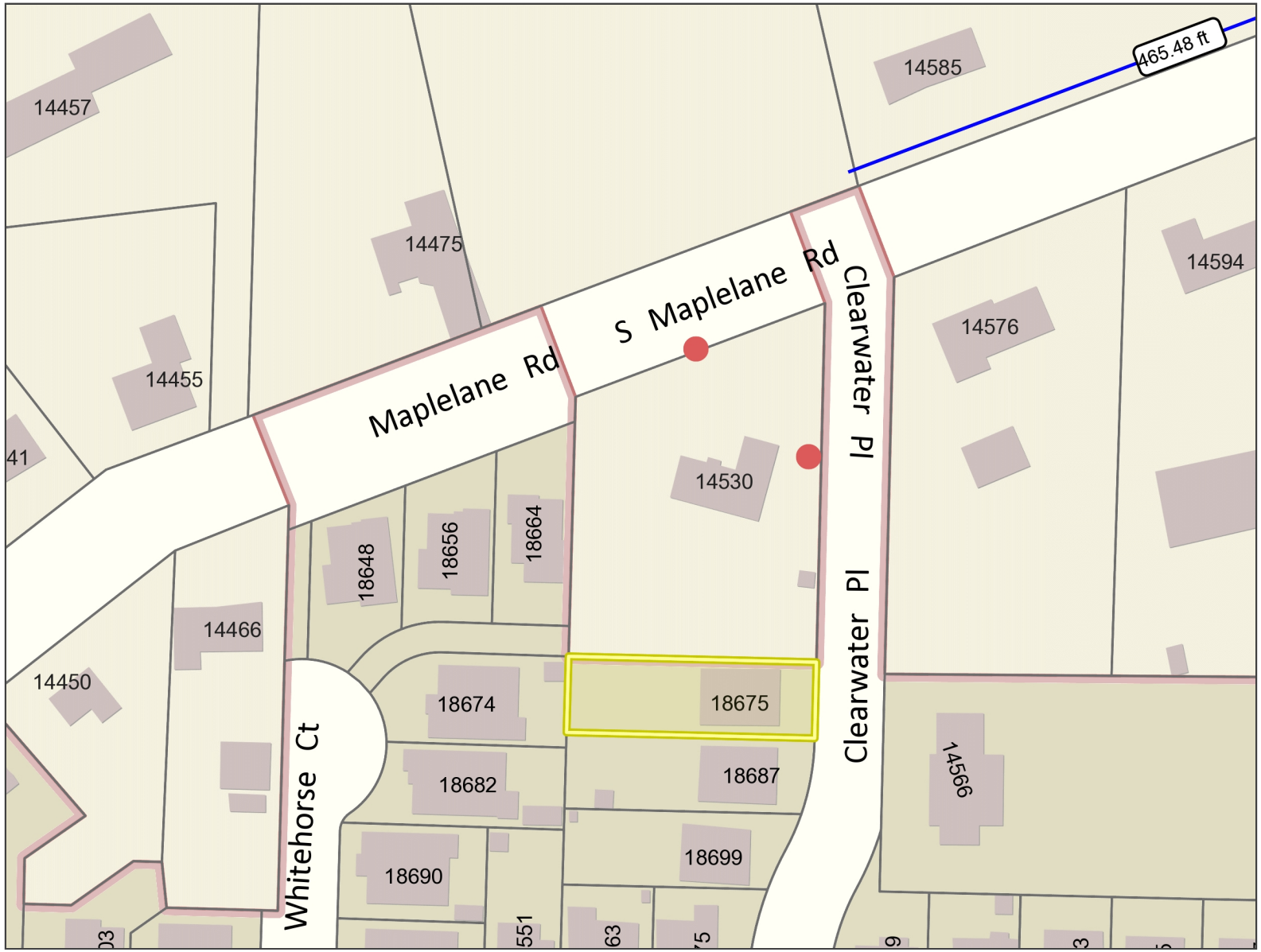
From: DLCD Plan Amendments
Sent: Monday, September 10, 2018 11:25 AM
To: Pete Walter
Subject: Confirmation of PAPA Online submittal to DLCD

Oregon City

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: AN-18-00002 / ZC-18-00001 / MP-18-00004
DLCD File #: 005-18
Proposal Received: 9/10/2018
First Evidentiary Hearing: 10/22/2018
Submitted by: pwalter

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.

SIGN POSTING LOCATIONS



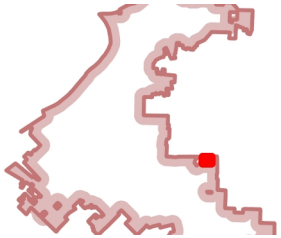
Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

PLEASE SIGN ATTACHED AFFIDAVIT OF POSTING

Overview Map



0 100 200 Feet

1: 1,200

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Map created 9/11/2018

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

ANTHONY C & JESSICA TAUTFEST
14554 SUGARPINE ST
OREGON CITY, OR 97045

BRANDON M SMITH
14623 SUGARPINE ST
OREGON CITY, OR 97045

BRIAN ANDERSON
18664 WHITEHORSE CT
OREGON CITY, OR 97045

CITY OF OREGON CITY
PO BOX 3040
OREGON CITY, OR 97045

COLBY A & MARISSA A HYDE
14563 SUGARPINE ST
OREGON CITY, OR 97045

DAN CRUZ
18648 WHITEHORSE CT
OREGON CITY, OR 97045

DANIEL J & LINDA K HILL
18690 WHITEHORSE CT
OREGON CITY, OR 97045

ERIC LARSON
18698 WHITEHOUSE CT
OREGON CITY, OR 97045

GARY E BOOM
14594 S MAPLELANE RD
OREGON CITY, OR 97045

GREGORY DEAN CUNNINGHAM
14530 S MAPLELANE RD
OREGON CITY, OR 97045

HERRMANN JUDITH K TRUSTEE
PO BOX 2064
OREGON CITY, OR 97045

HONEYCUTT PHYLLIS E TRUSTEE
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OREGON CITY, OR 97045

JANE E PEARSON
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JOHN C & MARTHA S RUSH
18674 WHITEHORSE CT
OREGON CITY, OR 97045

JONI L SAYRE
14566 MAPLELANE RD
OREGON CITY, OR 97045

JOSEPH HARVEY & BECK SHARPE
14503 SUGARPINE ST
OREGON CITY, OR 97045

JOSEPH JR & KELAINE ARMATO
14455 S MAPLELANE RD
OREGON CITY, OR 97045

JUSTIN & CHRISTA BOS WOLFE
14578 SUGARPINE ST
OREGON CITY, OR 97045

KAREN A GRIGGS
18699 CLEARWATER PL
OREGON CITY, OR 97045

KAREN JAMES
14576 S MAPLELANE RD
OREGON CITY, OR 97045

KEVIN ROBERT & KELLY ALEXANDER
14611 SUGARPINE ST
OREGON CITY, OR 97045

MICHAEL & ANGELA MAR DAY
14551 SUGARPINE ST
OREGON CITY, OR 97045

MICHAEL C & ANDRA L KOLLER
18675 CLEARWATER PL
OREGON CITY, OR 97045

MICHAEL W & LORI A H OBRIEN
18687 CLEARWATER PL
OREGON CITY, OR 97045

MICHELLE C DETOUR
18656 WHITEHORSE CT
OREGON CITY, OR 97045

NORTHWEST INVESTMENT HOLDINGS
PO BOX 1152
GIG HARBOR, WA 98335

REBECCA M & RICKY H KRUEGER
18682 WHITEHORSE CT
OREGON CITY, OR 97045

ROCKY YOUNGER
PO BOX 1337
OREGON CITY, OR 97045

SHERRIE LYNN FISH
18691 WHITEHORSE CT
OREGON CITY, OR 97045

SOON SIK & YANG SOOK CHOI
14566 SUGARPINE ST
OREGON CITY, OR 97045

STEVE C CURTISS
14599 SUGARPINE ST
OREGON CITY, OR 97045

STONE CLIFF PROPERTIES LLC
1826 NE BROADWAY ST
PORTLAND, OR 97232

THEODORE M & LINDA S RAGSDALE
14457 S MAPLELANE RD
OREGON CITY, OR 97045

THOMAS EDWIN GARRETT
14575 SUGAR PINE ST
OREGON CITY, OR 97045

VICTORIA S & WAYNE W MUNROE
14647 SUGARPINE ST
OREGON CITY, OR 97045

Caufield NA Chair
20153 Woodglen Way
Oregon City, OR 97045

City of Oregon City

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

Staff Report

File Number: PC 18-150

Agenda Date: 11/26/2018

Status: Agenda Ready

To: Planning Commission

Agenda #: 3c.

From: Pete Walter

File Type: Planning Item

SUBJECT:
Expansion to Memory Care Facility at 950 South End Road (Files GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01))

RECOMMENDED ACTION (Motion):
Approval with Conditions.

BACKGROUND:
This application consists of Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road.

The property is located at 950 South End Road, Oregon City, OR 97045 and identified as Clackamas County Map 3-1E-01AD, Tax Lot 3100.

The proposed project consists of making an addition of approximately 529 square feet to the northern side of the existing 31-bed facility and converting a portion of the existing building. This would allow the applicant to add an additional seven (7) beds to the facility, along with the addition of a wheelchair ramp and landing at the rear (west) side of the building and other site modifications in order to comply with Americans with Disabilities Act (ADA) requirements. The addition would result in the building slightly exceeding the maximum 40% lot coverage for the R-10 Single Family Residential zone district, and for this reason the applicant is seeking approval of a minor variance.

As part of the prior Conditional Use approval for the facility (File CU 14-01), a Condition of Approval #28 was added which states: “The applicant’s revised site plans as presented at the September 8 Planning Commission public hearing for the basis for the Planning Commission’s conditional approval. No modifications to the approved revised site plans may be approved without Planning Commission approval.” Therefore this application must be reviewed by the Planning Commission.

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III – PLANNING COMMISSION
STAFF REPORT AND RECOMMENDATION
November 16, 2018

Submitted: 09/05/2018
Complete: 10/10/2018
120 Day Deadline: 02/07/2019

HEARING DATE: Monday, November 26, 2018, 7:00 pm
City Hall, Commission Chambers
625 Center Street, Oregon City, OR 97045

FILE NUMBER: GLUA-18-00025
VAR-18-00001
SP-18-00106
MD-18-00001 (of CU 14-01)

APPLICANT: Jeffrey Wellington, 415 SE 28th Ave, Portland, OR 97214

OWNER: PBRELF I LLC, 600 University St, Ste. 2800, Seattle, WA 98101

REPRESENTATIVE: Kelly Smith / John Lape, Architect, 520 SW 6th Ave, Ste. 520, Portland, OR 97219

REQUEST: Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road

LOCATION: 950 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01AD, Tax Lot 3100

REVIEWER: Pete Walter, AICP, Planner
Phone: (503) 496-1568, Email: pwalter@orcity.org
Josh Wheeler, PE, Development Projects Manager

DECISION: 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.

RECOMMENDED CONDITIONS OF APPROVAL

GLUA-18-00025
VAR-18-00001
SP-18-00106
MD-18-00001 (of CU 14-01)

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

The applicant shall include the following information with submittal of a Building permit associated with the proposed Minor Site Plan and Design Review application. The information shall be approved prior to issuance.

1. Width of on-site pathways. Prior to issuance of a building permit, the applicant shall either remove the on-site paths that are less than five feet in width on plan submittals, or revise the plans to indicate 5' wide paths in accordance with OCMC 17.62.050.A.9. For buildings fronting on the street, the public sidewalk may be used to meet this standard. (P)

2. Chain link fence. Prior to issuance of a building permit, the applicant shall remove any chain link fencing and / or replace it with non-prohibited materials in accordance with OCMC 17.62.050.A.21 and OCMC 17.54.100. (P)

3. Transparency. Prior to issuance of a building permit, the applicant shall provide calculations of transparency on all plan elevations. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road in accordance with OCMC 17.62.055.I. (P)

4. Outdoor lighting. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.622.080.C.2. (P)

5. Screening for mechanical equipment. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street in accordance with OCMC 17.62.050.A.20. (P)

I. BACKGROUND:

1. Existing Conditions

Description
The existing project is an occupied memory care building with 31 beds. The facility received approval by the Planning Commission for a Conditional Use (CU 14-01), Site Plan and Design Review (SP 14-09), Variance (VR 14-01) and Lot Line Abandonment (LL 14-05) on September 22, 2014. The current facility was issued a Certificate of Occupancy on June 22, 2016. The facility has changed ownership and the current owner desires to expand and improve the facility to accommodate additional capacity. The current structure has a footprint of 40% of the site and has 10 on-site parking spaces, eight in the rear and two at the front.

The site is located at the northwest corner of Amanda Court and South End Road. The current zoning and land uses abutting the property are as follows:

North	R-10	Single Family Residences
East	R-10	South End Road ROW / United Pentecostal Church of Oregon City
South	R-10	Amanda Court / Single Family Residences
West	R-10	Single Family Residences

The current parcel size is approximately 0.91 acres.

Figure 1a. Google Street View from corner of Amanda Court and South End Road – September 2017

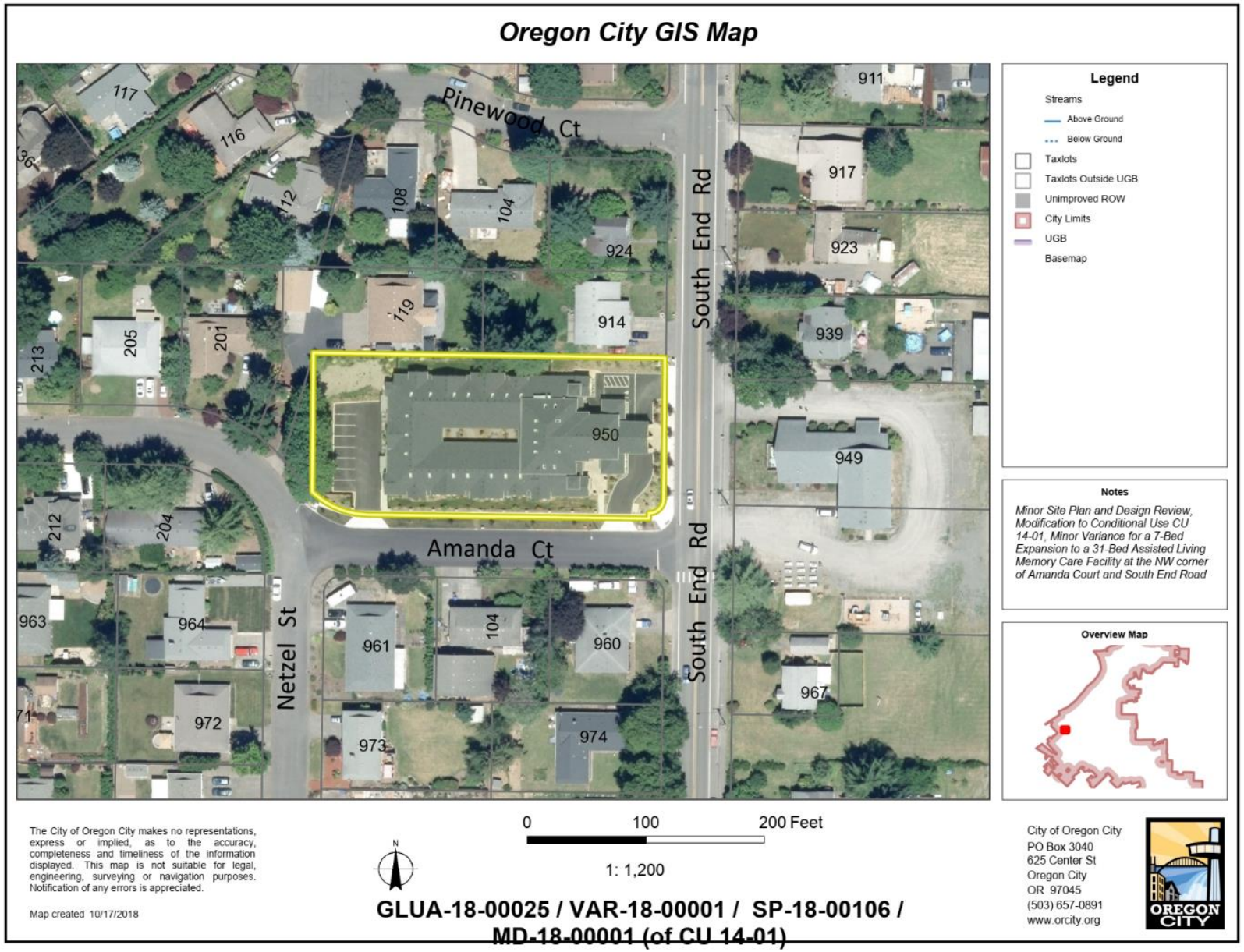


Figure 1b. Vicinity Map and Aerial Image

2. **Project Description**

The proposed project consists of making an addition of approximately 529 square feet to the northern side of the facility and converting a portion of the existing building to add an additional seven (7) beds to the facility, along with the addition of a wheelchair ramp and landing at the rear (west) side of the building and other site modifications in order to comply with Americans with Disabilities Act (ADA) requirements.

The addition would result in the building slightly exceeding the maximum 40% lot coverage for the R-10 Single Family Residential zone district, and for this reason the applicant is seeking approval of a minor variance.

Typically a proposal of this type would be reviewed as a Type II Minor Site Plan pursuant to OCMC 17.56.025 - *Minor modifications to legal conditional uses., which allows that*

> *Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:*
>
> *A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;*
> *B. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or*
> *C. Revisions to parking alignment and/or related vehicle circulation patterns.*

However, as part of the prior approval for the facility, a Condition of Approval #28 was added which states: *"The applicant's revised site plans as presented at the September 8 Planning Commission public hearing for the basis for the Planning Commission's conditional approval. No modifications to the approved revised site plans may be approved without Planning Commission approval."*

The applicant's proposal is being processed as a Type III, Modification to the prior Conditional Use application by the Planning Commission.

3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 13.12 - Stormwater Management
- 15.48 - Grading, Filling and Excavating
- 17.08 – R-10 Single Family Residential
- 17.41 – Tree Protection
- 17.47 - Erosion and Sediment Control
- 17.50 - Administration and Procedures
- 17.62 - Site Plan and Design Review
- 17.52 - Off Street Parking and Loading
- 17.54.100 – Fences
- 17.58 - Nonconforming Uses, Structures, and Lots
- 17.56 – Conditional Uses

The City Code Book is available on-line at www.orcity.org.

Figure 2: Proposed Site Plan – Not to Scale

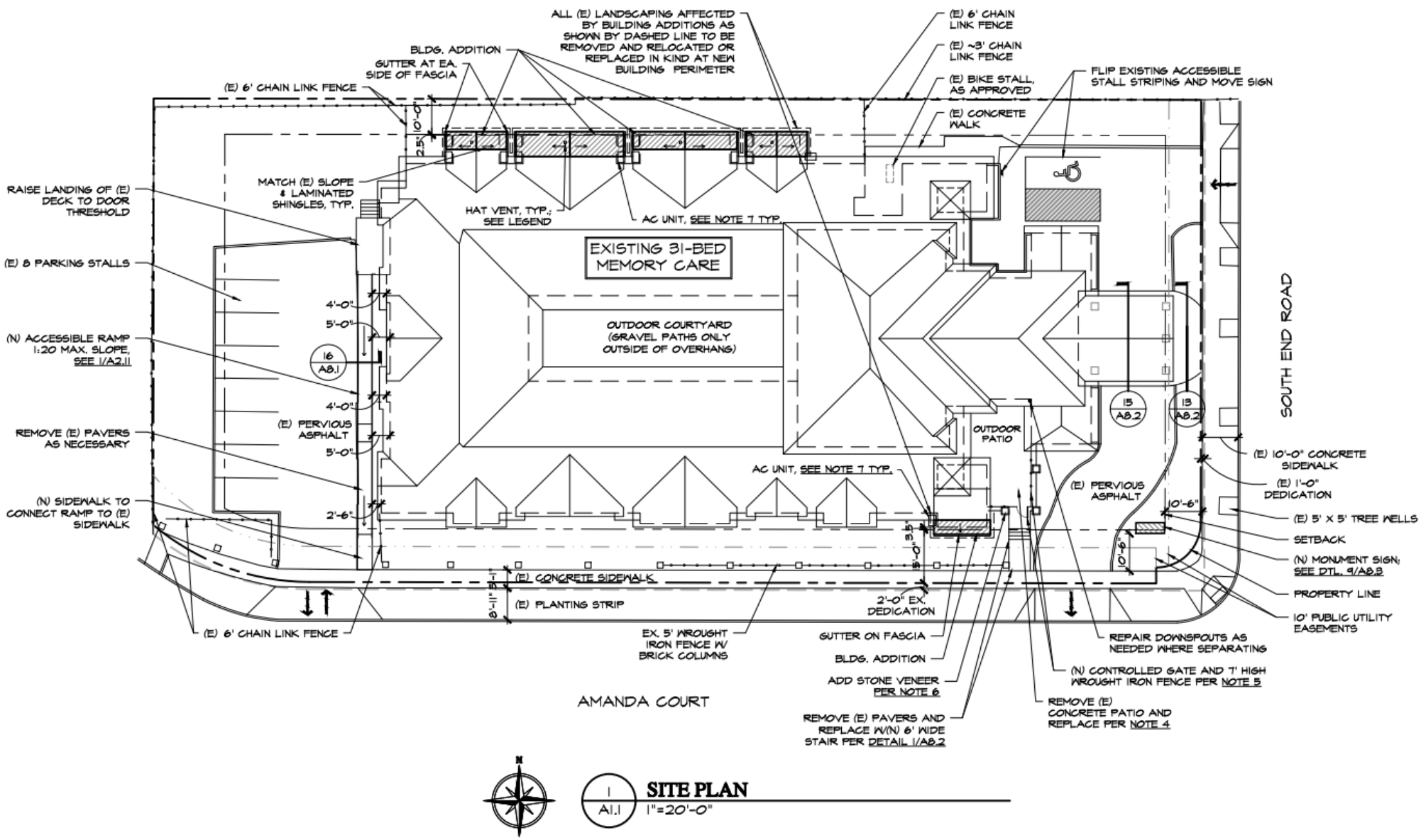
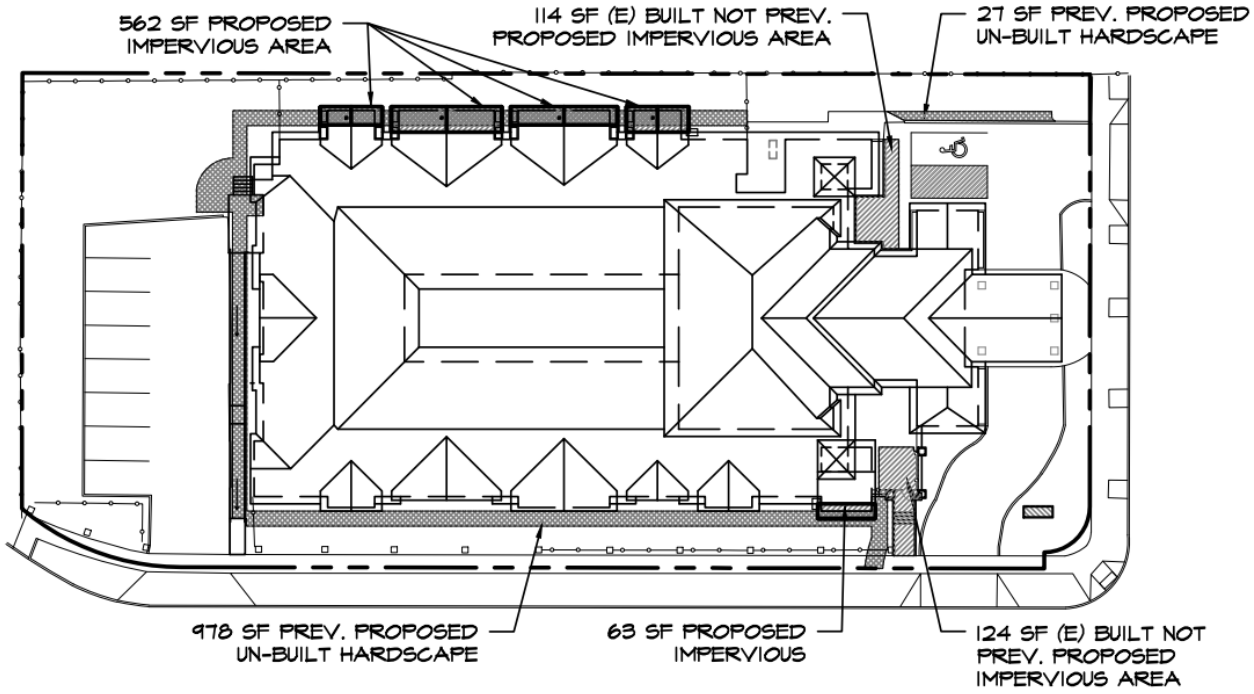


Figure 3: Impervious Area – Not to Scale



IMPERVIOUS AREA CHANGES

1,005 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
-238 SF	NOT PROPOSED AND BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
-625 SF	PROPOSED (N) BLDG. AND SITE ADDITION
142 SF	NET AREA LEFT FROM PROPOSED IMPERVIOUS AREA

2 / A1.1 **IMPERVIOUS AREA**

1"=40'-0"

Figure 4a: Proposed Floor Plan – Demolition – Not to Scale

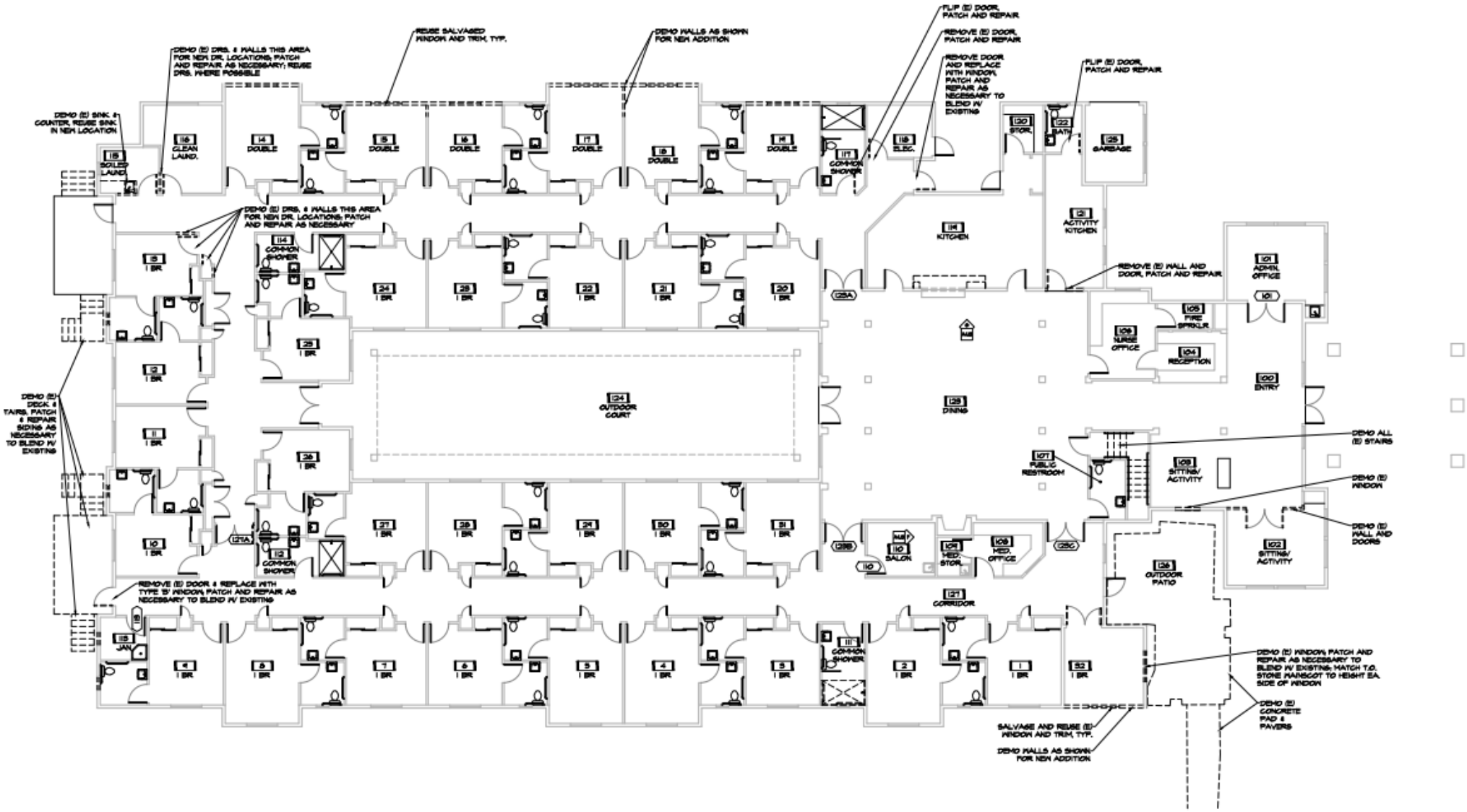
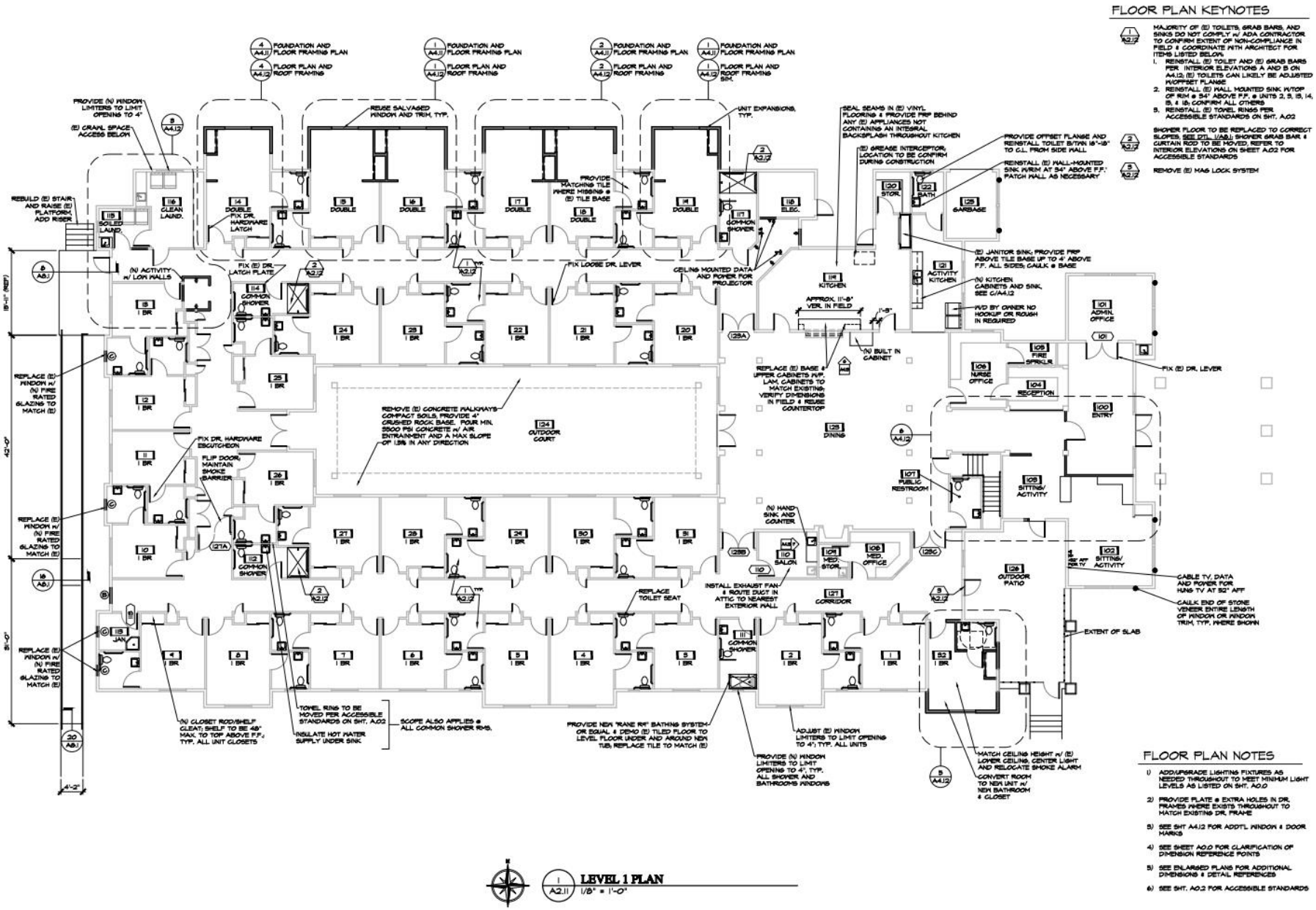


Figure 4b: Proposed Floor Plan – First Floor - Not to Scale



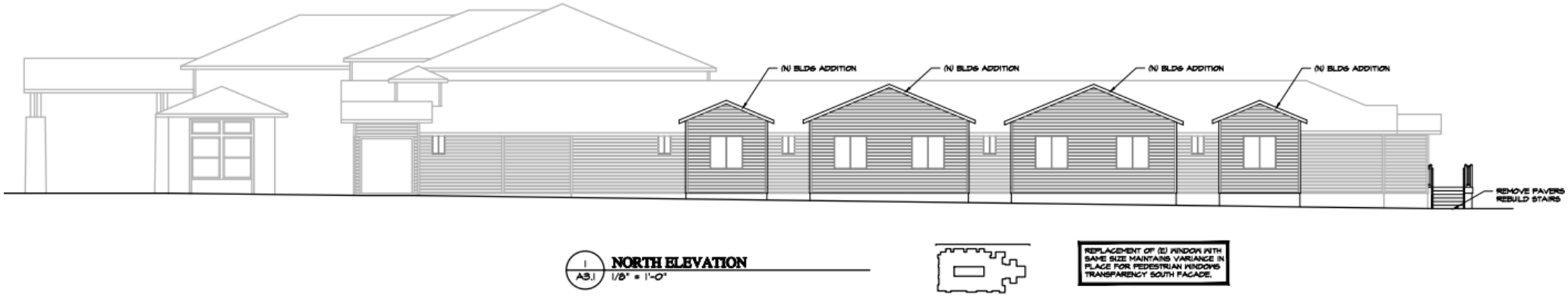


Figure 5: Proposed Modifications to North Elevation – Not to Scale

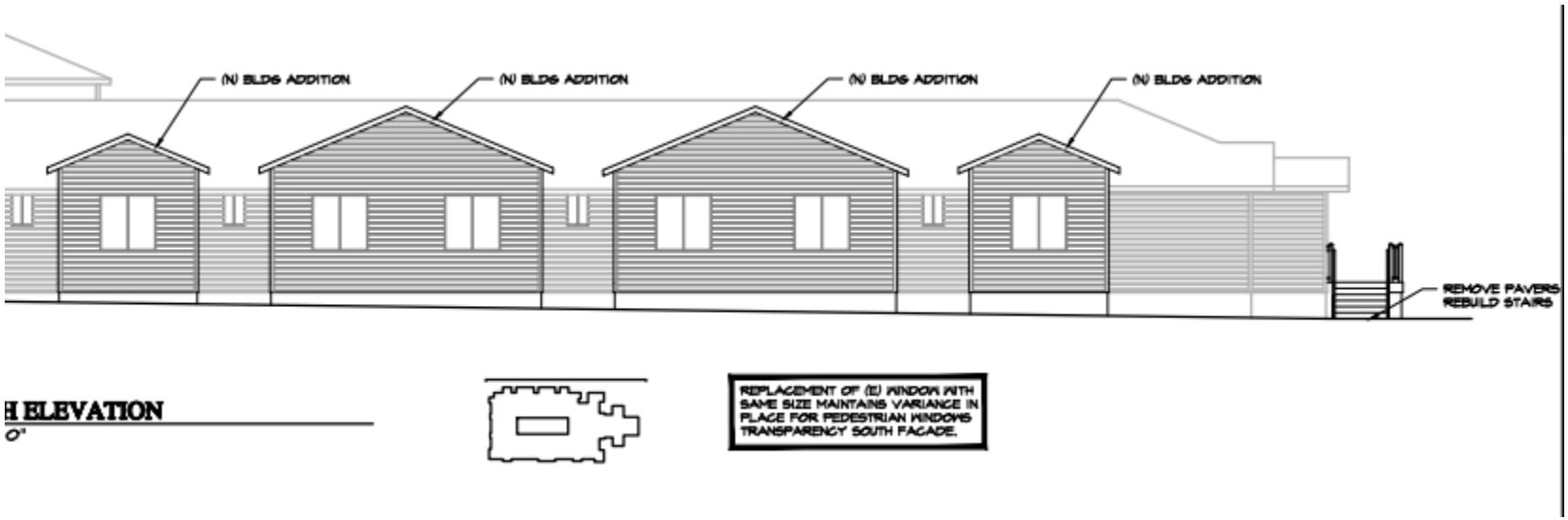


Figure 5b. Proposed Modifications to North Elevation – Enlargement

Figure 6: Proposed Modifications to South Elevation – Facing Amanda Court – (Not to Scale)

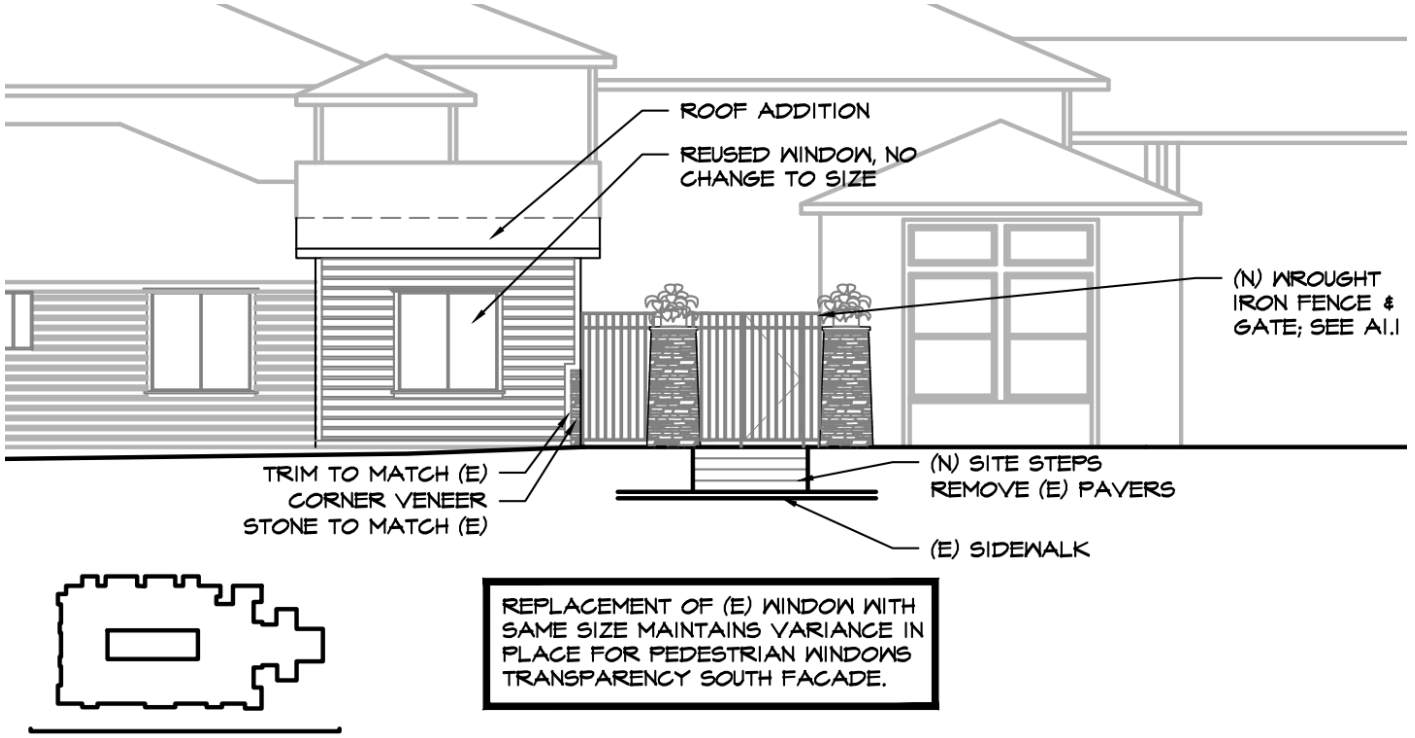


Figure 6a. Modifications to South Elevations – Enlargement - (Not to Scale)

Figure 7: Proposed Modifications to East Elevation – Facing South End Road – (Not to Scale)

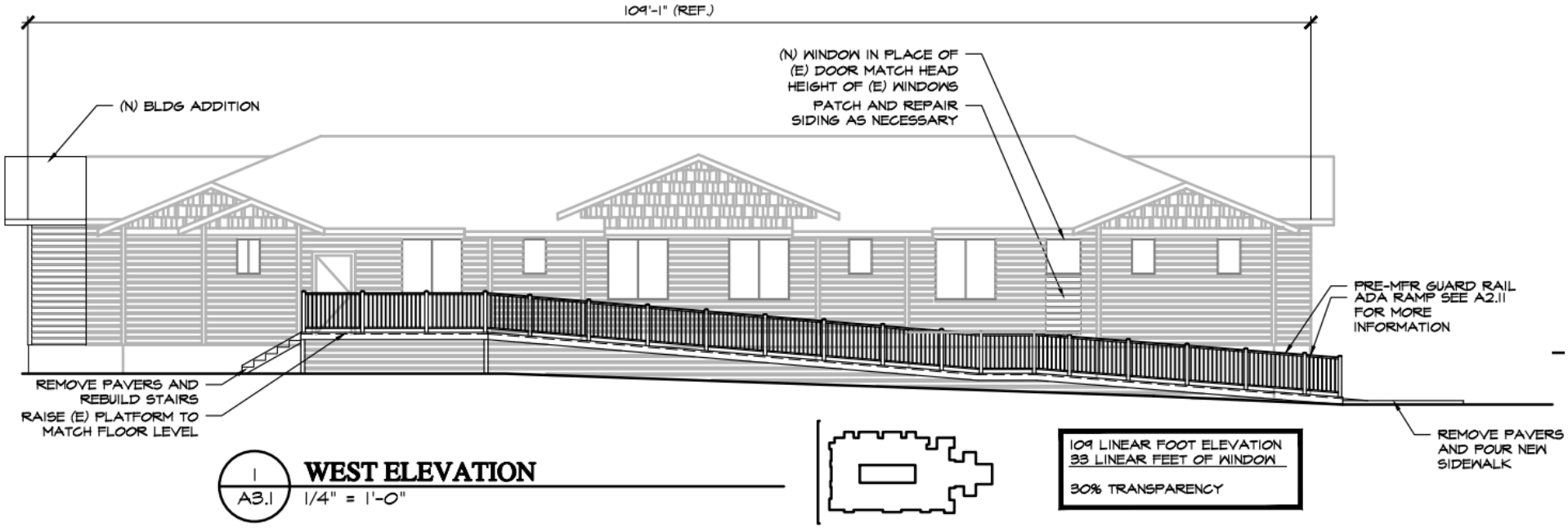


Figure 8: Proposed Modifications to West Elevation – Rear of Building facing Parking Lot – (Not to Scale)

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 public hearing is required to be provided at least 20 days prior to the Planning Commission Public Hearing pursuant to OCMC 17.50 Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association.

Public Notice was published in the Clackamas Review / Oregon City News on October 31st, 2018. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Public comments submitted include:

An email comment from Gregory Peterson regarding the screening requirements for ground mounted mechanical equipment. Mr. Peterson stated that several air-conditioning units on the south exterior are not properly shielded from view, as required by OCMC 17.62.050.A.20.C.

A condition of approval to assure compliance with this standard is recommended.

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 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

17.08.040 Dimensional standards.
Dimensional standards in the R-10 district are:
A. Minimum lot areas, ten thousand square feet;
Finding: Complies as proposed. The lot area is approximately 40,000 square feet or 0.91 acres.

B. Minimum lot width, sixty-five feet;
Finding: Complies as proposed. The lot width is approximately 135 feet.

C. Minimum lot depth, eighty feet;
Finding: Complies as proposed. The lot depth is approximately 295 feet.

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Finding: Complies as proposed. The building height of the front portion of the building which is two stories is 25' tall, while the rear portion of the building is a single story approximately 16' tall. In the area where the addition is proposed to the north side of the building, the height will remain approximately 16' tall.

E. Minimum required setbacks:
1. Front yard, twenty feet minimum setback,
Finding: Complies as proposed. No changes are proposed. The current front setback from South End Road is 29' to the enclosed building. The setback to the support posts of the Porte Cochere is 10'. These setbacks were approved previously with review of CU 14-01 pursuant to the design standards for a commercial building.

2. Front porch, fifteen feet minimum setback,
Finding: Complies as proposed. No changes are proposed. The current front setback from South End Road is 29' to the enclosed building. The setback to the support posts of the Porte Cochere is 10'. These setbacks were approved previously with review of CU 14-01 pursuant to the design standards for a commercial building.

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: Not applicable. There are no garages proposed.

4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,
Finding: Complies as proposed. Currently the interior side yard setback is 15'. With the addition, the interior side yard setback will be 10'.

5. Corner side yard, fifteen feet minimum setback,
Finding: Complies as proposed. With the small addition to the southeast corner of the building, the corner side yard setback will be 15' 3".

6. Rear yard, twenty feet minimum setback,
Finding: Not applicable. No changes to the current rear yard setback to the building are proposed, which is approximately 62 feet.

7. Rear porch, fifteen feet minimum setback.
Finding: Complies as proposed. The proposed landing and ADA ramp will not change the current rear yard setback of approximately 58 feet.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
Finding: Not applicable. No garages are proposed.

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: The existing footprint of the structure is 15,323 sq. ft. as approved and no modifications were made during construction. The proposed additional footprint is 529 sq. ft. for a total footprint of 15,852 sq. ft. The site area is shown on the plans as 39,439 square feet, which amounts to a 40.19% lot coverage. A minor variance is requested – please refer to the findings below under Chapter 17.60.

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 application was initiated by the property owner and included all required application materials and plans. The applicant has proposed a type II minor variance for building lot coverage as the proposed lot coverage is under the 25% additional benchmark for a type II minor variance. The proposed project is a 529 SF building addition providing one new private unit and the expansion of six existing units to double occupancy rooms. The proposed lot coverage is 40.19% or 88 SF over the allowed 40% lot coverage.

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. All fees associated with the review of this application have been paid.

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. A public hearing has been scheduled in accordance with this standard.

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: Complies as proposed. This application would typically qualify for a minor variance process through a Type II procedure, however, as part of the prior approval for the facility (CU 06-01), a Condition of Approval (28) was added which states: "The applicant's revised site plans as presented at the September 8 Planning Commission public hearing for the basis for the Planning Commission's conditional approval. No modifications to the approved revised site plans may be approved without Planning Commission approval." Therefore the minor variance is being processed along as a Type III concurrent with the modification to the prior Conditional Use application by the Planning Commission.

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 site area measures 39,439 square feet and the current building has a footprint of 15,323 square feet or 39% of the lot. With the proposed 529 square foot addition the footprint would increase to 15,852 square feet or 40.19% of the lot. The maximum allowable lot coverage is 15,775.6 square feet. For this lot, the code would allow a 25% increase of up to 3,943.9 square feet to the existing building as a minor variance. The application qualifies for a minor variance to lot coverage since it is well under the 25% threshold (529 < 3,943.9). However, for the reasons discussed under (D) above, it is being reviewed as a Type III application.

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 applicant states that the building is located on a corner lot and the expansion to the South side of the building will not negatively affect any other structures given the street between them. The North building expansions are within the required interior yard setback for the site and will not affect adjacent properties any more than a legally conforming residential structure building to the zoning code. Staff concurs and finds that the minor variance will not reduce light, air, safe access or other desirable qualities protected under the zoning code.

17.60.030.B. That the request is the minimum variance that would alleviate the hardship;
Finding: Complies as proposed. The applicant states that the building expansion would allow the facility to give more space to the memory care patients who spend a majority of their time inside the facility and in their rooms. Given the need to add these units and the existing design of the building, the applicant believes that this is the least amount of coverage required to provide a comfortable space for the residents of the building. Furthermore, the building is a commercial use in residential zoning. Site Plan and Design Review Standards in OCMC 17.62.050.A.1 allows a lot coverage of 85% (including parking) for a commercial use building. The proposed lot coverage from a commercial use standpoint is 80.2% under the 85% allowed. Given the very small additional lot coverage in comparison to the stated need for the variance, staff believes this standard is met.

17.60.030.C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
Finding: Complies as proposed. The lot coverage standard of 40% is a residential dimensional standard that helps to assure light, space and separation between residential structures in the low density residential R-10 zone district. The applicant states that given the small nature of the exceeding amount (88 square feet), it is believed that the variance will have very minimal effect on the purpose of the regulation. The addition is broken into smaller segments to not block light and it is a single story, less than the height allowed in the zoning designation. Given these factors, and the very small additional lot coverage in comparison to the stated need for the variance, staff believes this standard is met.

17.60.030.D. Any impacts resulting from the adjustment are mitigated;
Finding: Complies as proposed. The proposed building additions are within the required setbacks per R-10 zoning requirements and will not impact the buildings surrounding any more than a conforming residential building. Furthermore, the additions proposed are one-story, and there is existing landscaping and privacy fencing buffering the building from adjacent properties in these areas. Staff believes this standard is met.

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. Given the existing nature of the building under the prior approval for a Conditional Use for a memory care facility and the need for the additional units, the applicant states that this minor variance is the only way to provide adequate units for the residents. Staff concurs.

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

Finding: Complies as proposed. Staff finds that the minor variance remains consistent with the prior Conditional Use CU 14-01 and the applicable goals and policies of the Oregon City Comprehensive Plan and the findings made by the Planning Commission for CU 14-01 which are attached hereto by reference. Additional findings for compliance with the Comprehensive Plan Goals and Policies are provided as the basis for modification of the Conditional Use permit in Section 17.56 of this report. Staff finds that this minor variance continues to fulfill the intent of the zoning code by being of limited size, maintaining compatibility with surrounding buildings and using residential architectural character and landscaping.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 *Modifications that will better meet design review requirements.*

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

Finding: Not applicable. The applicant has not requested a modification of any site plan standard pursuant to this section.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to Section 17.50.030. The community development director shall identify and explain the relevant review procedures and standards.

Finding: Complies as proposed. Please see finding under section 17.50.050.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Finding: Applicable. The application is associated with a Conditional Use in a residential zone, therefore Site Plan and Design Review is required.

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A., subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this

type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:

a. Any activity which is included with or initiates actions that require Type II-IV review.

b. Any use which is not permitted outright, unless otherwise noted.

c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.

d. Any proposal in which modifications are proposed under Section 17.62.015.

2. The following projects may be processed as a Type I application:

a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.

b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.

c. Temporary structures, excluding mobile vendors.

d. Removal, replacement or addition of awnings, or architectural projections to existing structures.

e. Addition, modification, or relocation of refuse enclosure.

f. Changes to amount, location, or design of bicycle parking.

g. Installation of mechanical equipment.

h. Repaving of previously approved parking lots with no change to striping.

i. Replacement of exterior building materials.

j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.

k. Addition or alteration of parapets or rooflines.

l. Modification of building entrances.

m. Addition to or alteration of a legal nonconforming single or two-family dwelling.

n. Change to parking lot circulation or layout, excluding driveway modifications.

o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.

p. Adoption of shared parking agreements.

q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.

r. New or changes to existing pedestrian accessways, walkways or plazas.

s. Installation of or alterations to ADA accessibility site elements.

t. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.

u. Addition of or alterations to outdoor lighting.

v. Demolition of any structure or portion of a structure

w. Tree removal

3. Submittal Requirements. A Type I application shall include:

a. A narrative describing the project.

b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

d. A completed application form.

e. Any other information determined necessary by the community development director.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035A.:

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
Finding: The proposed development would normally qualify for a Type II Minor Site and Design Review application pursuant to OCMC 17.56.025 – *Minor modifications to legal conditional uses*;

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:

(B.) A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

The proposed addition to this commercial building is under one thousand square feet, however, due to Condition of Approval #29 of CU 14-01, which required that any change to the approved site plans of September 22, 2014 be reviewed by the Planning Commission, this application requires a Type III review process.

2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
a. The submittal requirements of Chapter 17.50.
b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.
c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
e. Additional submittal material may be required by the community development director on a case-by-case basis.
3. Development standards for Type II minor site plan and design review.
a. All development shall comply with Sections 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.
Finding: Complies as proposed. The applicant submitted all required information and the application was deemed complete.

17.62.040 - Plans required.
Finding: Complies as proposed. The applicant has submitted all requested application items.

17.62.050 - Standards.
A. All development shall comply with the following standards:
1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
Finding: Complies as proposed. 38% of the site area is proposed to be landscaped. All existing previously approved landscaping is to remain and moved to accommodate building additions where necessary.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is

incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).

Finding: Not applicable. The applicant has not requested a reduction in the minimum landscaping percentage.

b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

Finding: Not applicable. The site is not within the Natural Resources Overlay District.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. 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 500 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. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: Complies as proposed. A landscape plan is not required for this application because the original landscaping plan has already been installed and the proposed addition will only displace a small amount of lawn area and a handful of shrubs. The existing landscaping already complies with this standard.

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Finding: Not applicable. The application is not within the Downtown Design District.

e. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as proposed. The landscaping for this project is visible from public thoroughfares to the extent practicable.

f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

Finding: Not applicable. The parking lot does not include interior landscaping due to its small size.

2. Vehicular Access and Connectivity.

a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.

Finding: Complies as proposed. The existing parking area is at the rear of the building.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

Finding: Not applicable. No changes are proposed to the driveway locations.

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for 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. The site is within the R-10 zone.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

Finding: Not applicable. The site does not abut an alley.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Finding: Not applicable. The existing driveway configuration is not proposed to change.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Not applicable. The existing driveway configuration is not proposed to change.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in Chapter 12.04.

Finding: Not applicable. No connections are proposed to adjacent sites, which are developed residential lots.

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.

Finding: Not applicable. Vehicular and pedestrian access easements are not needed.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not applicable. Vehicular and pedestrian access easements are not needed.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, 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.

Finding: Not applicable. No streets are proposed.

k. Parcels larger than three acres shall provide streets as required in Chapter 12.04. The streets shall connect with existing or planned streets adjacent to the site.

Finding: Not applicable. The site is less than three acres and no new streets are proposed.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

Finding: Not applicable. A parking garage is not proposed with this development.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

Finding: Not applicable. A parking garage is not proposed with this development.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design

and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.
b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.
Finding: Complies as proposed. The proposed addition is complimentary to the existing building and the surrounding area. The original building was reviewed for compliance with the Institutional and Commercial Building Design Standards in OCMC 17.62.055, and for comparison's sake, it was also reviewed for compliance with the Residential Design Standards of OCMC 17.20. The building met both sets of standards.

The addition will be complimentary to the residential, institutional and multi-family construction that has occurred along South End Rd. This includes the South End townhome development at the corner of Lawton Road, as well as the existing Pentecostal Church directly across the street.

The site is not within any historic district or design review overlay district, nor is it adjacent to any historically designated structures located outside of the McLoughlin or Canemah historic districts.

The exterior building materials proposed are the same as the existing. All the exterior surfaces will have a finished appearance using consistent materials and finishes as that of the surrounding neighborhood. These exterior materials include the use of fiber cement board siding, cultured stone veneer, premium or laminate grade asphalt composition roof shingles, shake shingle paneling at the eaves, metal gutters, wide decorative trim on the windows, eaves and faschia, and stucco finishes.

4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
Finding: Not Applicable. No grading is proposed.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
Finding: Not Applicable. No work is occurring in a Geologic Hazard Overlay District.

6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.
Finding: Not Applicable. Drainage is not affected by this project.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.
Finding: Please refer to the findings under Chapter 17.52.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.
Finding: See findings under section 12.04 of this report. Sidewalks and curbs are already in place.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
Finding: Complies as proposed. The applicant has proposed pathways that provide a direct connection to the street from all entrances fronting on the street.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
Finding: Complies as proposed. The main entrance is at the front of the building which connect directly to the sidewalk.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
Finding: Not applicable. No dwelling units are located above the ground floor. All access to dwelling units is internal.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.
Finding: Not applicable. There are no adjacent buildings on the same site.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.
Finding: Complies as proposed. The proposed design provides a sidewalk and a pathway around the building.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
Finding: Complies with conditions. The applicant has proposed to replace the existing on-site pedestrian walkway at the southeast exit with a 6' wide concrete sidewalk and stairs. In order to add a second accessible means of egress, a 50" wide accessible ramp of composite wood decking and concrete walkway are proposed from the existing deck at the northwest exit. For the egress path to remain a minimum of 5' away from the resident units in order to maintain the ability to have operable windows and not encroach on the existing drive aisle, the ramp width is limited to 50". The ramp will be used for emergency egress only since the exit door will remain secured at all other time for the safety of the residents suffering from dementia and Alzheimer's.

The proposed hardscape pathways on the south and north sides of the building appear to be less than five feet wide. Pathways are not required around the entire building in order to comply with this section due to the sidewalk connection, however, since they are proposed, they are required to be at least five feet in width. Therefore, prior to issuance of a building permit, the applicant shall either remove the on-site paths which are not required that are less than five feet in width on plan submittals or revise the plans to indicate 5' wide paths and widen the required pathways to 5 feet. Because the building fronts on the street, the existing sidewalk may be used to meet this standard. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Finding: Complies as proposed. The development application identified adequate means and accesses to ensure continued maintenance and necessary replacement of facilities and areas.

11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.

Finding: Please refer to the analysis in Chapter 17.41 of this report.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.

Finding: Not applicable. The site is not within the Natural Resources Overlay District.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies as proposed. The applicant indicated that construction will adhere to all applicable codes. The building permit process involves multiple inspections prior to issuance of a certificate of occupancy. Any nuisances that may occur during construction may be corrected through the standard code enforcement process.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Not Applicable. No new services are required.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: Not Applicable. No street improvements are required.

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or

approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Complies as proposed. South End Road is designated as a transit corridor on the City's Transportation System Plan, although it is not currently served by Tri-Met. No comments were received from Tri-Met regarding this proposal.

17. All utility lines shall be placed underground.

Finding: Not applicable. No utility lines are proposed.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Complies as proposed. Accessibility upgrades are proposed at the main entry/exit and the secondary accessible exit to comply with state and federal laws and provide the two required accessible routes to the public right of way. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not applicable. Although this is a residential care facility, it is considered a commercial development within one building. This standard does not apply.

20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

Finding: Not applicable. No rooftop mechanical equipment is proposed.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

Finding: Not applicable. No wall-mounted mechanical equipment is located or is proposed on a façade that faces a right-of-way.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.

Finding: Complies with condition. The applicant indicated that the existing ground mounted mechanical equipment, if it needs to be relocated, will be screened by shrubs and existing fences. An emailed public

comment was received regarding the screening requirements for ground mounted mechanical equipment. According to the comment, several air-conditioning units on the south exterior are not properly shielded from view. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Finding: Not applicable. No solar or wind power generating equipment is proposed.

21. Building Materials.
a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
i. Brick.
Ii. Basalt stone or basalt veneer.
iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
iv. Board and batten siding.
v. Other materials subject to approval by the community development director.
vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Complies as proposed. No changes are proposed to the existing building materials which include composite siding. The new addition will be painted to match the existing structure.

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
i. Vinyl or plywood siding (including T-111 or similar plywood).
Ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
iii. Corrugated fiberglass.
iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
[v.] Crushed colored rock/crushed tumbled glass.
[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies with conditions. The submitted site plans indicate chain link fencing at the northwest and southwest corners of the building. No other prohibited materials are identified within the submittal. The applicant shall remove the chain link fencing and or replace it with non-prohibited materials prior to issuance of a building permit. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
Finding: Not applicable. No special materials are proposed.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.
Finding: Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the recommended conditions of approval attached.

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.
Finding: Not Applicable. This application does not include a nonconforming use, structure, or lot.

17.62.055 - Institutional and commercial building standards.
A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.
Finding: Applies. The applicant has proposed an addition to an existing commercial building.

C. Relationship between zoning district design standards and requirements of this section.
1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.
Finding: Complies with conditions. As described above in sections A.3 and A.21.c, and demonstrated within the application, the applicant's proposed addition is compatible with the existing building and surrounding development and compliant with the design standards and material requirements of the Oregon City Municipal Code with conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.
Finding: Not applicable. The applicant has not proposed a standardized prototype or franchise design.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.
Finding: Not applicable. Multiple building development is not proposed.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Finding: Not applicable. No conflict has been identified.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Finding: Not applicable. No changes are proposed to the placement of the existing building where it fronts on the abutting streets.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

a. Tables, benches or other approved seating area.

b. Cobbled, patterned or paved stone or enhanced concrete.

c. Pedestrian scale lighting.

d. Sculpture/public art.

e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

g. Outdoor café.

h. Enhanced landscaping or additional landscaping.

i. Other elements, as approved by the community development director, that can meet the intent of this section.

Finding: Complies as proposed. No changes are proposed to the placement of the existing building or any of the pedestrian amenities originally constructed between the building and the sidewalk.

2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Finding: Complies as proposed. No changes are proposed to the primary façade, which features a prominent porte cochere which shelters the main entrance.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

a. Canopies or porticos;

b. Overhangs;

c. Recesses/projections;

d. Arcades;

e. Raised corniced parapets over the door;

f. Peaked roof forms;

g. Arches;

h. Outdoor patios;

i. Display windows;

j. Architectural details such as tile work and moldings which are integrated into the building structure and design;

k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Complies as proposed. No changes are proposed to the primary façade, which features a prominent porte cochere which shelters the main entrance.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.
Finding: Not applicable. This is not a retail development.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.
Finding: Not applicable. The applicant has not proposed a trellis, canopy or awning in the public right-of-way.

E. Corner Lots.
For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
Finding: Complies as proposed. No changes are proposed to the main front façade.

F. Commercial First Floor Frontage.
In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.
Finding: Not applicable. The site is not within a mixed use or neighborhood commercial zone.

G. Variation in Massing.
1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.
Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.
Finding: Complies as proposed. The proposed additions will not change the overall massing of the building as seen from the street.

H. Minimum Wall Articulation.
1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

i. Change in plane,
ii Change in texture or masonry pattern or color,
iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
iv. An equivalent element that subdivides the wall into human scale proportions.
Finding: Complies as proposed. Some minor alterations are proposed to the southwest corner of the building, which include enlarging a one bed unit, removing a window and adding a bathroom, and fencing in as well as adding steps down from the outdoor café area to the sidewalk. These alterations serve to further enhance the wall articulation on the southeast corner by bringing the building four feet closer to the property line in that location.

2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.
Finding: Complies as proposed. As constructed the existing building already complied with this criterion. The proposed additions will serve to increase the wall articulation. The north, south, and west building facades have building walls in excess of 100'. The north and south walls measure 199'-4" horizontally. In this length there are various wall projections, roof lines, changing wall heights, different material finishes, textures, colors, and windows. The minimum wall plane projection or recess is 3' and up to 32'+ with no walls that have an uninterrupted length greater than 39'-6" on either side. The wall variations run at least 35%-40% of the total wall length on either side. The west building façade (rear of the building) has a length of 104'-1". This wall also has differences in wall projections, roof lines, materials, textures, colors, and windows. There are no walls in excess of 20' that are uninterrupted by a change in wall plane, either through a recessed wall or a projecting wall. The differences in wall plane run 49% of the total wall length.

The bedroom addition to the southeast corner will bump out the wall an additional four feet from the existing wall plane. The six bedroom additions to the northwest corner will increase the existing wall articulations by five feet in order to accommodate the additional bed spaces for six of the rooms on the northwest side, however, that side of the building does not face the street.

3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.
Finding: Complies with conditions. The applicant indicates that no changes are proposed to the amount of transparency on primary facades fronting the public way. The previous application for the existing building was approved for a modification pursuant to OCMC 17.62.015 from the transparency requirements with 37% transparency facing Amanda Court and 53% facing South End Road. An increase in the amount of transparency is proposed on east side elevation with the conversion of a door to a window and the calculations are included on 1/A3.1. The plan sheet A3.1 does not include the calculation of transparency for either façade. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road. The applicant shall provide calculations of the transparency prior to issuance of a building permit. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

4. Building facades must include a repeating pattern that includes any one or more of the following elements:
a. Color change;
b. Texture change;
c. Material module change.
Finding: Complies as proposed. All facades contain a repeating pattern of color changes, texture changes and material changes.

5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

Finding: Complies as proposed. Please refer to the finding in OCMC 17.62.055.H.2.

6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Finding: Not applicable. None of the proposed additions will alter the existing horizontal repeating pattern that already complies with this standard.

I. Facade Transparency.

1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Complies with condition. See analysis under OCMC 17.622.055.H.3 above.

2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

Finding: Not applicable. The proposals does not include any false windows or doors.

J. Roof Treatments.

1. All facades shall have a recognizable "top" consisting of, but not limited to:

a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or

b. Sloping roof with overhangs and brackets; or

c. Stepped parapets;

d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.

2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.

3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as proposed. The proposed roofing at new additions will match the existing.

K. Drive-through facilities shall:

1. Be located at the side or rear of the building.

2. Be designed to maximize queue storage on site.

Finding: Not applicable. The proposal does not include a drive-through. The existing porte cochere was approved previously.

17.62.056 - Additional standards for large retail establishments.

A. This section is intended to ensure that large retail building development is compatible with its surrounding area.

B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.

C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.

Finding: Applicable. The subject site is not a large retail establishment.

D. Development Standards.
1. Roofs. Roofs shall include at least two of the following features:
a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
b. Overhanging eaves, extending no less than three feet past the supporting walls;
c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
d. Three or more roof slope planes.
Finding: Complies as proposed. The proposed roof treatments and pitches at the new additions will match the existing originally approved design.

2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:
a. Patio/seating area;
b. Pedestrian plaza with benches;
c. Transportation center;
d. Window shopping walkway;
e. Outdoor playground area;
f. Kiosk area, water feature;
g. Clock tower;
h. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.
Finding: Not applicable. The proposal is not a retail building.

17.62.057 - Multi-family standards.
B. Applicability. In addition to Section 17.62.050 requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.
Finding: Not applicable. The development proposal is not a multi-family development.

17.62.059 - Cottage housing.
Finding: Not applicable. The application does not include cottage housing.

17.62.065 - Outdoor lighting.
B. Applicability.
1. General.
a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
Finding: Applicable. The development is subject to the standards in OCMC 17.62.065. However, no changes are proposed to the exterior lighting. The applicant included a copy of the original lighting plan with their application.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Finding: Complies with conditions. Following Planning Commission approval of CU-14-01 / SP 14-09 / VR 14-01 / LL 14-05, exterior lighting fixtures were added to the building in various locations that were not indicated on the originally approved lighting plan and which were not approved by staff. These fixtures include exterior wall sconce type lights as well as security floodlights in various locations. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065. No additional changes to the existing fixtures are proposed. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

3. Excepted Lighting.
The following types of lighting are excepted from the requirements of this section.
a. Residential lighting for single-family attached and detached homes, and duplexes.
b. Public street and right-of-way lighting.
c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
d. Temporary lighting for emergency or nighttime work and construction.
e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
g. Lighting required and regulated by the Federal Aviation Administration.

Finding: Not applicable. The applicant has not proposed excepted lighting.

C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.

Finding: Complies with conditions. See finding under section B(2) above.

D. Design and Illumination Standards.
General Outdoor Lighting Standard and Glare Prohibition.
1. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
2. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

3. Lighting levels:
Table 1-17.62.065. Foot-candle Levels

Location	*Min*	*Max*	*Avg*
Pedestrian Walkways in Parking Lots		*10:1 max/min ratio*	*0.5*
Pedestrian Accessways/Walkways	*0.5*	*7:1 max/min ratio*	*1.5*
Building Entrances	*3*		

Location	*Min*	*Max*	*Avg*
Bicycle Parking Areas	*3*		
Abutting property	*N/A*	*0.5*	

Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 *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.*
Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
8. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
9. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
10. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
11. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.
12. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
i. Maximum permitted light post height: eighty feet.
Finding: Complies with conditions. See finding under section B(2) above.

17.62.080 - Special development standards along transit streets.
C. Development Standards.
1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
Finding: Complies as proposed. The existing building received a variance approval from subsection C.1. of this section (VR 14-01). The main entrance is oriented toward the South End Road, however the applicant received approval of a variance to be able to locate a vehicle maneuvering area between the building and the street that requires that pedestrians cross the driveway. No changes are proposed to the main entrance location.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
Finding: See finding under (1) above.

b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
Finding: Not applicable. The building is less than 300 feet in length.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.
Finding: Complies with conditions. Following Planning Commission approval of CU-14-01 / SP 14-09 / VR 14-01 / LL 14-05, exterior lighting fixtures were added to the building in various locations that were not indicated on the originally approved lighting plan. These fixtures include exterior wall sconce type lights as well as security floodlights in various locations. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.62.080.C.2. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
Finding: Not applicable. No conflict has been identified during review of this application.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:
1. Heavy equipment sales;
2. Motor vehicle service stations, including convenience stores associated therewith;
3. Solid waste transfer stations; and
4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.
Finding: Not applicable. The proposed development is not one of the exempted uses listed.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments.
The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences shall include a refuse and recycling enclosure. The area(s) shall be:
A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;
B. Designed with sturdy materials, which are compatible to the primary structure(s);
C. Fully enclosed and visually screened;
D. Located in a manner easily and safely accessible by collection vehicles;
E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
G. Maintained by the property owner;
H. Used only for purposes of storing solid waste and recyclable materials;
I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.
Finding: Complies as proposed. No changes are proposed to the existing trash and recycling enclosure, which is a completely enclosed space within the main building and located at the northeast corner.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.
A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
C. Approval criteria for the adjustment are as follows:
1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:
i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and
ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.
3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.
Finding: Not applicable. The applicant has not requested an adjustment to the parking standards.

17.52.020 - Number of automobile spaces required.
A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	*1 per 7 beds* (5 spaces required)	*1 per 5 beds* (8 spaces permitted)
Office	*2.70* (2 spaces required)	*3.33* (3 spaces required)
TOTAL SPACES REQUIRED / PERMITTED	7	11

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Finding: Complies as proposed. No changes are proposed to the number of on-site spaces other than to re-stripe the ADA accessible space at the front of the building. There are nine existing on-site spaces, which can accommodate the additional number of beds proposed.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
Finding: Not applicable. The proposed addition is for a use that is specifically listed in this section.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
Finding: Complies as proposed. Fractions were rounded in accordance with this chapter.

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
Finding: Complies as proposed. The parking spaces will be provided for the use of residents, employees and visitors to the home. It is not anticipated that vehicles or materials will be stored onsite.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
Finding: Not applicable. The site is not within the MUD Design District of the Willamette Falls Downtown District.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:
1. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land 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 overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 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 authorizing the joint use.
3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:
a. Dimensions. The following constitutes one on-street parking space:
1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
Finding: Not applicable. All required parking stalls are accommodated onsite.

C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:
1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a

five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).
2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.
3. Transportation Demand Management. The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:
a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.
b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.
Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.
Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

17.52.030 - Standards for automobile parking.
A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.
Finding: Not applicable. No changes are proposed to the access points to the parking areas.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.
Finding: Not applicable. No changes are proposed to the surface of the lots, only restriping of the ADA accessible space.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.
Finding: Not applicable. Drainage is not affected by this project.

D. Dimensional Standards.
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		*B Stall Width*	*C Stall to Curb*	*D Aisle Width*	*E Curb Length*	*F Overhang*
0 degrees		*8.5*	*9.0*	*12*	*20*	*0*
30 degrees	*Standard Compact*	*9' 8'*	*17.3' 14.9'*	*11' 11'*	*18' 16'*	
45 degrees	*Standard Compact*	*8.5 8.5*	*19.8' 17.0'*	*13' 13'*	*12.7' 11.3'*	*1.4*
60 degrees	*Standard Compact*	*9' 8'*	*21' 17.9'*	*18' 16'*	*10.4' 9.2'*	*1.7*
90 degrees	*Standard Compact*	*9' 8'*	*19.0' 16.0'*	*24' 22'*	*9' 8'*	*1.5*

Finding: Not applicable. No changes are proposed to the dimensions of the parking spaces, only restriping of the ADA accessible space which will continue to comply with the 90 degree standard of this section.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies as proposed. The proposed use is for an assisted living facility, and is required by the building code to provide one marked ADA van-accessible space as proposed on the site plans.

17.52.040 - Bicycle parking standards.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.

Finding: Not applicable. No changes are proposed to the existing on-site bicycle parking which is located at the northeast corner of the building and already complies with this section. The remainder of this section has been deleted for brevity. Please refer to the prior approval of Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05 attached to this report.

17.52.060 - Parking lot landscaping.

A. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

Finding: Not applicable. No changes are proposed to the parking lot landscaping, which was previously approved and is located around the perimeter of the parking lots. The remainder of this section has been deleted for brevity. Please refer to the prior approval of Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05 attached to this report.

17.52.080 - Maintenance.
The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.
All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
a. It will not interfere with the maintenance or repair of any public utility;
b. It will not restrict pedestrian or vehicular access; and
c. It will not constitute a traffic hazard due to reduced visibility.
Finding: Complies as proposed. The property owner acknowledges responsibility for the maintenance of all parking areas.

17.52.090 - Loading areas.
B. Applicability.
1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
Finding: Not applicable. No loading areas are proposed.

C. Standards.
1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
Finding: Not applicable. No loading areas are proposed.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
Finding: Not applicable. The applicant did not propose a loading area within or adjacent to the right-of-way.

CHAPTER 17.56 CONDITIONAL USES

***17.56.010.A.1**. The use is listed as a conditional use in the underlying district;*
Finding: Complies as proposed. In the R-10 zone, under Oregon City Municipal Code (OCMC) Section 17.08.03.J Assisted living facilities; nursing homes and group homes for over fifteen patients are listed as "Conditional Uses".

***17.56.010.A.2** The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*
Finding: Complies with conditions. The proposed expansion can be accommodated given the suitable characteristics of the site as discussed below.

Under the prior approval, the Planning Commission concurred with the applicant that the site is large enough to accommodate a residential care facility of 31 beds while providing adequate outdoor space, landscaping, and parking for the use. As discussed in the findings, the flat topography is appropriate for a handicap accessible building and its location on the corner of Amanda Ct. and South End Road lends itself to easy pedestrian and

vehicle access. This type of facility operates best as a one level facility where the residents receiving care are on the ground level. It makes for easy ingress and egress and provides easy access to the onsite landscape and outdoor recreation areas by the residents who will primarily require wheelchair maneuverability. The residential feel of the area creates a home-like environment for residents by allowing them to reside in a quiet, residential area rather than in a commercialized zone. At the same time, the property is located on a major street and even though it is located in a low density residential area, the main access road (South End Rd.) provides easy access to the site without having traffic travel through neighborhood side streets or local access roads. This will minimize any traffic impacts the use may have on the site and surrounding homes in the neighborhood. The site is well served by public utilities which can satisfy the needs of the size of the proposed development. The facility's architecture, placement of parking, landscaping, pedestrian improvements, etc. will be an improvement to a growing area and maintain continuity with recent developments such as that of nearby churches, fire station, homes, and the multi-family development on the corner of South End Rd. and Warner Parrott Rd; becoming part of the fabric of the surrounding neighborhood and creating dwellings for the elderly and handicapped within a residential setting in Oregon City. The proposed development will bring several improvements to the site, street, and neighborhood. It will provide a much needed housing type for the elderly and disabled and create several new jobs.

Staff provides the following additional information based on the previous findings for CU 14-01:

- Size: The applicant's proposal includes an additional 7 beds for an existing assisted living facility for 31 people, for a total of 38 beds, with existing office and storage space on the second floor of the proposed building. The Oregon City Municipal Code and Comprehensive Plan do not provide a limitation or specific criteria to determine the number of people who may live in a group home, the size limitations for assisted living facilities or the size of offices associated with conditional uses. The proposed expansion complies with the R-10 zone dimensional standards.
- Scale, Architecture and Massing of the Building: The scale, architecture and massing of the building is appropriate to accommodate the proposed expansion of the use as a residential care facility.
- The Size and Type of Offices Associated with Conditional Uses: No changes are proposed to the existing office space. The code provides little guidance on the types and sizes of offices and storage area for assisted living facilities and associated with a Conditional Use however the existing second-story of the assisted living facility building includes office space and storage areas to support the staff servicing the assisted living residents on site and these offices are small in scale and appear appropriate.
- Shape: The applicant is making a small addition to a single building. The scale of the proposed structure continues to comply with the dimensional standards of the R-10 zoning designation (setbacks, height, etc.) and is thus of a residential scale. The minor variance for lot coverage is extremely small (less than one percent) and will have no effect on the residential scale of the building. The development is buffered from adjacent neighbors by placing the building within the middle of the site, surrounding the site by a 6-foot tall wood fence and installing a landscaping buffer. The 6-foot tall fence will not cross the emergency access.
- Location: The subject site is located adjacent to South End Road, a minor arterial in the Transportation System Plan. The site can be easily accessed from the arterial road and does not require any access through existing neighborhoods. All vehicular traffic (with the exception of emergency vehicles) through the site will enter and exit the property via South End Road. In addition, the site is located directly on South End Road which is a transit street. The use of the transit system may be supported by the visitors and staff of the proposed use. Significantly, the residents, due to their incapacity, do not drive.
- Topography: The subject site is generally flat and does not have any major topographic constraints which limit the ability to develop the site.

- Existence of Improvements: The site is currently fully development with an existing building and associated parking lot. There are sidewalks or street trees located along the frontage of the site. The applicant's proposed addition will efficiently utilize the site and will not affect associated landscaping and public improvements including sidewalks, street trees and an additional bike lane. The public works department has no conflicts with the proposal.
- Natural Features: The subject site is not within an environmental overlay district. No trees will be removed with this proposal.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.

17.56.010.A.3*. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;*
Finding: Not applicable. All street improvements were completed previously and comply with Chapter 12.04.

17.56.010.A.4*. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;.*
Findings: Complies as proposed. For the same reasons stated under standard A.2 above, the proposed expansion will not substantially limit, impair or preclude the use of surrounding properties to continue as single-family dwellings or any other existing use.

17.56.010.A.5*. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*
Finding: The applicable Comprehensive Plan Goals and Policies are as follows:

> ***Goal 1.1 Citizen Involvement Program*** *Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decisionmaking process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*
> ***Policy 1.1.1 -*** *Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*
> ***Goal 1.2*** *Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*
> *Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.*
> ***Goal 1.3*** *Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*
> ***Goal 1.4*** *Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*
> ***Policy 1.4.1 -*** *Notify citizens about community involvement opportunities when they occur.*

Finding: Complies as Proposed. The applicant organized a meeting with the South End Neighborhood Association to discuss the project on October 18, 2018. A summary of the comments from the meeting are found in the Exhibits. Notice of the application identifying the approval process and applicable criteria was sent to the Citizen Involvement Committee and the South End Neighborhood Association, property owners within 300 feet of the site, and posted onsite, online and in the newspaper. The public is provided the opportunity to review the application and comment in writing and person throughout the Planning Commission hearings for this Type III process.

Goal 2.4 *Neighborhood Livability - Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*
Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*
Policy 2.4.4 *Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.*
Policy 2.4.5 *- Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*
Goal 2.7 *Oregon City Comprehensive Plan Land-Use Map- Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*
Policy 2.7.1 *Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.*
Policy 2.7.2 *Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:*

- *Low Density Residential (LR)*
- *Medium Density Residential (MR)*
- *High Density Residential (HR)*
- *Commercial (C)*
- *Mixed Use Corridor (MUC)*
- *Mixed Use Employment (MUE)*
- *Mixed Use Downtown (MUD)*
- *Industrial (I)*
- *Public and Quasi-Public (QP)*
- *Parks (P)*
- *Future Urban Holding (FUH)*

Finding: Complies with Conditions. The proposal retains the existing Comprehensive Plan designation of Low Density Residential, and a Conditional Use under that designation allows for a 38-bed memory care facility (nursing home). Language in the above policies suggests that the proposed expansion may be denser than contemplated by the comprehensive plan designation. The site could have been utilized for single-family residential use, which would typically have fewer residents, but there is no limitation on family size or even what constitutes as a family in any zone including residential zones. Approval of the expansion would allow a use that serves needy seniors of the immediate area and Oregon City. The proposed development does not limit the ability of other residents within the area to continue to access city services, utilize the transportation system or continue existing uses within the area. In addition, Section 2 of the Comprehensive Plan generally encourages promotion of infill and higher density redevelopment to encourage more efficient land use. Further, the expanded facility will be available to serve the residents of the immediate area and the residents of Oregon City. The Conditional Use process provides criteria to allow approval of care facilities with more than 15 people. The facility will become a part of the residential fabric within the area and create another level of diverse housing opportunities for disabled residents. The criteria identified for the Conditional Use do not provide barriers to construction of additional housing choices that cannot be mitigated through compliance with the applicable approval criteria and conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

Goal 6.1[1] *Air Quality- Promote the conservation, protection and improvement of the quality of the air in Oregon City.*
Policy 6.1.1 *Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*
Policy 6.1.4 *Encourage the maintenance and improvement of the city's tree canopy to improve air quality.*

Finding: Complies as proposed. The applicant's proposal has very little impact to overall traffic in the area. The application was reviewed by John Replinger, PE, City transportation consultant from Replinger and Associates, who based his analysis on the original Transportation Analysis Letter prepared by Frank Charbonneau, PE, PTOE of Charbonneau Engineering LLC, (Exhibit 2).

The TAL presented information on trip generation for a 31-bed assisted living facility. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation. The engineer used the trip generation rates for land use category 254 – assisted living facility. The engineer predicted that the facility would produce 4 AM peak hour trips; 7 PM peak hour trips; and 82 weekday trips. Using the same resources, Mr. Replinger calculated the trip generation for the expanded facility. With the expansion to 38 beds, the facility is calculated to produce 5 AM peak hour trips; 8 PM peak hour trips; and 101 weekday trips. The expansion from 31 to 38 beds is insignificant.

Additionally, access locations, driveway width, intersection spacing, sight distance, safety, and consistency with the Transportation System Plan have all been adequately addressed with the existing improvements.

Mr. Replinger concluded, "I find that the original TAL met city requirements and that the change in transportation impacts from the proposed expansion are insignificant. There is no need for any mitigation measures in connection with the expansion."

Goal 6.3 Nightlighting *Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*
Policy 6.3.1 - *Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.*
Policy 6.3.2 *-Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.*

Finding: Complies with Condition. Please refer to the findings for Outdoor Lighting in section 17.62.065 earlier in this report. The proposed lighting plan will comply with the Oregon City Municipal Code with the suggested conditions of approval. **Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.**

[1] Staff determined that Sections 3, 4 and 5 of the Comprehensive Plan do not apply to this proposal because Sections 3 and 4 govern agricultural and forest land, respectively, neither of which are present at the site; and Section 5 governs Open Spaces, Scenic and Historic Areas, and Natural Resources that are similarly not present on the subject site.

Goal 6.4 Noise- *Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*
Policy 6.4.1- *Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*

Finding: Complies as proposed. Staff anticipates that the proposed use will produce less noise than that generated by three single-family homes if they were developed on the same property. Excessive noise is typically addressed through the nuisance / code enforcement process if and when a complaint is lodged. Primary sources of noise from the facility could result from employee and visitor vehicle traffic - which is predicted to be quite low for the proposed land use as discussed in the transportation analysis, and landscaping maintenance (mowing, weed trimmers and leaf blowers) - which would typically occur intermittently during daily business hours throughout the week. As shown on the landscaping plans, the primary entrance to the building will orient toward South End Road, there will be limited-access doorways (for emergency access only) on the north and south side of the building, and the site will have a large setback at the rear (62').

Goal 9.1[2] *Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*
Goal 9.4 *Education, Skills And Workforce Training- Ensure that the major employers in Oregon City are able to find qualified and skilled workers to meet their needs.*

Finding: Complies as Proposed. The proposed development would provide some short-term construction and long-term employment opportunities within Oregon City.

Goal 10.1 *Diverse Housing Opportunities - Provide for the planning, development and preservation of a variety of housing types and lot sizes.*
Policy 10.1.3- Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Policy 10.1.4*- Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

Finding: Complies as Proposed. The proposed expansion would provide an opportunity for an assisted living facility to support diverse housing types within Oregon City. Although the City has designated this site as "R-10," a zone that does not allow multi-family residential developments (though the density may be similar, the applicant has not proposed a multi-family development), this restriction must be weighed against the shortfall of assisted living facilities in the City and the number of housing units projected in Oregon City's Comprehensive Plan. Section 10 of the Plan describes that the City is projected to fall short of its 2017 target for housing by more than 1,400 units. This proposal would add housing that would help the City achieve its goals. Further, the proposed assisted living facility sited within an existing residential neighborhoods provides an important opportunity for residents of Oregon City to age in place and stay connected to the neighborhood, familiar local activities, community events, friends and family, thus reducing the isolation of income groups.

[2] Staff determined that Sections 7 and 8 of the Comprehensive Plan do not apply to this proposal because Section 7 governs natural hazards and no natural hazards exist on the site, and Section 8 governs Parks and Recreation that are similarly not present on the subject site.

Policy 11.1.4 - *Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*
Policy 11.1.6 *- Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

Finding: Complies as Proposed. The project provides for full development of existing underdeveloped property within the Urban Growth Boundary. The proposed development and the design of the facility on the site results in a more efficient use of the site and existing public facilities and services by accommodating a more intensive use through the conditional use process.

Policy 11.4.3 - *Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.*
Policy 11.4.5 *- Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.*

Finding: Complies as proposed. No changes are proposed to the existing stormwater facility which will be adequate to handle the small expansion of impervious surface associated with the addition. The facility was found to comply with the Stormwater and Grading Design Standards when it was developed and Public Works Development Services does not require additional treatment.

Goal 11.6 *Transportation Infrastructure - Optimize the City's investment in transportation infrastructure.*
Policy 11.6.1 *- Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.*

Finding: Complies as proposed. The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks have been constructed to current city standards along the frontage of the property on both streets, including a bike lane on the west side South End Road.

Goal 12.1 *Land Use-Transportation Connection - Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*
Policy 12.1.1 *- Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*
Policy 12.1.4 *- Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*
Goal 12.3 *Multi-Modal Travel Options- Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.*
Policy 12.3.2 *- Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.*

Policy 12.3.3 *- Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.*

Goal 12.5 Safety *- Develop and maintain a transportation system that is safe.*

Policy 12.5.1 *- Identify improvements that are needed to increase the safety of the transportation system for all users.*

Finding: Complies as proposed. The site is located on South End Road which is designated as a Minor Arterial in the Oregon City Transportation System Plan (TSP), and Amanda Court which is a local street. The site is also designated as a transit corridor in the TSP, although it is not currently served by Tri-Met. Tri-Met was provided notice but did not provide comment on this application. Sidewalks have been constructed to current city standards along the frontage of the property on both streets, including a bike lane on the west side South End Road. The Comprehensive Plan states that higher density housing and non-residential uses should be clustered around collectors and arterials. This project meets this plan goal because South End Road is an arterial. The pedestrian and bicycle improvements that have been installed with the project will assure that the proposed addition to the use contributes to safe, multi-modal travel options and walkability.

Goal 13.2 *Energy Conservation- Plan public and private development to conserve energy.*

Policy 13.2.1*- Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).*

Finding: Complies as Proposed. The proposed addition and land use concentrates residential density along a designated arterial transit corridor, which is appropriate for the location. The nature of the land use is such that it will not greatly increase traffic since the majority of the occupants will not own cars and cannot drive. Section 13 of the Comprehensive Plan recognizes that zoning regulations often segregate types of land use – industrial, commercial and residential to separate incompatible uses. The result is often longer travel distances from work to home and to other destinations. Regulations that instead promote mixed-use, compact development, residential cluster, increased landscaping for cooling purposes, water quality, and home-based occupations can promote energy conservation. The applicant's proposal would provide a development that conserves energy resources.

Policy 13.2.5- *Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.*

Finding: Complies as proposed. See findings under Goal 12.1, 12.3 and 12.5 above.

Goal 14.2[3] *Orderly Redevelopment of Existing City Areas- Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

Policy 14.2.1 *- Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.*

Policy 14.2.2 *- Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

Policy 14.3.1 - *Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*

Finding: Complies as Proposed. The proposed addition to this project provides for full development of a residential property within the Urban Growth Boundary. The proposed development results in a more efficient

[3] Staff determined that Section 15 of the Comprehensive Plan does not apply to this proposal because Section 15 governs the Willamette River Greenway which is not affected by this application.

use of the site and existing public facilities and services by accommodating a more intensive use through the Conditional Use process. Further, the proposed development addresses some of the challenges facing Oregon City, including ensuring an adequate supply of housing for an aging population.

***17.56.010.B**. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.*
Finding: Complies with Conditions. Staff recommends conditions of approval described in this report. The applicant recognizes that staff or the Planning Commission may include such conditions and restrictions. With this modification to the Conditional Use permit staff specifically recommends that the applicant address the following issues which have been attached as specific Conditions of Approval:

- Width of on-site pathways. Prior to issuance of a building permit, the applicant shall either remove the on-site paths that are less than five feet in width on plan submittals, or revise the plans to indicate 5' wide paths in accordance with OCMC 17.62.050.A.9.
- Chain link fence. Prior to issuance of a building permit, the applicant shall remove the chain link fencing and or replace it with non-prohibited materials in accordance with OCMC 17.62.050.A.21.
- Transparency. Prior to issuance of a building permit, the applicant shall provide calculations of transparency on all plan elevations. Transparency shall be at least 37% on the facade facing Amanda Court and 53% on the facade facing South End Road in accordance with OCMC 17.62.055.I.
- Outdoor lighting. Prior to issuance of a building permit, the applicant shall prepare an updated lighting and photometric plan that conforms to the applicable standards of OCMC 17.62.065 and OCMC 17.622.080.C.2. The Community Development Director may also approve the revised lighting plan through the Type I Minor Site Plan process.
- Screening for mechanical equipment. Prior to issuance of a building permit, the applicant shall provide ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view of the mechanical units from the street in accordance with OCMC 17.62.050.A.20.

Staff has determined it is possible, likely and reasonable the applicant can meet this standard by complying with the recommended conditions of approval.

***17.56.010.C**. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.*
Finding: Complies as proposed. Please refer to the analyses regarding OCMC Chapters 17.08 and 17.56 in this report.

***17.56.010.D**. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*
Finding: Applicable. The proposed addition is a modification to an existing conditional use (file CU 14-01) and has been reviewed for conformance with the conditional use criteria.

***17.56.010.E**. The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review.*

Finding: Not applicable. The applicant has not requested that the Planning Commission approve a future expansion to the conditional use.

17.56.040.A. *Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.*
Finding: Complies as proposed. The additions will comply with the interior sideyard setback of 10 feet on the north side of the building. Openings within fifty feet from adjacent residential properties are standard residential type windows and doors and will not create anymore glare than is typical of the types of windows that are as used in the surrounding residential homes. The building use proposed - residential care facility for memory care patients is a quiet and low traffic use. The residents of this facility will be mainly bed bound or wheelchair bound. The facility is also a secure facility for the safety of the residents where residents cannot open doors without staff assistance. Most outdoor recreation will occur in the interior courtyard. The windows of the facility are operable but they will be closed for the majority of the time, except for when open-air ventilation is desired, and have alert sensors notifying staff when a window is opened. Therefore, excessive noise or excessive traffic will not be an issue on the surrounding properties. Further, the subject property has only (1) neighboring site with a structure built on it adjacent and within 50' of the development to the north. On the east side the property abuts South End Rd. with a church across the street. On the south side is a narrow and non-buildable strip of land, which will primarily be used for street and sidewalk improvements on abutting Amanda Court. There is also a 62' setback from the rear of the proposed building to the south property line.

17.56.040.B *Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*
Finding: Not applicable. All public street improvements subject to compliance with OCMC 12.04 – *Streets, Sidewalks and Public Places*, were completed through the Conditions of Approval for files CU 14-01 and SP 14-09. No changes to the existing street improvements are proposed.

17.56.040.C *Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*
Finding: Not applicable. No such facilities are proposed or required with this development application.

17.56.040.D *Schools. The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards.*
Finding: Not applicable. The applicant has not proposed a school use.

17.56.040.E *Helipad Landing Facility. In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:*
Finding: Not applicable. The applicant has not proposed a helicopter landing facility with this development.

17.56.040.F *Residential Care Facilities.*
1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.

Finding: Complies as proposed. The project is a proposal to make a modest expansion of 7 additional beds to a 31-bed memory care facility. The building will provide accessible sleeping and living units for the residents who will receive 24-hour care and supervision for memory care related health issues and disabilities due to advanced age conditions such as Alzheimer's and dementia. The facility will cater towards primarily elderly individuals, but will provide care and housing to all individuals with memory care health needs. The facility will be licensed and monitored by the State of Oregon and The Department of Human Services.

2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:

a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
Finding: Complies as proposed. The facility will be separately licensed and monitored by the State of Oregon and The Department of Human Services.

b. All residential care facilities shall be subject to design review. Special considerations for this use are:
i. Compatibility in appearance with the surrounding area;
Finding: Complies as proposed. The proposed design of the building will be compatible with the adjacent residential area. Compliance with the specific architectural requirements for Commercial and Institutional Buildings is a requirement of Site Plan and Design review and those details are provided in the Site Plan and Design Review compliance findings in section 17.72.050. By complying with those standard the applicant complies with this criterion.

ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;
Finding: Complies as proposed. The design of the facility includes an exterior path around the building and an outdoor patio, extensive landscaping, as well as a central courtyard appropriate to the needs of the residents and the nature of the care, treatment or training provided. The five-foot wide on-site walkway with landscaping on either side will surround the building to promote activity and interest. Additionally, new public sidewalks have been constructed around the entire property frontage, with planter strips and tree wells to provide separation for pedestrians from the street with street trees. Off-street (on-site) parking areas have been designed so as to accommodate visitor and staff parking, without compromising the minimum standards for landscaping.

iii. Clearly defined property boundaries.
Finding: Complies as proposed. The application includes one tax lot with clearly defined boundaries.

17.56.040.G Bed and Breakfast Inns.
Finding: Not applicable. The applicant has not proposed a bed and breakfast with this development.

***17.56.060** Revocation of conditional use permits.*
The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:
A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and
B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.
Finding: Not applicable. Staff is not aware of any applicable conditions of the existing conditional use permit that are not met.

17.56.070 Periodic review of conditional use permits.

A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.
B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.
C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Not applicable. This is an application for a modification to the prior conditional use approval, not a periodic review.

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: Not applicable. All public street improvements subject to compliance with this Chapter were completed through the Conditions of Approval for files CU 14-01 and SP 14-09. No changes to the existing street improvements are proposed.

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.

Finding: Not applicable. There is no encroachment to the right of way.

CHAPTER 12.08 - PUBLIC AND STREET TREES

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. Street trees have already been installed along both frontages.

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. Maintenance of street trees and planting strips is anticipated to be the responsibility of the property owner and/or the hired management company.

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.
Not applicable. The conveyance facilities will be contained entirely on 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.
Not applicable. The proposed development will not meet the threshold triggers for stormwater management.

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: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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 (Application) 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: Not applicable. The proposal does not contain elements requiring stormwater management submittals.

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: Not applicable. No grading is proposed.

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: Not applicable. A grading plan is not 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.
Finding: Not applicable. An erosion control plan is not required.

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: Not applicable. The proposed development does not include removal of any trees.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as proposed. The proposed modification to the conditional use, minor site plan and minor variance application is being reviewed pursuant to the Type III process. Notice was posted onsite, online, in the newspaper and mailed to property owners within 300 feet of the proposed development site at least 20 days prior to the public hearing.

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 18-33, notes attached) on August 15, 2018. The land use application was submitted within 6 months of the pre-application conference on September 5, 2018. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018.

17.50.055 Neighborhood Association Meeting

Finding: Complies as proposed. The applicant's representatives organized and held a neighborhood association meeting at the location of the proposed development on October 18, 2018 to present the proposal to the South End Neighborhood Association and Hazel Grove Neighborhood Association.

17.50.060 Application Requirements.

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

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as proposed. The land use application was submitted within 6 months of the pre-application conference on September 5, 2018. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018. The City has until February 7, 2019 to make a final determination.

17.50.080 Complete Application--Required Information.

Finding: Complies as proposed. The application was deemed incomplete on September 24, 2018 and after the submittal of additional information the application was deemed complete on October 10, 2018.

17.50.090 Public Notices.

Finding: Complies as proposed. Notice was posted onsite, online, in the newspaper and mailed to property owners within 300 feet of the proposed development site at least 20 days prior to the public hearing. Staff provided email transmittal or the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as proposed. The site was posted with two signs for the minimum requirement.

CHAPTER 17.54.100 – FENCES

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:

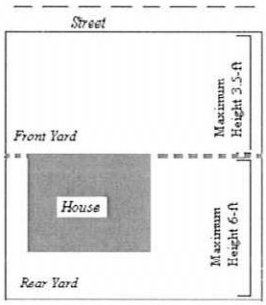


Diagram: Any fence, hedge or wall located in front of your home may be up to three and one-half-feet in total height.
Diagram: A fence, hedge or wall located next to and behind your home may be up to six feet in total height.

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.

Finding: Complies as proposed. There are no fences taller than forty-two inches tall in the front yard. The fence along Amanda Court is five feet tall.

2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.

Finding: Complies as proposed. There are no hedges taller than forty-two inches tall in the front yard.

3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Complies as proposed. No obstructions are located in the clear vision area. Sight distance was deemed to be adequate by the City's transportation consultant.

4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.

Finding: Complies as proposed. No electric or barbed wire fence is proposed.

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
Finding: Not applicable. The applicant has not proposed a fence, hedge or wall on a retaining wall.

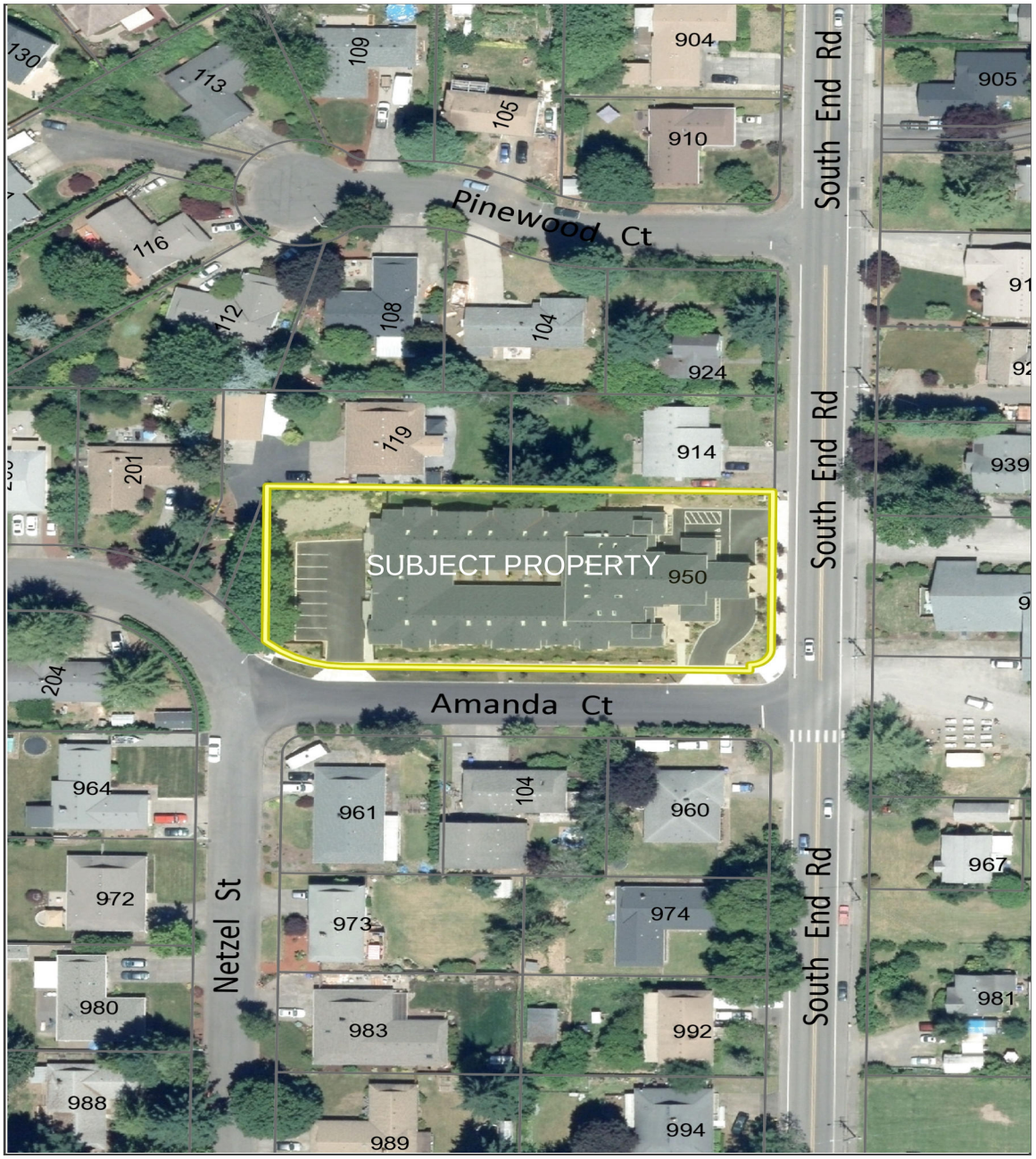
4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.
Finding: Complies as proposed. The applicant has proposed a seven foot high wrought iron fence on two sides of the patio area at the southeast corner of the building. As proposed, this is a short section of fence approximately 30 feet in total and not highly visible. It would be located more than 47 feet from the front property line on South End Road and approximately 20 feet from Amanda Court. Given the nature of the residents' memory care needs, the seven foot height is proposed to protect the residents from elopement. The fence is an open wrought iron design with brick pillars spaced at approximately twenty-foot intervals and is compatible with the adjacent residential properties.

III. SUMMARY AND RECOMMENDATION

Staff has reviewed the criteria for files GLUA-18-00025, VAR-18-00001, SP-18-00106, and MD-18-00001 and provided findings that the criteria have been met or can be met with conditions of approval and recommends the Planning Commission approve the application with the conditions identified within this report.

IV. EXHIBITS

1. Vicinity Map
2. Application – Narrative Materials
3. Application – Proposed Plan Set
4. Pre-Application Conference Notes
5. Neighborhood Association Meeting Materials
6. Public Comments
    a. Gregory Peterson
7. Planning Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05
    a. Staff Report and Recommended Conditions Of Approval, August 6, 2014
    b. Notice of Decision, September 23, 2014
    c. Final Findings of Planning Commission, September 15, 2014
    d. Complete Planning Commission Record - Hearing Dates:
        - 9/22/2014
        - 9/8/2014
        - 8/11/2014
        - 7/14/2014
8. Public Notices



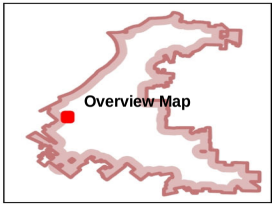
Unimproved ROW

City Limits

UGB

Basemap

Notes



The City of Oregon City makes no representations,

City of Oregon City

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
☐ Compatibility Review	☐ Extension	☐ Annexation
☐ Lot Line Adjustment	☐ Detailed Development Review	☐ Code Interpretation / Similar Use
☐ Non-Conforming Use Review	☐ Geotechnical Hazards	☐ Concept Development Plan
☐ Natural Resource (NROD) Verification	☐ Minor Partition (<4 lots)	☐ Conditional Use
☐ Site Plan and Design Review	☒ Minor Site Plan & Design Review	☐ Comprehensive Plan Amendment (Text/Map)
	☐ Non-Conforming Use Review	☐ Detailed Development Plan
	☐ Site Plan and Design Review	☐ Historic Review
	☐ Subdivision (4+ lots)	☐ Municipal Code Amendment
	☒ Minor Variance	☐ Variance
	☐ Natural Resource (NROD) Review	☐ Zone Change

File Number(s): GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)

Proposed Land Use or Activity: Building additions to enlarge six units and convert existing common space into additional unit, totalling seven added beds. Other site modifications proposed to comply with ADA.

Project Name: River Terrace Memory Care Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 950 South End Road Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 31E01AD03100

Applicant(s):

Applicant(s) Signature: Jeffrey Wellington

Applicant(s) Name Printed: Jeffrey Wellington Date: 8-9-18

Mailing Address: 415 SE 28th Ave. Portland, OR 97214

Phone: 651-226-7645 Fax: N/A Email: jeffrey.wellington@gmail.com

Property Owner(s):

Property Owner(s) Signature: Jeffrey Wellington

Property Owner(s) Name Printed: Jeffrey Wellington Date: 8-30-18

Mailing Address: 415 SE 28th Ave. Portland, OR 97214

Phone: 651-226-7645 Fax: Email: jeffrey.wellington@gmail.com

Representative(s):

Representative(s) Signature: Kelly Smith

Representative (s) Name Printed: Kelly Smith Date: 8-16-18

Mailing Address: John Lape, Architect, 520 SW 6th Ave, Ste 520, Portland, OR 97219

Phone: 877-424-5600 Fax: None Email: kelly@jl-architecture.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.

JOHN LAPE, ARCHITECT
520 SW 6th Ave. suite 520
Portland, Oregon 97204
(503) 243-2837
(877) 424-5600
E-mail: john@jl-architecture.com

9/28/18

Re: River Terrace Memory Care
Land Use Application Completeness Check
GLUA-18-00025/950 South End RD
VAR – 18-00001, SP-18-00106
950 South End Rd.
Oregon City, Oregon 97045

Item Responses:

1. A completed application form was originally submitted with the initial submittal. A copy of the completed form is attached with this response.
2. The Narrative form provided to us by Pete is filled out and attached.
3. We plan to meet the neighborhood association on the planned October 18th meeting next month.
4. The original landscaping plan is attached to this submittal, with modifications indicating where new landscape will need to be replaced in kind at building additions.
5. Trees close to the proposed building additions are off site and protected via a fence on the property line.
7. No change to site lighting is proposed.
8. See response 3 above.

Sincerely,

John Lape, AIA, FCSI, FCSC, CCS

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TYPE II –SITE PLAN AND DESIGN REVIEW & MINOR VARIANCE
Applicant's Submittal
8-31-18

APPLICANT: Jeffrey Wellington, Wellington Management, Inc
415 SE 28th Ave, Portland, OR 97214

OWNER: River Terrace, LLC, Contract Owner
415 SE 28th Ave, Portland, OR 97214

REQUEST: Minor Site Plan & Design Review, Minor Variance

LOCATION: 950 South End Rd
31E01AD03100

I. BACKGROUND:

1. **Existing Conditions**
   Existing 31-bed Memory Care constructed in 2016 and vacant with 9 off-street parking stalls.

2. **Project Description**
   Building additions to enlarge six units and convert existing common space into additional unit, totaling seven added beds. Other site modifications proposed to comply with ADA.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

17.08.040 Dimensional standards.
Dimensional standards in the R-10 district are:
A. Minimum lot areas, ten thousand square feet;
Applicant's Response:

No changes to lot area proposed

B. Minimum lot width, sixty-five feet;
Applicant's Response:

No changes to lot area proposed

C. Minimum lot depth, eighty feet;
Applicant's Response:

No changes to lot area proposed

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Applicant's Response:

No changes to building height proposed

E. Minimum required setbacks: Setbacks if an existing structure is being retained.
1. Front yard, twenty feet minimum setback,
2. Front porch, fifteen feet minimum setback,
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.
4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.
Applicant's Response:

No changes to front or rear yard proposed; Proposed Interior Side Yard Setback is 10.2', which exceeds the 10' minimum required; Proposed Corner Side Yard Setback is 15.3', which exceeds the 15' minimum required

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:

The existing footprint of the structure is 15,323 sq. ft. as approved and no modifications were made during construction. The proposed additional footprint is 529 sq. ft. for a total footprint of 15,852 sq. ft., which amounts to a 40.19% lot coverage. A variance is requested – please refer to the attachment.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 *Modifications that will better meet design review requirements.*
The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:
Applicant's Response:

No modifications to design review requirements are proposed.

17.62.015.A. *The modification will result in a development that better meets design guidelines; and*
Applicant's Response:
No modifications to design review requirements are proposed.

17.62.015.B. *The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Applicant's Response:

No modifications to design review requirements are proposed.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to Section 17.50.030. The community development director shall identify and explain the relevant review procedures and standards.

Applicant's Response:

Pre-application conference held August 15, 2018

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Applicant's Response:

Type II Site Plan and Design Review Requested

17.62.035 - Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A., subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:

a. Any activity which is included with or initiates actions that require Type II-IV review.
b. Any use which is not permitted outright, unless otherwise noted.
c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
d. Any proposal in which modifications are proposed under Section 17.62.015.

2. The following projects may be processed as a Type I application:

a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new

interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.

c. Temporary structures, excluding mobile vendors.

d. Removal, replacement or addition of awnings, or architectural projections to existing structures.

e. Addition, modification, or relocation of refuse enclosure.

f. Changes to amount, location, or design of bicycle parking.

g. Installation of mechanical equipment.

h. Repaving of previously approved parking lots with no change to striping.

i. Replacement of exterior building materials.

j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.

k. Addition or alteration of parapets or rooflines.

l. Modification of building entrances.

m. Addition to or alteration of a legal nonconforming single or two-family dwelling.

n. Change to parking lot circulation or layout, excluding driveway modifications.

o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.

p. Adoption of shared parking agreements.

q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.

r. New or changes to existing pedestrian accessways, walkways or plazas.

s. Installation of or alterations to ADA accessibility site elements.

t. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.

u. Addition of or alterations to outdoor lighting.

v. Demolition of any structure or portion of a structure

w. Tree removal

3. Submittal Requirements. A Type I application shall include:

a. A narrative describing the project.

b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

d. A completed application form.

e. Any other information determined necessary by the community development director.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035A.:

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Applicant's Response:
Type II Site Plan and Design Review Requested

2. Application. The application for the Type II minor site plan and design review shall contain the following elements:

a. The submittal requirements of Chapter 17.50.
b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. below.
c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
e. Additional submittal material may be required by the community development director on a case-by-case basis.
3. Development standards for Type II minor site plan and design review.
a. All development shall comply with Sections 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

Applicant's Response:
All submittal requirements included with application

17.62.040 - Plans required.
Applicant's Response:
A site plan, legal description of site, architectural drawings including floor plans and elevations, and the original lighting plan are included with the application; a landscaping plan and materials board are not applicable since no changes are proposed to either. An archeological monitoring recommendation not included since ground disturbance is limited to areas already disturbed in recent construction activity. An erosion control plan and drainage plan were not deemed necessary in the pre-application notes from Development Services.

17.62.050 - Standards.
A. All development shall comply with the following standards:
1. Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
Applicant's Response:
38% of the site area is proposed to be landscaped. All existing previously approved landscaping to remain and moved to accommodate building additions where necessary.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).
Applicant's Response:
All areas credited to landscaped area include growing plant materials.

b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

Applicant's Response:

Property is outside of a Natural Resource Overlay District.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. 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 500 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. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Applicant's Response:

No landscaping plan necessary since no changes proposed.

d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.

Applicant's Response:

Property is outside of Downtown Design District District.

e. Landscaping shall be visible from public thoroughfares to the extent practicable.

Applicant's Response:

No changes proposed to existing landscaping.

f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

Applicant's Response:

No landscaping exists/proposed within parking lot.

2. Vehicular Access and Connectivity.

a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.

Applicant's Response:

No changes proposed to existing parking.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

Applicant's Response:

No changes proposed to existing ingress/egress.

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for 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:

Property not in districts noted.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

Applicant's Response:

Site does not abut an alley.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

Applicant's Response:

No alley access available.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Applicant's Response:

No changes proposed to existing driveways.

g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in Chapter 12.04.

Applicant's Response:

No through access needed for adjacent sites.

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.

Applicant's Response:

No access easements proposed.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Applicant's Response:

No access easements proposed.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, 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.

Applicant's Response:

No stub street proposed.

k. Parcels larger than three acres shall provide streets as required in Chapter 12.04. The streets shall connect with existing or planned streets adjacent to the site.

Applicant's Response:

Parcel is under 3 acres.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

Applicant's Response:
No parking garage proposed.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.
Applicant's Response:
No changes proposed to parking.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.
a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.
b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.
Applicant's Response:
Exterior finishes to be replaced in kind with existing at building expansions.

4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
Applicant's Response:
No changes to existing grading proposed.

5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
Applicant's Response:
Site outside of Geologic Hazard overlay district.

6.Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.
Applicant's Response:
No changes to existing drainage proposed; total impervious changes indicated on 2/A1.1, which results in a net of less impervious than originally propoed.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.
Applicant's Response:

No changes to parking proposed.

8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

Applicant's Response:

No changes to existing sidewalks proposed.

9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Applicant's Response:

Changes proposed to existing on-site pedestrian circulation system retain existing connections directly to the street.

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

Applicant's Response:

There is only one main entrance on the site due to security issues, which is fronting the street and connected to the sidewalk.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

Applicant's Response:

No elevated walkways/stairways proposed.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

Applicant's Response:

Multiple buildings do not exist on the site.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

Applicant's Response:

No changes proposed to connections to adjacent sites.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the

walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Applicant's Response:

Where replacing the existing on-site pedestrian walkway @ SE exit, a 6' wide concrete sidewalk and stairs are proposed. In order to add a second accessible means of egress, a 50" wide accessible ramp of composite wood decking and concrete walkway are proposed from the existing deck at the NW exit. For the egress path to remain a minimum of 5' away from the resident units in order to maintain the ability to have operable windows and not encroach on the existing drive aisle, the ramp width is limited to 50". The ramp will be used for emergency egress only since the exit door will remain secured at all other time for the safety of the residents suffering from dementia and Alzheimer's.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Applicant's Response:

The community will have maintenance personnel on staff.

11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.

Applicant's Response:

No tree removal proposed.

12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.

Applicant's Response:

Property is outside of Natural Resources Overlay District.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Applicant's Response:

Construction will adhere to applicable codes.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be

required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Applicant's Response:

Per Development Services Pre-application notes, the development has adequate water and sewer facilities.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Applicant's Response:

Per Development Services Pre-application notes, the development does not require any improvements in the public right of way.

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Applicant's Response:

Per Development Services Pre-application notes, the development does not require any improvements in the public right of way.

17. All utility lines shall be placed underground.

Applicant's Response:

No changes proposed to existing utilities. Existing utilities sufficient per Development Services Notes.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Applicant's Response:

Accessibility upgrades are proposed at the main entry/exit and the secondary accessible exit to comply with state and federal laws and provide the two required accessible routes to the public right of way.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Applicant's Response:

Proposal is commercial development.

20. Screening of Mechanical Equipment:
a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.
Applicant's Response:
No rooftop equipment proposed.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.
Applicant's Response:
No wall-mounted mechanical equipment is located or is proposed on a façade that faces a right-of-way.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.
Applicant's Response:
All existing ground-mounted above-ground mechanical equipment that will need to be relocated due to building additions is to be screened by shrubs and existing fences.

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.
Applicant's Response:
No solar/wind equipment proposed.

e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.
Applicant's Response:
No solar/wind equipment proposed.

21. Building Materials.
a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
i. Brick.

Ii. Basalt stone or basalt veneer.
iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
iv. Board and batten siding.
v. Other materials subject to approval by the community development director.
vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Applicant's Response:

No changes proposed to existing building materials. New additions to have matching finishes.

b. Prohibited materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
i. Vinyl or plywood siding (including T-111 or similar plywood).
Ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
iii. Corrugated fiberglass.
iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).
[v.] Crushed colored rock/crushed tumbled glass.
[vi.] Non-corrugated and highly reflective sheet metal.

Applicant's Response:

No changes proposed to existing building materials. New additions to have matching finishes.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).
3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Applicant's Response:

No changes proposed to existing building materials. New additions to have matching finishes.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable

covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Applicant's Response:

No changes proposed to existing building materials. New additions to have matching finishes.

23. Development shall conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.

Applicant's Response:

Per land use planner, "The site is non-conforming due to the landscaping that has not been maintained is dead or dying." Prior to re-opening, landscaping to be brought back to original condition.

17.62.055 - Institutional and commercial building standards.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.

Applicant's Response:

Building additions to match previously approved design.

C. Relationship between zoning district design standards and requirements of this section.

1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.

Applicant's Response:

Building additions to match previously approved design.

2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.

Applicant's Response:

Standardized prototype or franchise design not proposed.

3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.

Applicant's Response:

Building additions to match previously approved design.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Applicant's Response:

No changes proposed to building orientation and front setbacks.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Applicant's Response:

No changes proposed to front setback.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

a. Tables, benches or other approved seating area.

b. Cobbled, patterned or paved stone or enhanced concrete.

c. Pedestrian scale lighting.

d. Sculpture/public art.

e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

g. Outdoor café.

h. Enhanced landscaping or additional landscaping.

i. Other elements, as approved by the community development director, that can meet the intent of this section.

Applicant's Response:

No changes proposed to front setback.

2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Applicant's Response:

No changes proposed to building orientation or front façade.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

a. Canopies or porticos;

b. Overhangs;

c. Recesses/projections;

d. Arcades;

e. Raised corniced parapets over the door;

f. Peaked roof forms;

g. Arches;

h. Outdoor patios;

i. Display windows;

j. Architectural details such as tile work and moldings which are integrated into the building structure and design;

k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Applicant's Response:

No changes proposed to building entrance or front façade.

4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements. (Ord. 01-1002 §2, 2001)

Applicant's Response:

Proposal does not include a retail establishment.

5. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

Applicant's Response:

No changes proposed to front facade.

E. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

Applicant's Response:

No changes proposed to front entry.

F. Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Applicant's Response:

Proposal does not include retail uses.

G. Variation in Massing.

1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.

Applicant's Response:

Changes proposed to building massing are in line with existing approved design.

2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.

Applicant's Response:

Changes proposed to building massing are in line with existing approved design. An increase in variation in massing is proposed with three additional projecting elements on the north and south façade.

3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

Applicant's Response:

Changes proposed to building massing are in line with existing approved design and relate to unit configuration.

H. Minimum Wall Articulation.

1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

i. Change in plane,

ii Change in texture or masonry pattern or color,

iii. Windows, treillage with landscaping appropriate for establishment on a trellis.

iv. An equivalent element that subdivides the wall into human scale proportions.

Applicant's Response:

Changes proposed to building massing that faces Amanda Court add additional interest with an additional projection.

2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.

Applicant's Response:

Additional projections proposed along north and south facades.

3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Applicant's Response:

No changes proposed to originally approved façade features.

4. Building facades must include a repeating pattern that includes any one or more of the following elements:

a. Color change;

b. Texture change;

c. Material module change.

Applicant's Response:

No changes proposed to originally approved façade pattern.

5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

Applicant's Response:

Additional projections proposed along north and south facades are in line with original bay width.

6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Applicant's Response:

Changes proposed to building massing are in line with existing approved design.

I. Facade Transparency.
1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
Applicant's Response:
No changes proposed to amount of transparency on primary facades fronting the public way. An increase in the amount of transparency is proposed on east side elevation with the conversion of a door to a window and the calculations are included on 1/A3.1.

2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
Applicant's Response:
No false windows are proposed.

J. Roof Treatments.
1. All facades shall have a recognizable "top" consisting of, but not limited to:
a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
b. Sloping roof with overhangs and brackets; or
c. Stepped parapets;
d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.
2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.
3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).
Applicant's Response:
Proposed roofing at new additions to match existing.

K. Drive-through facilities shall:
1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.
Applicant's Response:
No drive-through facilities proposed.

17.62.056 - Additional standards for large retail establishments.

A. This section is intended to ensure that large retail building development is compatible with its surrounding area.
B. Large retail establishment shall mean a retail building occupying more than ten thousand gross square feet of floor area.
C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.
Applicant's Response:
Proposal is not a large retail establishment.

D. Development Standards.
1. Roofs. Roofs shall include at least two of the following features:
a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
b. Overhanging eaves, extending no less than three feet past the supporting walls;
c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
d. Three or more roof slope planes.
Applicant's Response:
Proposed roof treatment at new additions to match existing originally approved design.

2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:
a. Patio/seating area;
b. Pedestrian plaza with benches;
c. Transportation center;
d. Window shopping walkway;
e. Outdoor playground area;
f. Kiosk area, water feature;
g. Clock tower;
h. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.
Applicant's Response:
Proposal is not a large retail establishment.

17.62.057 - Multi-family standards.
Applicant's Response:
Proposal is not multi-family.

17.62.059 - Cottage housing.
Applicant's Response:
Proposal is not cottage housing.

17.62.065 - Outdoor lighting.
B. Applicability.

1. General.
a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
Applicant's Response:
No changes proposed to exterior lighting.

2. Lighting Plan Requirement.
All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
Applicant's Response:
No changes proposed to exterior lighting – original plan included for reference.

3. Excepted Lighting.
The following types of lighting are excepted from the requirements of this section.
a. Residential lighting for single-family attached and detached homes, and duplexes.
b. Public street and right-of-way lighting.
c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
d. Temporary lighting for emergency or nighttime work and construction.
e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
g. Lighting required and regulated by the Federal Aviation Administration.
Applicant's Response:
No changes proposed to exterior lighting – original plan included for reference.

C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.
Applicant's Response:
No changes proposed to exterior lighting – original plan included for reference.

D. Design and Illumination Standards.
General Outdoor Lighting Standard and Glare Prohibition.
1. Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
Applicant's Response:
No changes proposed to exterior lighting – original plan included for reference.

2. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots

larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

3. Lighting levels:

Table 1-17.62.065. Foot-candle Levels

Location	*Min*	*Max*	*Avg*
Pedestrian Walkways in Parking Lots		*10:1 max/min ratio*	*0.5*
Pedestrian Accessways/Walkways	*0.5*	*7:1 max/min ratio*	*1.5*
Building Entrances	*3*		
Bicycle Parking Areas	*3*		
Abutting property	*N/A*	*0.5*	

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

4. *Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 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:

No changes proposed to exterior lighting – original plan included for reference.

5. *Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.*

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

6. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

7. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

8. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

9. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

10. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

11. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

12. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
i. Maximum permitted light post height: eighty feet.

Applicant's Response:

No changes proposed to exterior lighting – original plan included for reference.

17.62.080 - Special development standards along transit streets.
B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

Applicant's Response:

No changes proposed to existing main entry.

C. Development Standards.
1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

Applicant's Response:

No changes proposed to existing main entry.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

Applicant's Response:

No changes proposed to existing main entry.

b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

Applicant's Response:

No changes proposed to existing main entry.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

Applicant's Response:

No changes proposed to existing main entry or lighting.

3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

Applicant's Response:

No changes proposed to existing main entry or lighting.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:

1. Heavy equipment sales;

2. Motor vehicle service stations, including convenience stores associated therewith;

3. Solid waste transfer stations; and

4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.

Applicant's Response:

Use is not one listed in this section.

17.62.085 - Refuse and recycling standards for commercial, industrial, and multi-family developments. The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences shall include a refuse and recycling enclosure. The area(s) shall be:

A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;

B. Designed with sturdy materials, which are compatible to the primary structure(s);

C. Fully enclosed and visually screened;

D. Located in a manner easily and safely accessible by collection vehicles;

E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

G. Maintained by the property owner;

H. Used only for purposes of storing solid waste and recyclable materials;

I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Applicant's Response:

No changes proposed to existing trash and recycling enclosure.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing

infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.

a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Applicant's Response:

No changes proposed to existing on-site parking.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*

Multi-Family: Studio	*1.00 per unit*	*1.5 per unit*
Multi-Family: 1 bedroom	*1.25 per unit*	*2.00 per unit*
Multi-Family: 2 bedroom	*1.5 per unit*	*2.00 per unit*
Multi-Family: 3 bedroom	*1.75 per unit*	*2.50 per unit*
Hotel, Motel	*1.0 per guest room*	*1.25 per guest room*
Correctional Institution	*1 per 7 beds*	*1 per 5 beds*
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	*1 per 7 beds*	*1 per 5 beds*
Hospital	*2.00*	*4.00*
Preschool Nursery/Kindergarten	*2.00*	*3.00*
Elementary/Middle School	*1 per classroom*	*1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium*
High School, College, Commercial School for Adults	*0.20 per # staff and students*	*0.30 per # staff and students*
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	*.25 per seat*	*0.5 per seat*
Retail Store, Shopping Center, Restaurants	*4.10*	*5.00*
Office	*2.70*	*3.33*
Medical or Dental Clinic	*2.70*	*3.33*
Sports Club, Recreation Facilities	*Case Specific*	*5.40*
Storage Warehouse, Freight Terminal	*0.30*	*0.40*

Manufacturing, Wholesale Establishment	*1.60*	*1.67*
Light Industrial, Industrial Park	*1.3*	*1.60*

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Applicant's Response:
No changes proposed to existing on-site parking.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
Applicant's Response:
No changes proposed to existing on-site parking.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
Applicant's Response:
No changes proposed to existing on-site parking.

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
Applicant's Response:
No changes proposed to existing on-site parking.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
Applicant's Response:
No changes proposed to existing on-site parking.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:
1. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land 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 overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 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 authorizing the joint use.
3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. Dimensions. The following constitutes one on-street parking space:
1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;
2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Applicant's Response:

No changes proposed to existing on-site parking.

C. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:
1. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).
2. Reduction in Parking for Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.
3. Transportation Demand Management. The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:
a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.
b. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

Applicant's Response:

No changes proposed to existing on-site parking.

4. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.

Applicant's Response:

No changes proposed to existing on-site parking.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Applicant's Response:

No changes proposed to existing on-site parking.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Applicant's Response:

No changes proposed to existing on-site parking.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

Applicant's Response:

No changes proposed to existing on-site parking.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING *STANDARD*

PARKING ANGLE SPACE DIMENSIONS

A *Parking Angle*		*B* *Stall Width*	*C* *Stall to Curb*	*D* *Aisle Width*	*E* *Curb Length*	*F* *Overhang*

0 degrees		*8.5*	*9.0*	*12*	*20*	*0*
30 degrees	*Standard* *Compact*	*9'* *8'*	*17.3'* *14.9'*	*11'* *11'*	*18'* *16'*	
45 degrees	*Standard* *Compact*	*8.5* *8.5*	*19.8'* *17.0'*	*13'* *13'*	*12.7'* *11.3'*	*1.4*
60 degrees	*Standard* *Compact*	*9'* *8'*	*21'* *17.9'*	*18'* *16'*	*10.4'* *9.2'*	*1.7*
90 degrees	*Standard* *Compact*	*9'* *8'*	*19.0'* *16.0'*	*24'* *22'*	*9'* *8'*	*1.5*

Applicant's Response:
No changes proposed to existing on-site parking.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."
Applicant's Response:
No changes proposed to existing on-site parking.

17.52.040 - Bicycle parking standards.
A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.
Applicant's Response:
No changes proposed to existing on-site bicycle parking.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

*TABLE A Required Bicycle Parking Spaces**

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

* *Covered bicycle parking is not required for developments with two or fewer stalls.*

Applicant's Response:

USE	*PROPOSED*	*MINIMUM BICYCLE PARKING*	*MINIMUM BICYCLE PARKING - COVERED*
Multi-family	*244 units*	*1 per 10 units*	*50% (min. of 1)*

		24 Required	*12 Required*
Office	*15 Auto Parking Stalls Minimum*	*1 per 20 auto spaces (min. of 2) 1 Required*	*50% (min. of 2) 1 Required*
Restaurant	*4 Auto Parking Stalls Minimum*	*1 per 20 auto spaces 1 Required*	*0%*
Parks and Open Space	*14 automobile parking stalls*	*1 per 10 auto parking stall 1 Required*	*0%*

* *Covered bicycle parking is not required for developments with two or fewer stalls.*

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

Location of Bicycle Parking:

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space unless approved by the community development director.

Applicant's Response:

3. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.

a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.

b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

***17.52.040.D.4**. Accessibility.*

a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

***17.52.040.D.4.b**. Outdoor bicycle parking areas shall have direct access to a right-of-way.*

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

***17.52.040.D.4.c**. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.*

Applicant's Response:

No changes proposed to existing on-site bicycle parking.

17.52.060 - Parking lot landscaping.

A. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

Applicant's Response:

No changes proposed to existing on-site parking.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Applicant's Response:

No changes proposed to existing on-site parking.

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

Applicant's Response:

No changes proposed to existing on-site parking.

4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;

Applicant's Response:

No changes proposed to existing on-site parking.

5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;

Applicant's Response:

No changes proposed to existing on-site parking.

6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.

Applicant's Response:

No changes proposed to existing on-site parking.

7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

Applicant's Response:

No changes proposed to existing on-site parking.

8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

Applicant's Response:

No changes proposed to existing on-site parking.

B. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

Applicant's Response:

No changes proposed to existing on-site parking.

1. The perimeter parking lot are[a] shall include:

a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

Applicant's Response:

No changes proposed to existing on-site parking.

b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

Applicant's Response:

No changes proposed to existing on-site parking.

c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Applicant's Response:

No changes proposed to existing on-site parking.

C. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:

Applicant's Response:

No changes proposed to existing on-site parking.

a. Trees spaced a maximum of thirty-five feet apart;

Applicant's Response:

No changes proposed to existing on-site parking.

b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent
of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

Applicant's Response:

No changes proposed to existing on-site parking.

c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or

Applicant's Response:

No changes proposed to existing on-site parking.

2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Applicant's Response:

No changes proposed to existing on-site parking.

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

Applicant's Response:

No changes proposed to existing on-site parking.

a. A minimum of one tree per six parking spaces.

Applicant's Response:

No changes proposed to existing on-site parking.

b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

Applicant's Response:

No changes proposed to existing on-site parking.

c. Shrubs spaced no more than four feet apart on average.

Applicant's Response:

No changes proposed to existing on-site parking.

d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.

Applicant's Response:

No changes proposed to existing on-site parking.

e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

> *Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and 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.*

Applicant's Response:

No changes proposed to existing on-site parking.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Applicant's Response:

No changes proposed to existing on-site parking.

17.52.070 - Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of section 17.52.060.

A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.

B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

Applicant's Response:

No changes proposed to existing on-site parking.

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and
c. It will not constitute a traffic hazard due to reduced visibility.
Applicant's Response:
No changes proposed to existing on-site parking.

17.52.090 - Loading areas.
B. Applicability.
1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
Applicant's Response:
No changes proposed to previously approved loading accommodations.

C. Standards.
1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
Applicant's Response:
No changes proposed to previously approved loading accommodations.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
Applicant's Response:
No changes proposed to previously approved loading accommodations.

3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
a. Short in duration (i.e., less than one hour);
b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
c. Does not obstruct traffic during peak traffic hours;
d. Does not interfere with emergency response services; and
e. Is acceptable to the applicable roadway authority.
Applicant's Response:
No changes proposed to previously approved loading accommodations.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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;

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

C. The modification is consistent with an adopted plan; and

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

D. The modification is complementary with a surrounding street design; or, in the alternative;

Applicant's Response:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

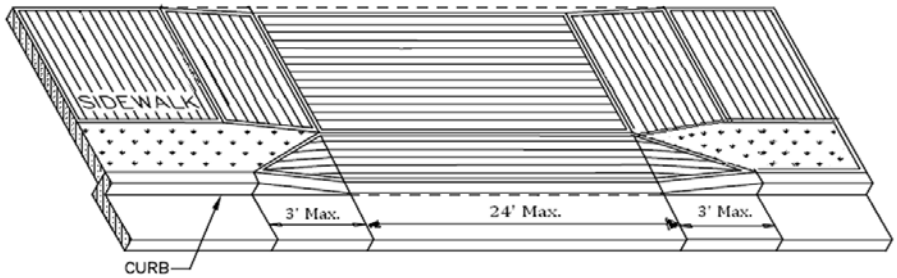
12.04.020 - Construction specifications—Unimproved streets.
Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.
Applicant's Response:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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

Single-Family Dwelling with a Two Car Garage



Applicant's Response:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
No obstructions currently proposed. Contractor to follow with city for any temporary obstructions needed to aid in construction.

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 proposed.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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 Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Minor Arterial	*Mixed Use, Commercial or Public/Quasi*	*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.*

	Public									
	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*
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. 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 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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

12.04.194 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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 Functional Classification	*Minimum Driveway Spacing Standards*	*Distance*
Major Arterial 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*	*175 ft.*
Minor Arterial 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*	*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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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

Applicant's Response:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Site is not a park, greenway, or other natural resource.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

12.04.200 - Reserved.

Editor's note— Ord. No. 13-1003, § 1, Exhibit 1, adopted July 17, 2013, repealed § 12.04.200 in its entirety. Former § 12.04.200 pertained to "Street Design—Constrained local streets and/or rights-of-way." See Prior Code Cross-Reference Table and Code Comparative Table and Disposition List for derivation.

Applicant's Response:

There is nothing to respond to here.

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 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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:

Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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:
Per Development Services Pre-application meeting notes, the development does not require any improvements in the public R.O.W.

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 tree removal proposed.

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)*
Quercus garrayana	*Oregon white oak*	*8"*
Pseudotsuga menziesii	*Douglas-fir*	*18"*
Thuja plicata	*Western red cedar*	*12"*
Pinus ponderosa	*Ponderosa pine*	*12"*
Taxus brevifolia	*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:
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:
No heritage trees exist on site.

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:

No gifts proposed.

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:

The project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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:

The project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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 project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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 uses listed above are not present on this project 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:

The project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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:

The project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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:

The project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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 project already has an approved stormwater drainage facility on site. As demonstrated in the drawings the size of the facility was designed for a larger area than what was constructed and what is proposed to be constructed. Per Development Services Pre-application meeting notes, the stormwater facilities have been adequately sized and meet current city stormwater design standards.

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:
The excavation for footings and new impervious included in the proposed scope of work do not exceed thresholds listed.

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:
The excavation for footings and new impervious included in the proposed scope of work do not exceed thresholds listed.

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 was not included in the pre-application notes from Development Services.

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 ofChapter 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:
Trees are not proposed to be removed.

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:
Trees are not proposed to be removed.

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:
Trees are not proposed to be removed.

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 17.04to 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 arborculture. 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:

Trees are not proposed to be removed.

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:
Trees are not proposed to be removed.

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:
The project is not within a natural resource overlay district

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:
The project is an addition to an existing building. No trees are proposed to be removed and property lines are to remain as is.

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 toSection 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:
Density transfers for tree protection are not proposed.

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%*

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

Applicant's Response:

No modifications to lot standards proposed

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

Any regulated tree or grove which cannot be protected in a tract pursuant toSection 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:

Trees are not proposed to be removed.

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:

Trees are not proposed to be removed.

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:

Trees are not proposed to be removed.

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:

Trees are not proposed to be removed.

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:

No known existing trees affected by proposal.

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:

No known existing trees affected by proposal.

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 August 15th 2018.

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:

The proposed changes to the existing building are below 1,000SF and not more than 35% of the original building square footage. Therefore the existing conditional use permit is still valid and this requirement is not necessary.

CHAPTER 17.54.100 – FENCES, HEDGES AND WALLS

Applicant's Response:

7' high wrought iron fence is proposed on two sides of a patio area. As proposed, it would be located more than 47 feet from the front property line, which is less than the distance from the portion of façade to the property line where the fence is located. Given the nature of the residents' memory care needs, a 7 foot height is proposed to protect the residents from elopement.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Applicant's Response:

Per the pre application meeting the planner indicated that the site was in full compliance other than the landscaping that had not been kept up during vacancy. This will be fixed to bring the site into full compliance prior to occupancy.

A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this Code, minor repairs and routing maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

Applicant's Response:

There are not any non-conforming buildings or structures on site.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

Applicant's Response:

There are not any non-conforming structures on this site.

C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in Section 17.58.060have either been met, can be met by observance of conditions, or are not applicable.

Applicant's Response:

There are not any non-conforming structures on this site.

2. An expansion of a nonconforming structure with alterations that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the community development director, is more then seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;

2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

3. Alterations required to meet Seismic Design Requirements; and

4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Applicant's Response:

There are not any non-conforming structures on this site.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;

2. Minimum perimeter parking lot landscaping;

3. Minimum interior parking lot landscaping;

4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.
Applicant's Response:
Per the pre application meeting the planner indicated that the site was in full compliance other than the landscaping that had not been kept up during vacancy. This will be fixed to bring the site into full compliance prior to occupancy.

c. Area of required improvements.
1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
2. Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
i. The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the community development director. The portions of the lease shall include the following:
•The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
•A legal description of the boundaries of the lease.
ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.
Applicant's Response:
There is not a ground lease on the site currently.

d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
1. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document 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. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.
2. Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following must be met:
i. Before a building permit is issued, the applicant shall submit the following to the community development director:
•A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.
•A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table17.58 — 1.
ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).
iii. By the end of the compliance period, the applicant or owner shall request that the site by certified by the community development director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the community development director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1

Compliance Periods for Option 2

Square footage of site	*Compliance Period*
Less than 150,000 sq. ft.	*2 years*
150,000 sq. ft. or more, up to 300,000 sq. ft.	*3 years*
300,000 sq. ft. or more, up to 500,000 sq. ft.	*4 years*
More than 500,000 sq. ft.	*5 years*

Applicant's Response:

Per the pre application meeting the planner indicated that the site was in full compliance other than the landscaping that had not been kept up during vacancy. This will be fixed to bring the site into full compliance prior to occupancy.

17.60.030 - Variance—Grounds.

A type II minor variance is requested for building lot coverage as the proposed lot coverage is under the 25% additional benchmark for a type II minor variance. The proposed project is a 529 SF building addition providing one new private unit and the expansion of six existing units to double occupancy rooms. Our current proposed lot coverage is 40.19% or 88 SF over the allowed 40% lot coverage. Alternatively, the building is a commercial use business in residential zoning. The OCMC allows a lot coverage of 85% (including parking) for a commercial use building. The proposed lot coverage from a commercial use standpoint is 80.2% under the 85% allowed.

Below is a response to the variance grounds conditions listed in OCMC 17.60.030.

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;

The building is located on a corner lot and the expansion to the South will not negatively affect any other structures given the street between them. The North building expansions are within the required setbacks for the site and will not affect the buildings any more than a legally conforming building to the zoning code.

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

The building expansion allows the facility to give more space to the memory care patients who spend a majority of their time inside the facility and in their rooms. Given the need to add these units and the existing design of the building, it is believed that this is the least amount of overage required to provide a comfortable space for the residents of the building.

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

Given the small nature of the exceeding amount (88sf), it is believed that the variance will have very minimal effect on the purpose of the regulation.

D. Any impacts resulting from the adjustment are mitigated;

The building is within the required setbacks per zoning requirements and will not impact the buildings surrounding any more than a conforming building.

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

Given the existing nature of the building and the need for the additional units, this is the only way to provide adequate units for the residents.

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

It is believed that the variance continues to fulfill the intent of the ordinance by being respectful of the surrounding buildings and using strong architectural character and landscaping to conform to the comprehensive plan.

TYPE II –SITE PLAN AND DESIGN REVIEW
Applicant's Submittal
9/28/18

APPLICANT: Wellington Management, Inc.
Jeffrey Wellington
415 SE 28th Ave.
Portland, OR 97214

OWNER: River Terrace, LLC
415 SE 28th Ave.
Portland, OR 97214

REQUEST: A 529 SF building expansion

LOCATION: River Terrace
950 South End Rd.
Oregon City, OR 97045

I. BACKGROUND:

1. Existing Conditions

The existing project is an occupied memory care building with 31 beds.

2. Project Description

The project is a 529sf building addition enlarging six units to double unit occupancy and expand another common space area to convert to a new unit.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

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 August 15th 2018.

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 neighborhood meeting is planned for October 18th which we plan to attend.

<u>Chapter 17.08 - R-10 SINGLE-FAMILY DWELLING DISTRICT</u>

17.08.010 - Designated.
This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.

17.08.020 - Permitted uses.
Permitted uses in the R-10 district are:

A. Single-family detached residential units;
B. Parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;
H. Residential home per ORS 443.400;
I. Cottage housing;
J. Transportation facilities.
Applicant's Response:
Conditional use is already approved.

17.08.030 - Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:
A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Bed and breakfast inns/boarding houses;
C. Cemeteries, crematories, mausoleums and columbariums;
D. Child care centers and nursery schools;
E. Emergency service facilities (police and fire), excluding correctional facilities;
F. Residential care facility;
G. Private and/or public educational or training facilities;
H. Public utilities, including sub-stations (such as buildings, plants and other structures);
I. Religious institutions;
J. Assisted living facilities; nursing homes and group homes for over fifteen patients.
Applicant's Response:
J. Assisted living facility

17.08.035 - Prohibited uses.
Prohibited uses in the R-10 district are:
A. Any use not expressly listed in Section 17.08.020 or 17.08.030.
B. Marijuana businesses.
Applicant's Response:
No prohibited use proposed.

17.08.040 - Dimensional standards.
Dimensional standards in the R-10 district are:
A. Minimum lot areas, ten thousand square feet;
Applicant's Response:
Minimum lot area is met. There is no change to lot size or area.

B. Minimum lot width, sixty-five feet;
Applicant's Response:
Minimum lot width met. No change to lot size or area.

C. Minimum lot depth, eighty feet;
Applicant's Response:
Minimum lot depth met. No change to lot size or area.

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Applicant's Response:
Max. building height met, no change to overall building height.

E. Minimum required setbacks:
1. Front yard, twenty feet minimum setback,
Applicant's Response:
No change to front yard proposed.

2. Front porch, fifteen feet minimum setback,
Applicant's Response:

No front porch proposed

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 garage proposed.

4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,
Applicant's Response:
Ten foot minimum setback met.

5. Corner side yard, fifteen feet minimum setback,
Applicant's Response:
Fifteen foot side yard met at corner.

6. Rear yard, twenty feet minimum setback,
Applicant's Response:
Twenty foot rear yard setback met.

7. Rear porch, fifteen feet minimum setback.
Applicant's Response:
No rear porch proposed.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
Applicant's Response:
No garage proposed.

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.
Applicant's Response:
Max lot coverage of 40.19% Variance requested.

CHAPTER 17.56 CONDITIONAL USES

***17.56.010.A.1**. The use is listed as a conditional use in the underlying district;*
Applicant's Response:
RCF listed as a conditional use in the underlying district.

***17.56.010.A.2** The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*
Applicant's Response:
The previously approved proposal was thought to be within suitable characteristics of the site and this proposal is in keeping with it. Proposed changes are in line with existing.

***17.56.010.A.3**. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;*
Applicant's Response:
From the pre-application meeting held on 8/15/18 the site was in full conformance to 12.04. The proposed development stays in compliance.

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

Applicant's Response:
The addition of 529 sf to the existing previously approved project does not impair or limit any of the surrounding properties from realizing their primary use.

17.56.010.A.5*. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*
Applicant's Response:
The addition to the existing building continues to satisfy the goals and policies of the city comprehensive plan.

17.56.010.B*. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.*
Applicant's Response:
The existing restrictions for the original conditional use permit will remain.

17.56.010.C*. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.*
Finding:
Dimensional standards are met as indicated with responses to previous questions above.

17.56.010.D*. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*
Applicant's Response:
The conditional use was approved within the effective date of the code.

17.56.010.E*. The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review.*
Applicant's Response:
Due to the language in the conditional use findings the project must return to the planning commission with any change to the site plan.

17.56.040.A. *Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.*
Applicant's Response:
The use of the building is a residential use and would not create any more glare, noise or lighting than a single family home.

17.56.040.B *Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*
Applicant's Response:
Right of way dedication was given during the previous development.

17.56.040.C *Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.*
Applicant's Response:

This is not a public utility or communication facility.

17.56.040.D *Schools. The site must be located to best serve the intended area, must be in conformance with the city plan, must have adequate access, and must be in accordance with appropriate State standards.*
Finding: Not Applicable. The applicant has not proposed a school use.
Applicant's Response: Previously given finding above applies to this proposal too.

17.56.040.E *Helipad Landing Facility. In evaluating a conditional use application for a helipad, the planning commission shall consider such matters as the following:*
Applicant's Response:
No helipads proposed in this 529 sf single story building addition.

17.56.040.F *Residential Care Facilities.*
1. In addition to the general provisions of Section 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.
2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:
a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
b. All residential care facilities shall be subject to design review. Special considerations for this use are:
i. Compatibility in appearance with the surrounding area;
Finding: Complies as Proposed. The proposed design of the building will be compatible with the adjacent
ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;
iii. Clearly defined property boundaries.
Applicant's Response:
The small building additions are in keeping with the original approved design and conditional use and will maintain all necessary licenses required to operate the facility.

17.56.040.G *Bed and Breakfast Inns.*
Applicant's Response:
While this facility will contain beds and serves breakfast it is not a bed and breakfast inn.

17.56.060 *Revocation of conditional use permits.*
The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The Planning Commission or, on review, the City Commission, may revoke such permit upon determining:
A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and
B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.
Applicant's Response:
The project applicants and operators are aware of the need to maintain conformance to the conditional use permit from the city.

RIVER TERRACE
OREGON CITY

DRAWING INDEX

ARCHITECTURAL

A0.0 TITLE PAGE
A0.1 EGRESS PLAN
A0.2 ACCESSIBILITY REQUIREMENTS

A1.1 SITE PLAN

A2.11 OVERALL DEMO PLAN
A2.12 OVERALL FLOOR PLAN

A2.6 DOOR/WINDOW SCHEDULE & DTLS.
A2.7 FINISH SCHEDULE

A3.1 BUILDING ELEVATIONS

A4.11 ENLARGED PLANS
A4.12 ENLARGED PLANS, INTERIOR ELEVATIONS & PARTIAL BUILDING SECTIONS

A5.1 ENLARGED PLAN - SOUTH
A5.2 ENLARGED PLAN - NORTH
A5.3 ELEVATIONS - COMMON AREA

A8.1 DETAILS
A8.2 DETAILS
A8.3 DETAILS

DIRECTORY

OWNER:

RIVER TERRACE, LLC
415 SE 28TH AVE.
PORTLAND, OR 97214
(651) 226-7645

APPLICANT:

WELLINGTON MANAGEMENT, INC.
JEFFREY WELLINGTON
415 SE 28TH AVE.
PORTLAND, OR 97214
(651) 226-7645

ARCHITECT:

JOHN LAPE, ARCHITECT
520 SW 6TH AVE, SUITE 520
PORTLAND, OR 97219
(503) 243-2837

BUILDING CODE INFORMATION

BUILDING CODE EDITION: 2014 OSSC (NO CHANGE)
2014 OEESC (NO CHANGE)

OCCUPANCY GROUPS: I-2, B, S-2 (NO CHANGE)

SEPARATIONS: OCCUPANCIES ARE NON-SEPARATED PER 508.3 EXCEPT THAT A SMOKE PARTITION SEPARATION IS REQ'D. AT ALL CORRIDORS

CONSTRUCTION TYPES: EXISTING - TYPE V-A (TYPE 5, 1-HR.) (NO CHANGE)

CODE REQUIREMENTS:

	REQUIRED/ALLOWED	PROVIDED
FIRE SPRINKLERS:	NFPA 13	NFPA 13
NUMBER OF STORIES:	1 @ 1-2/2 @ A-2/4 @ S-2	2 ABOVE GRADE/1 @ 1-2
BUILDING HEIGHT:	35' FROM AVE. GRADE	~29' (NO CHANGE)

DHS LIGHTING REQUIREMENTS:

Light Levels for Memory Care Communities
Minimum Maintained Average Luminance Measured in Foot-candles
Table 2
(Adopted 11/1/2010)

Areas	Ambient Light	Task Light
Exterior Entrance (Night)	10	NA
Interior Entry (Day – within the first '10 feet from door	50	NA
Interior Entry (Night)	10	NA
Exit Stairways and Landings (Value Contrast on edge)	30	NA
Elevator Interiors	30	NA
Exterior Walking Surface (Night)	5	NA
Administrative Areas	30	50
Visiting Areas (Day)	30	NA
Visiting Areas (Night)	10	NA
Resident Bedroom/Apartment		
Entrance	30	NA
Wardrobe	30	NA
Living Room	30	NA
Bedroom (Day)	30	75
Make-up/Shaving Vanity	30	60
Shower/Bathing Room	30	NA
Activity Areas	30	50
Chapel or Quiet Area	30	NA
Barber/Beautician (Day)	50	NA
Hallways (Day)	30	NA
Hallways (Night/Sleeping)	10	NA
Dining (Active Hours)	30	50 (On table surface)

Notes:
1. Utilization of daylight is encouraged in entry ways to provide transition between outside and interior illumination levels. Areas commonly used by residents, i.e. dining, activity and living rooms should maximize use of daylight.
2. Ambient light levels are minimum averages measured at 30 inches above the floor in a horizontal plane. Task light levels are absolute minimums taken on the work surface. In the Make-up/Shaving area the measurement is to be taken four feet above the finished floor.

SITE AND ZONING INFORMATION

PROJECT ADDRESS: 950 SOUTH END RD
OREGON CITY, OR 97045

TAX PARCEL # (APN): 3-1E-01AD-03100

LEGAL DESCRIPTION: A TRACT OF LAND BEING ALL OF DOCUMENT NO. 2014-002380 AND A PORTION OF DOCUMENT NO. 2013-050193, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2013-050193, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF SAID DOCUMENT NO. 2013-050193 TRACT, NORTH 90°00'00" WEST, 251.20 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET, THROUGH A CENTRAL ANGLE OF 38°42'46", AN ARC LENGTH OF 47.30 FEET (CHORD OF WHICH BEARS NORTH 70°38'37" WEST, 46.40 FEET), TO A POINT OF NON-TANGENCY AND THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2014-002380, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHERLY EXTENSION, AND CONTINUING ALONG SAID WEST LINE, NORTH 00°03'38" WEST, 122.35 FEET TO THE NORTHWEST CORNER OF SAID DOCUMENT NO. 2014-002380 TRACT; THENCE ALONG THE NORTH LINE OF SAID DOCUMENT NO. 2014-002380 TRACT, NORTH 89°58'30" EAST, 295.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH END ROAD, BEING 30.00 FEET WEST OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES; THENCE WESTERLY OF, PARALLEL WITH AND 30.00 FEET DISTANT OF SAID CENTERLINE, SOUTH 00°02'46" EAST, 137.86 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF OREGON CITY FOR STREET, ROAD, RIGHT-OF-WAY AND PUBLIC UTILITY PURPOSES IN DEED OF DEDICATION RECORDED JUNE 16, 2016 AS RECORDER'S FEE NO. 2016-039446.

ZONING OF SITE: R-10 (RCF IS CONDITIONAL USE)

SITE AREA: 39,439 SQ. FT. AFTER DEDICATIONS

SITE COVERAGE: 15,852 SQ. FT. FOOTPRINT = 39% OF PRE-DEDICATION SITE AREA
MAX. ALLOWED = 40.19% (VARIANCE REQUESTED)

LANDSCAPE AREA:

REQ'D	PROVIDED
15%	15,380 SQ. FT. (38%)

SETBACKS:

	REQ'D	PROVIDED
FRONT:	20'	(NO CHANGE)
REAR:	20'	(NO CHANGE)
SIDE (INTERIOR):	10'	10.2'
SIDE (CORNER):	15'	15.3'

PARKING:

MIN. OFF-STREET REQ'D
1 PER 7 BEDS = 6
2.70 PER 1,000 SQ. FT. OFFICE
1,000 SQ. FT./1505Q. FT. = 2 (NO CHANGE)
TOTAL = 8 MIN./11 MAX.

PROVIDED
9 (INC. 1 VAN ACCESSIBLE) (NO CHANGE)

BIKE PARKING:

MIN. REQ'D
1 PER 30 VEHICLE STALLS = 1

PROVIDED
1 (NO CHANGE)

PROJECT DESCRIPTION

ADDITION AND MINOR MODIFICATIONS TO EXISTING 31-BED MEMORY CARE. ADDITIONS ARE LIMITED TO THE ENLARGEMENT OF SIX EXISTING UNITS AND ONE CONVERTED UNIT. MODIFICATIONS INCLUDE ACCESSIBILITY UPGRADES, ADDED BATHROOM, AND MINOR REMODELING PROPOSED IN THREE ADDITIONAL AREAS WITHIN THE FACILITY TO CREATE MORE COMMON AREAS AND AN ENTRY/RECEPTION AREA SEPARATE FROM THE LIVING AREA. SCOPE INCLUDES ELIMINATION OF TWO EXIT DOORS AND THE ADDITION OF AN ACCESSIBLE RAMP FROM AN EXISTING EXIT DOOR.

DEFERRED SUBMITTALS:

DOOR HARDWARE
MEP, DESIGN/BUILD**
FIRE SPRINKLER
FIRE ALARM SYSTEM
SMOKE DETECTION SYSTEM

PER OFC 901.5 FIRE DETECTION, ALARM, EXTINGUISHING, HYDRANT SYSTEMS AND ALL OTHER FIRE PROTECTION SYSTEMS WHILE DEFERRED SHALL BE TESTED AND APPROVED BY THE FIRE CODE OFFICIAL PRIOR TO OCCUPANCY.

ELECTRICAL LIGHTING SCOPE TO BE DESIGN BUILD TO INCLUDE A PHOTOMETRIC STUDY TO OUTLINE DEFICIENCIES AND SCOPE OF WORK, SEE NOTE 1, SHEET A2.12 FOR MORE INFORMATION

BUILDING INFORMATION

GROSS FLOOR AREA:

LEVEL 1 - EXISTING	15,323 SF
LEVEL 1 - ADDITIONS	529 SF
TOTAL LEVEL 1 AREA PROPOSED	15,852 SF
LEVEL 2 - FINISHED	215 SF
LEVEL 2 - UNFINISHED	1,765 SF
TOTAL GROSS S.F. AREA EXISTING	17,303 SF
TOTAL GROSS S.F. AREA PROPOSED	17,832 SF

UNIT MODIFICATIONS

31	EXISTING PRIVATE UNITS	ACCESSIBLE
1	CONVERSION TO PRIVATE UNIT	ACCESSIBLE
6	CONVERSIONS TO DOUBLE UNITS	ACCESSIBLE

UNIT TOTALS

26	PRIVATE UNIT	125-186 SF
6	DOUBLE UNITS	233-235 SF

32 TOTAL UNITS, 38 BEDS

PERMIT & REVIEW NUMBERS

PERMIT TYPE	PERMIT NO.	ISSUED (APPLIED)
ORIG. COND. USE:	CU 14-01	(4/21/14)
ORIG. LAND USE:	SP-14-09	(4/21/14)
ORIG. VARIANCE:	VR 14-01	(4/21/14)
ORIG. CONSTRUCTION:	BB-14-0185	3/2/2015

NOTE: THIS FACILITY IS SUBJECT TO STATE OF OREGON LICENSURE

DIMENSIONS

AT EXTERIOR WALLS:
- FACE OF SHEATHING (NOT FACE OF FRAMING)
- CENTERLINE OF BOTH SHEATHING & FRAMING

AT OTHER LOCATIONS:
- FACE OF COMPLETE WALL ASSEMBLY
- CENTERLINE OF COMPLETE WALL ASSEMBLY

COORDINATE DIMENSIONAL LAYOUT WITH ALL CASEWORK, TUB/SHOWERS, FIXTURES & EQUIPMENT AS REQ'D.

SYMBOLS

- A / A2 — LETTER / PAGE REFERENCE — SECTION
- 200 / XXXXX — ROOM NUMBER / ROOM NAME — ROOM NUMBER/NAME
- A / D A2 B / C — PAGE REFERENCE / WALL ELEVATION — INTERIOR ELEVATIONS
- 2 — DOOR I.D. NUMBER — DOOR NUMBERS
- 2 / A2 — LETTER / PAGE REFERENCE — REFERENCE NOTE
- 2 / A2 — NUMBER / PAGE REFERENCE — DETAIL
- 200 / A — UNIT NUMBER / UNIT TYPE — UNIT NUMBER/TYPE
- 2 — REVISION I.D. NUMBER — REVISION NUMBERS
- A — WINDOW I.D. NUMBER — WINDOW NUMBERS
- 2 / A2 — NUMBER / PAGE REFERENCE — WALL TYPE

LAYER SAVES: -
XREF: -
FILE: -
SCALE: -

REGISTERED ARCHITECT · STATE OF OREGON · 2561 JOHN B LAPE III PORTLAND, OR

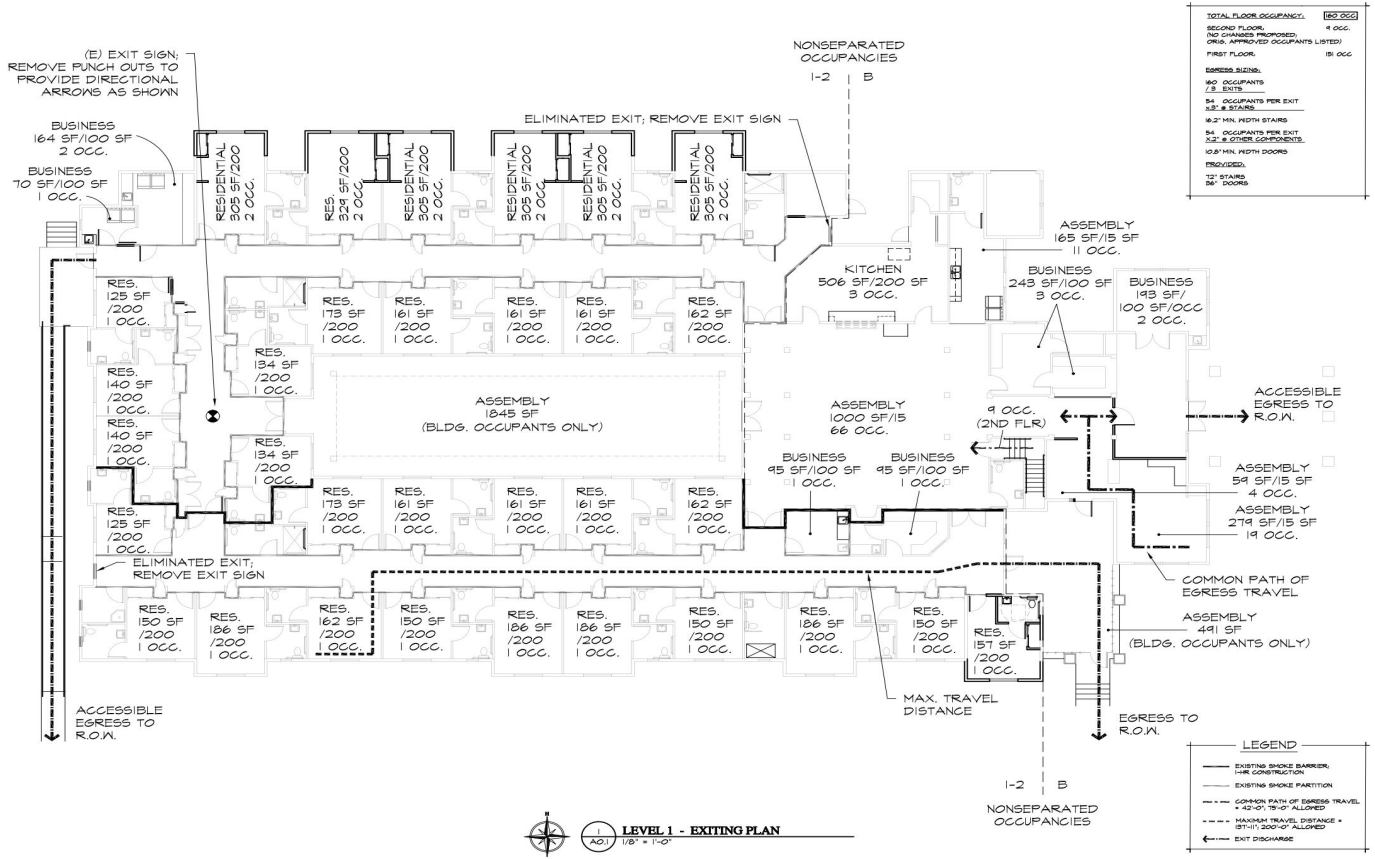
REVISIONS

JOHN LAPE, ARCHITECT
520 SW 6TH AVE., SUITE 520
PORTLAND, OREGON 97204
(503) 243-2837
(877) 424-5600

TITLE SHEET

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A0.0



A0.1 LEVEL 1 - EXITING PLAN
1/8" = 1'-0"

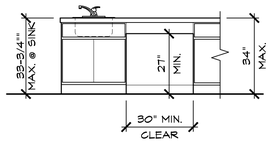
REGISTERED ARCHITECT
8561
JOHN B LAPE III
PORTLAND, OR
STATE OF OREGON

JOHN LAPE, ARCHITECT
320 SW 6TH AVE., SUITE 520
PORTLAND, OREGON 97204
(503) 224-3287
(877) 424-5600

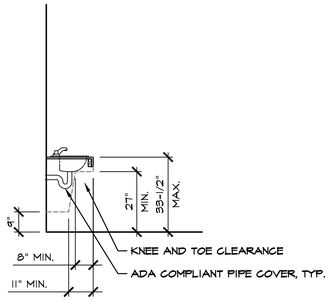
EGRESS PLAN

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

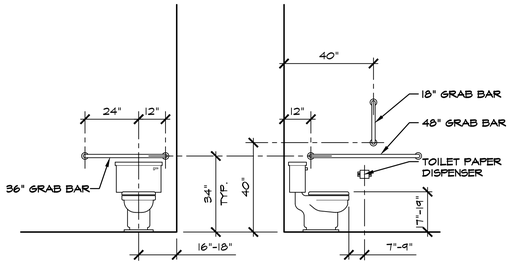
FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A0.1



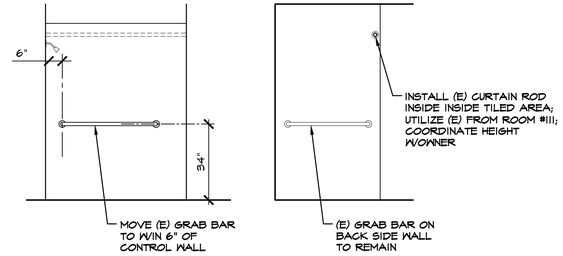
ELEVATION
@ ACCESSIBLE WORK COUNTER
3/8"=1'-0"



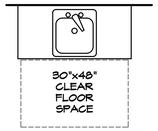
SECTION
@ ACCESSIBLE LAVATORY
3/8"=1'-0"



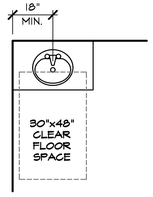
ELEVATIONS
@ ACCESSIBLE WATER CLOSET
3/8"=1'-0"



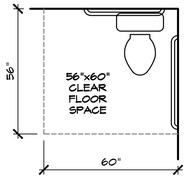
ELEVATIONS
@ EXISTING ROLL-IN SHOWER
3/8"=1'-0"



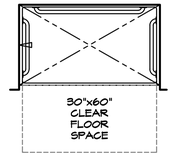
CLEAR FLOOR SPACE
@ SINK W/PARALLEL APPROACH
3/8"=1'-0"



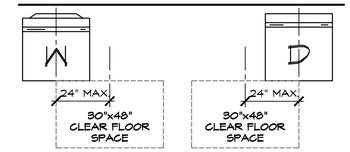
CLEAR FLOOR SPACE
@ ROLL-UNDER LAVATORY
3/8"=1'-0"



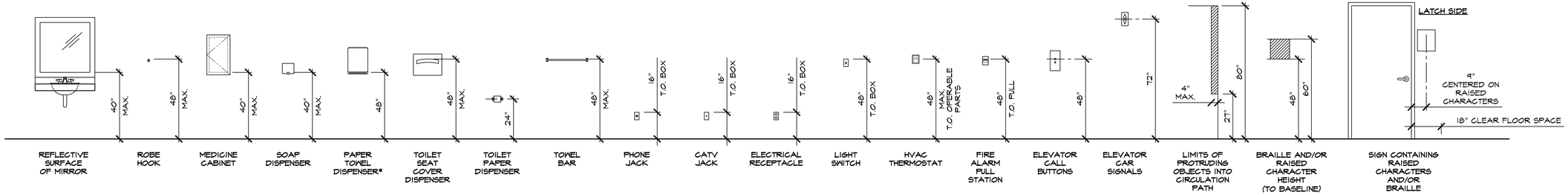
CLEAR FLOOR SPACE
@ ACCESSIBLE WATER CLOSET
3/8"=1'-0"



CLEAR FLOOR SPACE
@ ROLL-IN SHOWER
3/8"=1'-0"

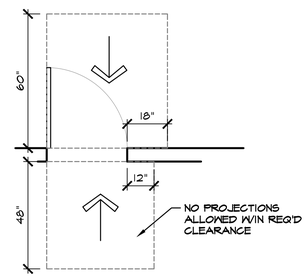


CLEAR FLOOR SPACE
@ FRONT LOADING LAUNDRY W/D
3/8"=1'-0"



TYPICAL MOUNTING HEIGHTS
3/8"=1'-0"

NOTES:
*SEE TABLE 603.6, ANSI 117.1 - 2009, FOR MAXIMUM REACH HEIGHT WHERE REACH DEPTH EXCEEDS .5 INCH



CLEAR FLOOR SPACE
@ DOOR W/LATCH & CLOSER
3/8"=1'-0"

NOTE:
THE STANDARDS/INFORMATION SHOWN HEREIN IS INTENDED AS A REFERENCE. COMPLIANCE WITH ANSI 117.1 - 2009 & ADA 2010 IS REQUIRED.

REGISTERED ARCHITECT
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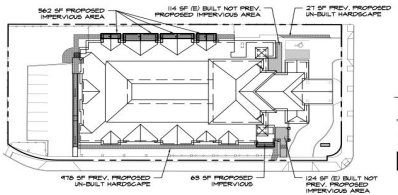
ACCESSIBILITY STANDARDS

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A0.2

LAYER SAVES: -
FILE= A0.5 Accessibility Standards XREF: -
SCALE = -

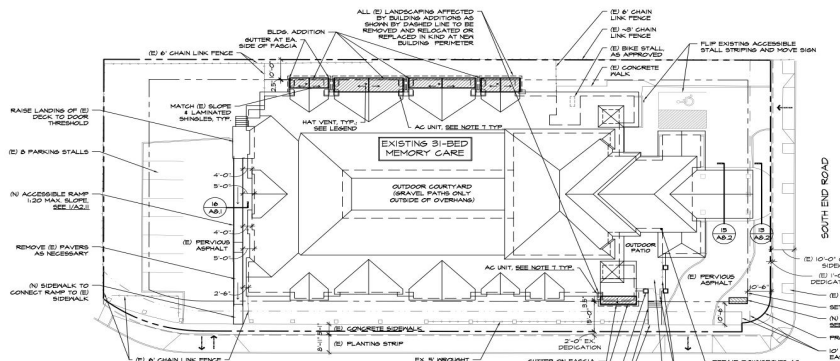


IMPERVIOUS AREA CHANGES

1,005 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA -238 SF NOT PROPOSED AND BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA
767 SF	PREV. PROPOSED AND UN-BUILT IMPERVIOUS AREA -625 SF PROPOSED IN/ BLDG. AND SITE ADDITION
142 SF	NET AREA LEFT FROM PROPOSED IMPERVIOUS AREA

2 / A1.1 **IMPERVIOUS AREA**
1"=40'-0"

3 / A1.1 **VICINITY MAP**
N.T.S.



1 / A1.1 **SITE PLAN**
1"=20'-0"

LEGEND

□ NEW 1' X 1' HAT VENT @ RIDGE TO MATCH EXISTING & 12" MAX. OFF RIDGE AS REQUIRED FOR VENTILATION CALCS. SEE DTLS. 2/A8.1 FOR EAVE VENTING

SITE PLAN NOTES

1) SWEEP ROOF VALLEYS AND REMOVE ALL DEBRIS FROM ROOF AREAS
2) SEE SHEET A0.0 FOR CLARIFICATION OF DIMENSION REFERENCE POINTS
3) SEE ENLARGED PLANS FOR ADDITIONAL DIMENSIONS & DETAIL REFERENCES
4) REPLACE IN/OF CONCRETE SLAB UP TO FACE OF EXTERIOR WALL; CONTACT SOILS. PROVIDE A 2" MINIMUM SLOPE AWAY FROM BUILDING. CONCRETE IN AN ENTRANCEWAY AND SLOPE AWAY FROM BUILDING IN A MAX. SLOPE OF 1.5% IN ANY DIRECTION. PROVIDE AREAWAYS AT (E) CRAWL SPACE VENTS AND PROVIDE GRATES TO COVER. MAX. ELEVATION TO BE 5" BELOW TOP OF DR. THRESHOLD IF THRESHOLD IS SLOPED
5) 7' HIGH FENCE TO MATCH EXISTING WROUGHT IRON ALONG S. SOUTH END ROAD. FENCE TO BE CONTINUED TO EXTEND AROUND ALL OPEN SIDES OF PATIO. COORDINATE GATE HYLON VOLTAGE EXTERIOR-RATED MAG-LOCK TO BE FACE-MOUNTED ON FENCE AND GATE. PROVIDE KEYPAD EA. SIDE OF GATE. SEE 1/A8.2 FOR MAG LOCK INSTALLATION DIAGRAM.
6) INSTALL STONE VENEER OVER ALL SIDES OF THREE (3) BRICK COLUMNS AT EXISTING FENCE TO MATCH TAPER AND STONE APPROVED FOR CONCRETE COLUMNS. SEE DTL. 11/A8.2
7) MOVE ALL GROUND MOUNTED AC UNITS ON NORTH SIDE AS NEEDED AND REPLACE CONCRETE SLAB. LOCATE TO EAST OR WEST OF ADDITION; RETAIN MFGR. CLEARANCES
8) REPLACE OR ADD NEW GUTTERS WHERE SLOPE OF NEW REQUIRES. TIE NEW GUTTER SYSTEM INTO (E) UNDERGROUND SYSTEM.

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SITE PLAN

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A1.1

1 A2.11 **LEVEL 1 PLAN - DEMO**
1/8" = 1'-0"

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DEMOLITION PLAN

RIVER TERRACE
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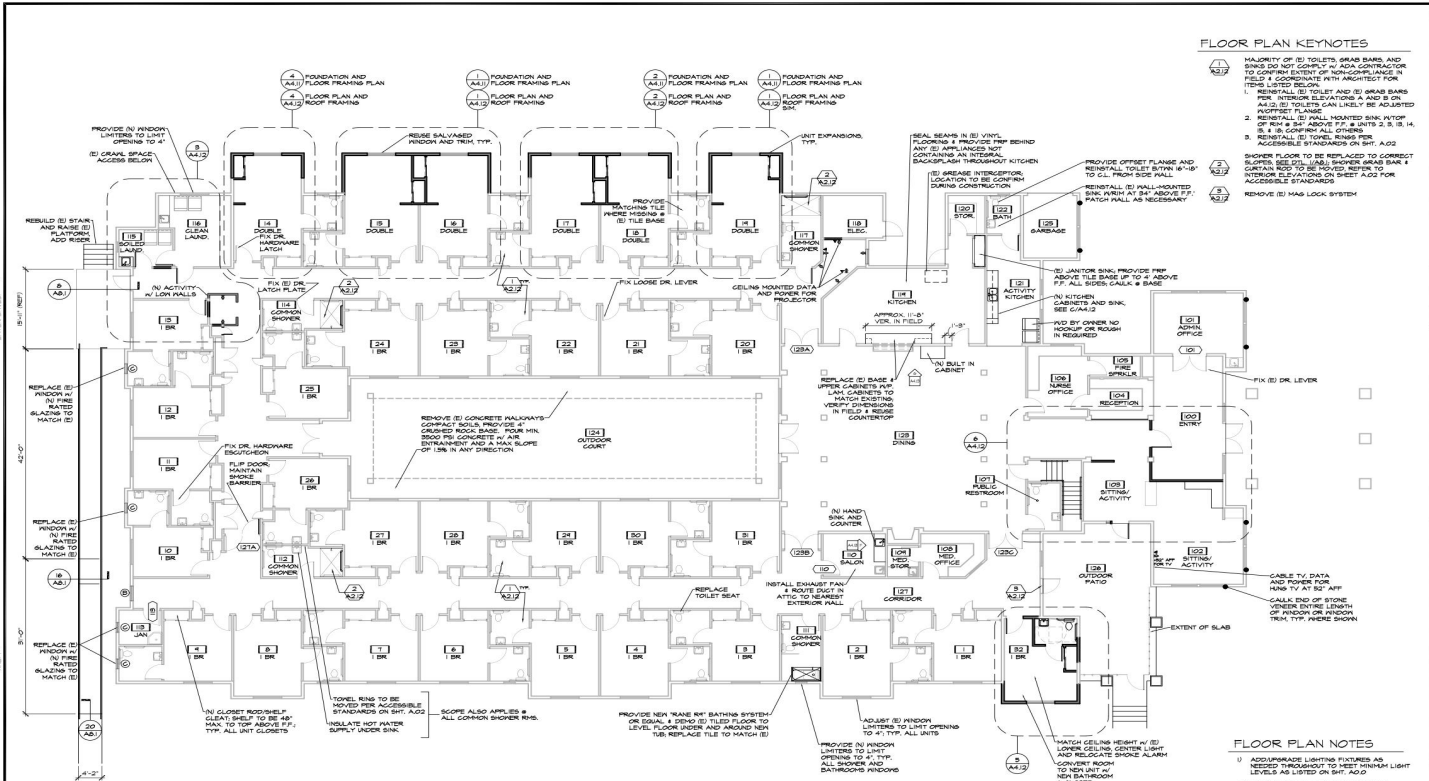
950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805

DATE: AUGUST 29, 2018

WORKING DATE:

SHEET: A2.11


FLOOR PLAN KEYNOTES
MAJORITY OF (E) TOILETS, GRAB BARS, AND SINKS DO NOT COMPLY w/ ADA CONTRACTOR TO CONFIRM EXTENT OF NON-COMPLIANCE IN FIELD & COORDINATE WITH ARCHITECT FOR ITEMS LISTED BELOW.
1. REINSTALL (E) TOILET AND (E) GRAB BARS PER INTERIOR ELEVATIONS A AND B ON A4.12; (E) TOILETS CAN LIKELY BE ADJUSTED W/OFFSET FLANGE
2. REINSTALL (E) WALL MOUNTED SINK W/TOP OF RIM @ 34" ABOVE F.F. @ UNITS 2, 5, 13, 14, 15, & 18; CONFIRM ALL OTHERS
3. REINSTALL (E) TOWEL RINGS PER ACCESSIBLE STANDARDS ON SHT. A.02
SHOWER FLOOR TO BE REPLACED TO CORRECT SLOPES. SEE DTL. 1/A8.1 SHOWER GRAB BAR & CURTAIN ROD TO BE MOVED. REFER TO INTERIOR ELEVATIONS ON SHEET A.02 FOR ACCESSIBLE STANDARDS
REMOVE (E) MAG LOCK SYSTEM
FOUNDATION AND FLOOR FRAMING PLAN
FLOOR PLAN AND ROOF FRAMING
REUSE SALVAGED WINDOW AND TRIM, TYP.
UNIT EXPANSIONS, TYP.
PROVIDE (N) WINDOW LIMITERS TO LIMIT OPENING TO 4"
(E) CRAWL SPACE ACCESS BELOW
REBUILD (E) STAIR AND RAISE (E) PLATFORM AND RISER
SEAL SEAMS IN (E) VINYL FLOORING & PROVIDE FRP BEHIND ANY (E) APPLIANCES NOT CONTAINING AN INTEGRAL BACKSPLASH THROUGHOUT KITCHEN
(E) GREASE INTERCEPTOR, LOCATION TO BE CONFIRM DURING CONSTRUCTION
PROVIDE OFFSET FLANGE AND REINSTALL TOILET BTWN 16"-18" TO C.L. FROM SIDE WALL
REINSTALL (E) WALL-MOUNTED SINK W/RIM AT 34" ABOVE F.F. PATCH WALL AS NECESSARY
PROVIDE MATCHING TILE WHERE MISSING @ (E) TILE BASE
(N) ACTIVITY W/ LOW WALLS
FIX (E) DR. LATCH PLATE
FIX LOOSE DR. LEVER
CEILING MOUNTED DATA AND POWER FOR PROJECTOR
(E) JANITOR SINK; PROVIDE FRP ABOVE TILE BASE UP TO 4" ABOVE F.F. ALL SIDES; CAULK @ BASE
(N) KITCHEN CABINETS AND SINK, SEE EA4.2
N/D BY OWNER NO HOOKUP OR ROUGH IN REQUIRED
APPROX. 11'-8" VERT. IN FIELD
(N) BUILT IN CABINET
REPLACE (E) BASE & UPPER CABINETS W/P. LAM CABINETS TO MATCH EXISTING. VERIFY DIMENSIONS IN FIELD & REUSE COUNTERTOP
FIX (E) DR. LEVER
REPLACE (E) WINDOW W/ (N) FIRE RATED GLAZING TO MATCH (E)
REMOVE (E) CONCRETE WALKWAYS COMPACT SOILS, PROVIDE 4" CRUSHED ROCK BASE. POUR MIN. 3000 PSI CONCRETE W/ AIR ENTRAINMENT AND A MAX SLOPE OF 1.5% IN ANY DIRECTION
FIX DR. HARDWARE ESCUTCHEON
FLIP DOOR, MAINTAIN SMOKE BARRIER
(N) HAND-SINK AND COUNTER
INSTALL EXHAUST FAN & ROUTE DUCT IN ATTIC TO NEAREST EXTERIOR WALL
REPLACE TOILET SEAT
CABLE TV, DATA AND POWER FOR HUNG TV AT 82" AFF
CAULK END OF STONE VENEER ENTIRE LENGTH OF WINDOW OR WINDOW TRIM, TYP. WHERE SHOWN
EXTENT OF SLAB
(N) CLOSET ROD/SHELF CLEAT; SHELF TO BE 48" MAX. TO TOP ABOVE F.F., TYP. ALL UNIT CLOSETS
TOWEL RING TO BE MOVED PER ACCESSIBLE STANDARDS ON SHT. A.02
INSULATE HOT WATER SUPPLY UNDER SINK.
SCOPE ALSO APPLIES @ ALL COMMON SHOWER RMS.
PROVIDE NEW "KANE RR" BATHING SYSTEM OR EQUAL @ DEMO (E) TILED FLOOR TO LEVEL FLOOR UNDER AND AROUND NEW TUB; REPLACE TILE TO MATCH (E)
PROVIDE (N) WINDOW LIMITERS TO LIMIT OPENING TO 4", TYP. ALL SHOWER AND BATHROOMS WINDOWS
ADJUST (E) WINDOW LIMITERS TO LIMIT OPENINGS TO 4", TYP. ALL UNITS
MATCH CEILING HEIGHT w/ (E) LOWER CEILING, CENTER LIGHT AND RELOCATE SMOKE ALARM
CONVERT ROOM TO NEW UNIT w/ NEW BATHROOM & CLOSET
FLOOR PLAN NOTES
1) ADD/UPGRADE LIGHTING FIXTURES AS NEEDED THROUGHOUT TO MEET MINIMUM LIGHT LEVELS AS LISTED ON SHT. A0.0
2) PROVIDE PLATE @ EXTRA HOLES IN DR. FRAMES WHERE EXISTS THROUGHOUT TO MATCH EXISTING DR. FRAME
3) SEE SHT A4.12 FOR ADDT'L WINDOW & DOOR MARKS
4) SEE SHEET A0.0 FOR CLARIFICATION OF DIMENSION REFERENCE POINTS
5) SEE ENLARGED PLANS FOR ADDITIONAL DIMENSIONS & DETAIL REFERENCES
6) SEE SHT. A0.2 FOR ACCESSIBLE STANDARDS
LEVEL 1 PLAN
1/8" = 1'-0"
REGISTERED ARCHITECT
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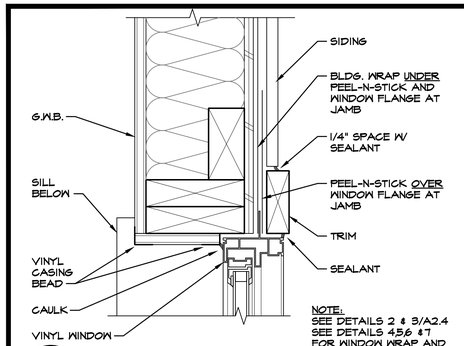
OVERALL FLOOR PLAN
RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045
FILE NO.: 01805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A2.12

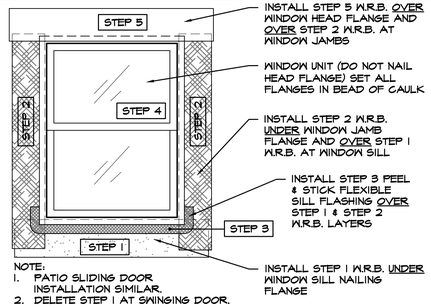


NOTE:
SEE DETAILS 2 & 3/A2.4
SEE DETAILS 4,5,6 &7 FOR WINDOW WRAP AND FRAMING DETAILS

1 / A2.4 WINDOW JAMB

3"=1'-0"

..\DWGS\DTLS\WdJamb101n.dwg

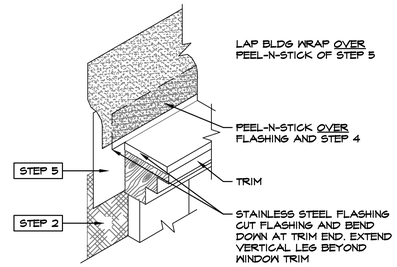


NOTE:
1. PATIO SLIDING DOOR INSTALLATION SIMILAR.
2. DELETE STEP 1 AT SWINGING DOOR.

4 / A2.4 WINDOW INSTALLATION SEQUENCE (EXT. DOORS SIM.)

3"=1'-0"

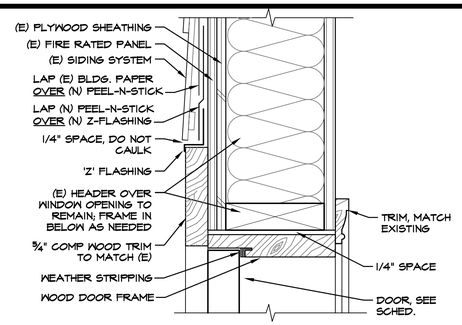
NO INSTALLATION SEQUENCE



6 / A2.4 FLASHING @ WINDOW & DOOR TRIM CORNERS

N.T.S.

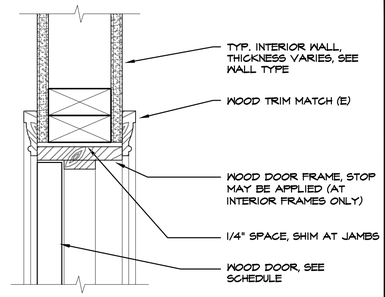
..\DETAILS\DR-WIN\WATERPROOFING\WTRPRFSG02N



8 / A2.4 EXTERIOR DOOR HEAD, WOOD FRAME

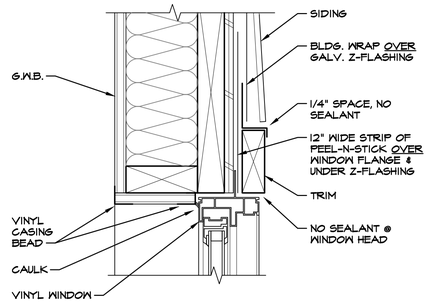
3"=1'-0"

..\DTLS\DRHEAD-00SN



10 / A2.4 WOOD DOOR FRAME

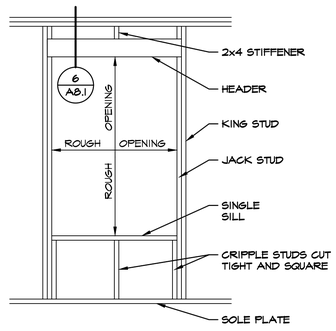
3"=1'-0"



2 / A2.4 WINDOW HEAD

3"=1'-0"

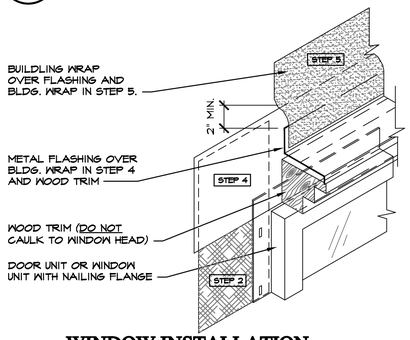
..\DWGS\DTLS\WdHead101n.dwg



5 / A2.4 TYPICAL WINDOW FRAMING

1/2"=1'-0"

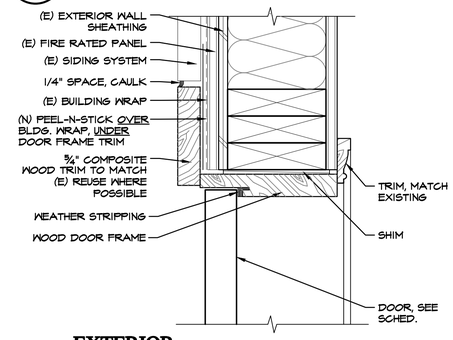
..DTLS\FRAMING\WALLFRM\FR-WINDOW



7 / A2.4 WINDOW INSTALLATION DETAIL W/TRIM (DOOR SIM.)

N.T.S.

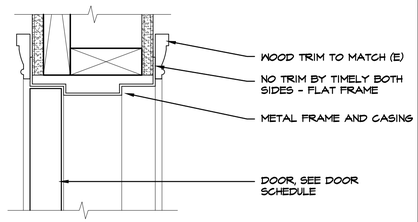
..\DWGS\DTLS\WTRPRFSG01



9 / A2.4 EXTERIOR DOOR JAMB, WOOD FRAME

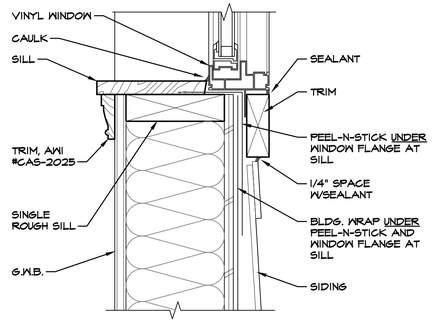
3"=1'-0"

..\DTLS\DRJAMB-00SN



11 / A2.4 KNOCK-DOWN METAL DOOR FRAME

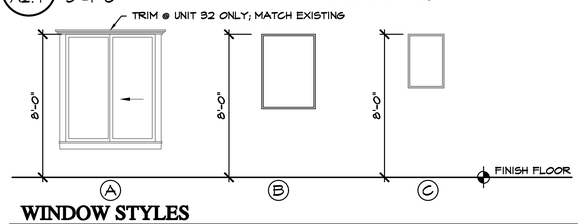
3"=1'-0"



3 / A2.4 WINDOW SILL

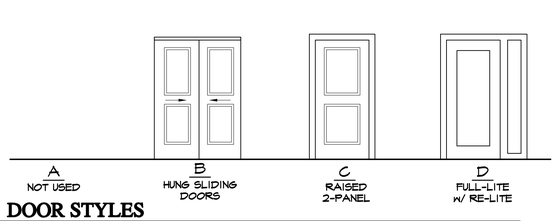
3"=1'-0"

..\DWGS\DTLS\WdSill101n.dwg



WINDOW STYLES

1/4" = 1'-0"



DOOR STYLES

1/4" = 1'-0"

WINDOW SCHEDULE

CALLOUT	LOCATION	WINDOW SIZE	TYPE	FRAME	DETAIL	NOTE #	NOTE
A	RESIDENTIAL UNITS, SALVAGED	(E) REUSE	(E)	(E)	1,2,3,4,5,6&7/A2.4		1. FIRE-RATED ASSEMBLY W/GLAZING MARKING OH-45 OR H-60
B	CORRIDOR	3'-0" x 4'-0"	FIXED	VINYL	1,2,3,4,5,6&7/A2.4		
C	UNIT BATHROOMS	2'-0" x 3'-0"	FIXED	STEEL	1,2,3,4,5,6&7/A2.4	1	

WINDOW SCHEDULE GENERAL NOTES

1) PROVIDE ALL OPERABLE WINDOWS WITH FIXED STOPS (NOT WINDOW OPENING CONTROL DEVICE) TO PREVENT WINDOWS FROM OPENING MORE THAN 4"

SPECIALIZED SECURITY MEASURE REQUIREMENTS:

EGRESS CONTROL PER IBC SECTION 1010.1.9.6:

1. THE DOORS UNLOCK UPON ACTUATION OF THE AUTOMATIC SPRINKLER SYSTEM OR AUTOMATIC FIRE DETECTION SYSTEM
2. THE DOORS UNLOCK UPON LOSS OF POWER CONTROLLING THE LOCK OR LOCK MECHANISM.
3. THE LOCK SHALL BE CAPABLE OF BEING DEACTIVATED BY A SIGNAL FROM A SWITCH LOCATED IN AN APPROVED LOCATION
4. A BUILDING OCCUPANT SHALL NOT BE REQUIRED TO PASS THROUGH MORE THAN ONE DOOR EQUIPPED WITH A CONTROLLED EGRESS LOCKING SYSTEM
5. THE PROCEDURES FOR UNLOCKING THE DOORS SHALL BE DESCRIBED AND APPROVED AS PART OF THE EMERGENCY PLANNING AND PREPAREDNESS PLAN
6. THERE IS A SYSTEM, SUCH AS A KEYPAD AND CODE, IN PLACE THAT ALLOWS VISITORS, STAFF PERSONS AND APPROPRIATE RESIDENTS TO EXIT. INSTRUCTIONS FOR EXITING SHALL BE POSTED WITHIN 6 FEET OF THE DOOR.* ALL CLINICAL STAFF SHALL HAVE THE KEYS, CODES OF OTHER MEANS NECESSARY TO OPERATE THE LOCK.
7. EMERGENCY LIGHTING SHALL BE PROVIDED AT THE DOOR THE DOOR LOCKING SYSTEM UNITS SHALL BE LISTED IN ACCORDANCE WITH UL 294.

*POSTING OF INSTRUCTIONS FOR EXITING NOT REQ'D BY OHA SINCE ENTIRE COMMUNITY HAS MEMORY CARE ENDORSEMENT

METAL CLAD DOOR SPECIFICATIONS

1. PROVIDE METAL CLAD DOORS, 1-3/4" THICK IN DIMENSIONS, TYPES AND WHERE DOORS ARE IDENTIFIED AS 'MC' ON THE DOOR SCHEDULE.
   a) GALVANIZED STEEL SKINS ON BOTH FACES; 20 GAGE AT PUBLIC SPACES
   b) THERMALLY BROKEN.
   c) WOOD DOOR EDGES.
   d) INSULATED, MINIMUM .19 U-VALUE FOR FULL FLUSH PANEL, WHERE INSULATED DOOR CALLED FOR.
   f) 1/2" TEMPERED INSULATING CLEAR, LOW E GLASS WHERE SHOWN.
      i) NO MUTTONS.
   g) PREHUNG WITH WOOD FRAME.
   h) EMBOSSED DESIGN.
   i) BOTTOM SWEEP SEAL.
2. ACCEPTABLE MANUFACTURERS:
   a) THERMATRU.
   b) CASTLEGATE, INC.
   c) JELD-WEN.
   d) EQUAL PRODUCTS OF OTHER MANUFACTURERS WILL BE ACCEPTED WHEN APPROVED IN ADVANCE BY THE ARCHITECT.

DOOR SCHEDULE

NUMBER	LOCATION	DOOR SIZE	THICKNESS	CORE	TYPE	FINISH	FRAME	FRAME FINISH	UL	P.H.	C.E.	SELF CLOSE	M.H.D.	NOTE	DETAIL	NOTE
1	UNIT ENTRY DOOR	3'-0" x 6'-8"	1 ¾"	SC	C	PAINT	KD	PRE						1, 6	11	1. PROVIDE SMOKE GASKETING
2	UNIT BATHROOM DOOR	3'-0" x 6'-8"	1 ⅜"	SC	C	PAINT	WD	PAINT						4	10	2. PROVIDE SOUND SEALS
3	UNIT CLOSET DOOR	4'-0" x 6'-8"	1 ⅜"	HC	B	PAINT	WD	PAINT							10	3. PROVIDE WEATHERSTRIPPING
4	UNIT CLOSET DOOR	4'-0" x 6'-8"	1 ⅜"	HC	B	PAINT	WD	PAINT							10	4. PROVIDE LATCH PLATE @ UNIT 23
100A	EXTERIOR ENTRY DOOR	6'-0" X 8'-0"	1 ¾"	EX										5		5. (N) ADA COMPLIANT THRESHOLD; PROVIDE EXTENDER AS NECESSARY; SEE 8/A8.1
100B	INTERIOR ENTRY DOOR	3'-6" x 7'-0"	1 ¾"	SC	C	PAINT	KD	PRE		X	X	X		9	10	
101	ADMIN. OFFICE	6'-0" X 6'-8"	1 ¾"	EX										2		6. PROVIDE NEW LOCKSET W/ ASSISTED LIVING FUNCTION
107	PUBLIC BATHROOM	3'-0" x 6'-8"	1 ¾"	EX										2		
110	SALON	3'-0" x 6'-8"	1 ¾"	EX										1, 8		7. REUSE (E) WHERE POSSIBLE
113	JANITOR	3'-0" x 6'-8"	1 ¾"	EX										1		8. PROVIDE DOOR LOCK & CLOSER
115A	SOILED CORRIDOR DOOR	3'-0" x 6'-8"	1 ¾"	SC	C	PAINT	KD	PRE				X		1, 7	11	
115B	SOILED/LAUNDRY DOOR	3'-0" x 6'-8"	1 ¾"	SC	C	PAINT	KD	PRE				X			11	9. REFER TO SPECIALIZED SECURITY REQ'TS ABOVE
116	LAUNDRY DOOR	3'-0" x 6'-8"	1 ¾"	SC	C	PAINT	KD	PRE						1, 7	11	
123A	DINING NW TO CORRIDOR	6'-0" X 6'-8"	1 ¾"	EX								X	X	1		
123B	DINING SW TO CORRIDOR	6'-0" X 6'-8"	1 ¾"	EX								X	X	1		
123C	DINING SE TO CORRIDOR	6'-0" X 6'-8"	1 ¾"	EX								X	X			
126A	EXTERIOR PATIO DOOR	3'-0" x 6'-8"	1 ¾"	MC	D	PAINT	WD	PAINT		X		X		3, 5	8, 9	
126B	EXTERIOR PATIO GATE	3'-6" x 7'-0"	-							X	X	X		9		
127A	CROSS-CORRIDOR	6'-0" X 6'-8"	1 ¾"	EX								X	X	1		
127B	EXTERIOR EXIT DOOR	3'-0" x 6'-8"	1 ¾"	EX							X (EX)			3, 5, 9		

DOOR SCHEDULE ABBREVIATIONS

SC	SOLID CORE WOOD	KD	'KNOCK DOWN' METAL	WD	WOOD	C.E.	CONTROLLED EGRESS
HC	HOLLOW CORE WOOD	EX	EXISTING TO REMAIN	PRE.	PRE-FINISHED	P.H.	PANIC HARDWARE
						M.H.D.	MAGNETIC HOLD OPEN DEVICE WIRED TO FIRE DETECTION SYSTEMS

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WINDOW SCHEDULE & DETAILS

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

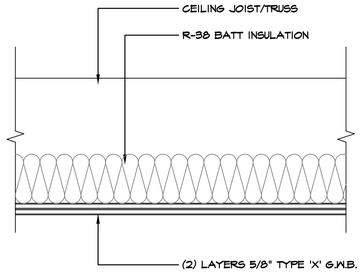
FILE NO.: O1805

DATE: AUGUST 29, 2018

WORKING DATE:

SHEET: A2.4

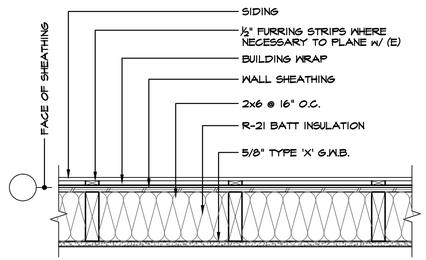
LAYER SAVES: -
XREF: -
FILE= -
SCALE = -



1 A2.6 **TYPICAL CEILING ASSEMBLY**

1 1/2"=1'-0" ...DTLS\FRAMING\FLOOR\TJI\FLRDTL-10

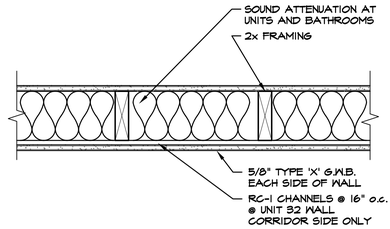
ONE HOUR RATED - U.L. DESIGN NO. L544



2 A2.6 **TYPICAL EXTERIOR WALL**

1 1/2"=1'-0" ...\DWG\DTLS\WALL-100

ONE HOUR RATED - U.L. DESIGN NO. U356



3 A2.6 **TYPICAL INTERIOR WALL**

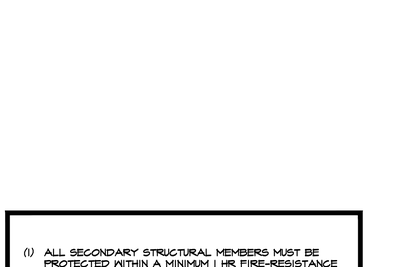
1 1/2"=1'-0" ...DTLS\FRAMING\WALLTYPE\WALL40

ONE HOUR RATED - U.L. DES. NO. U341 or DES. NO. U311 W/ FURRING

5 A2.6 **TYPICAL (E) EXTERIOR WALL**

1 1/2"=1'-0" ...\DWG\DTLS\WALL-100

ONE HOUR RATED - U.L. DESIGN NO. U356



4 A2.6 **INTERIOR PLUMBING WALL**

1 1/2"=1'-0" ...\DWG\DTLS\WALL-105

ONE HOUR RATED - U.L. DESIGN NO. U305 / U344

(1) ALL SECONDARY STRUCTURAL MEMBERS MUST BE PROTECTED WITHIN A MINIMUM 1 HR FIRE-RESISTANCE RATED ASSEMBLY. MEMBERS INCLUDE:
- -BEARING WALLS
- -FLOOR FRAMING
- -ROOF FRAMING

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WALL AND FLOOR TYPES

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FILE NO.: O1805

DATE: AUGUST 29, 2018

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SHEET: A2.61

LAYER SAVES: -

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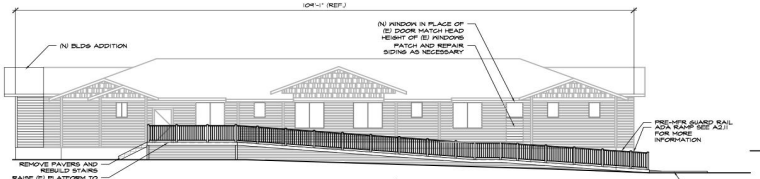
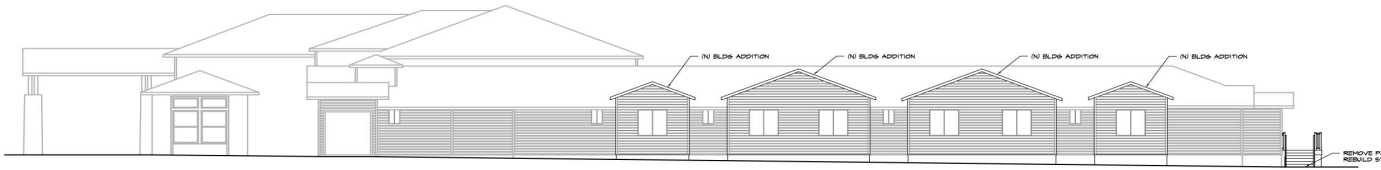
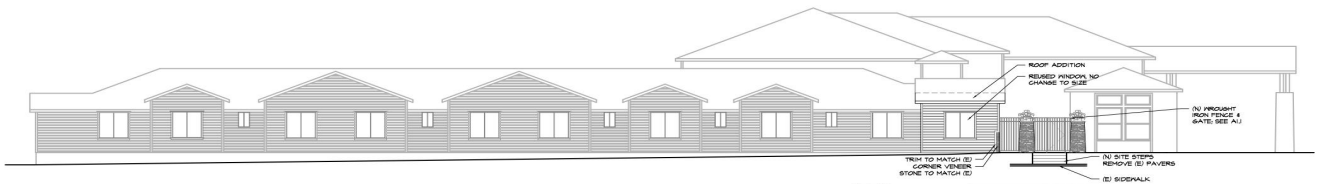


1 A3.1 **WEST ELEVATION**
1/4" = 1'-0"

4 A3.1 **EAST ELEVATION**
1/4" = 1'-0"



1 A3.1 **NORTH ELEVATION**
1/8" = 1'-0"



1 A3.1 **SOUTH ELEVATION**
1/4" = 1'-0"

104 LINEAR FOOT ELEVATION
88 LINEAR FEET OF WINDOW
90% TRANSPARENCY

NO WINDOWS CHANGED ALONG PRIMARY FRONT FACADE

REPLACEMENT OF (E) WINDOW WITH SAME SIZE MAINTAINS VARIANCE IN PLACE FOR PEDESTRIAN WINDOWS TRANSPARENCY SOUTH FACADE.

REPLACEMENT OF (E) WINDOW WITH SAME SIZE MAINTAINS VARIANCE IN PLACE FOR PEDESTRIAN WINDOWS TRANSPARENCY SOUTH FACADE.

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BUILDING ELEVATIONS

RIVER TERRACE
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990 SOUTH END RD.
OREGON CITY, OR 97045

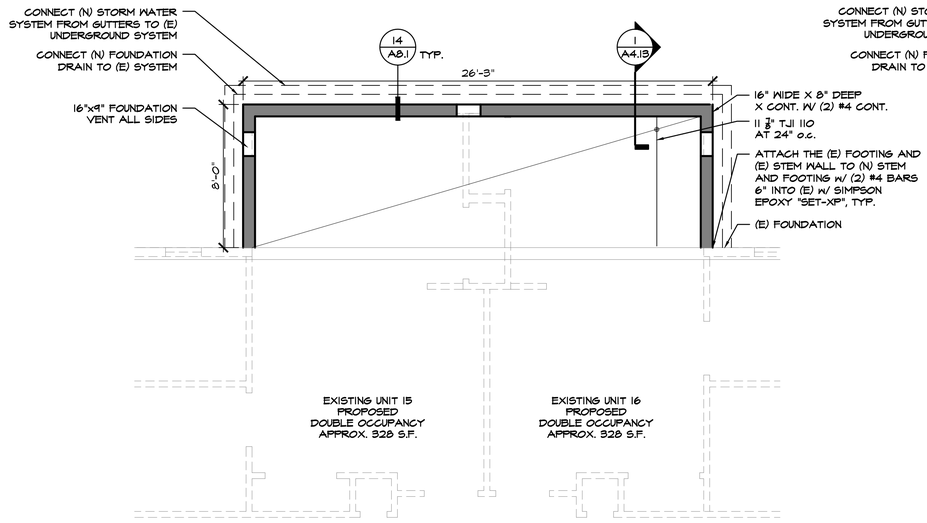
FILE NO.: O1805

DATE: AUGUST 29, 2018

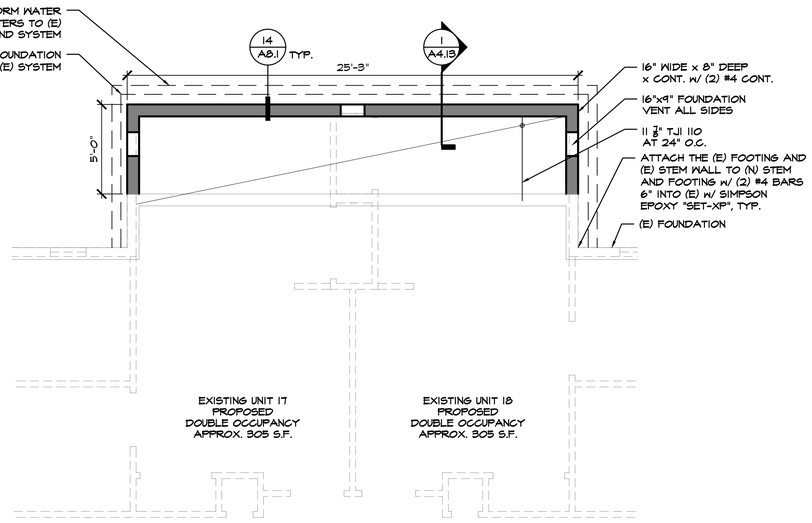
WORKING DATE:

SHEET: A3.1

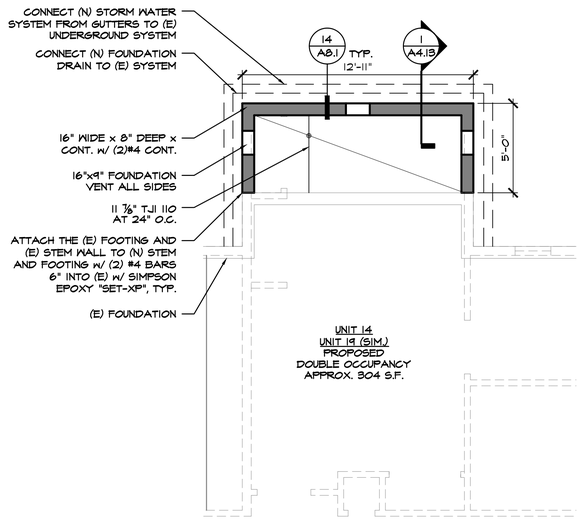
LAYER SAVED: *
XREF: *
PLOT: *
SCALE: *



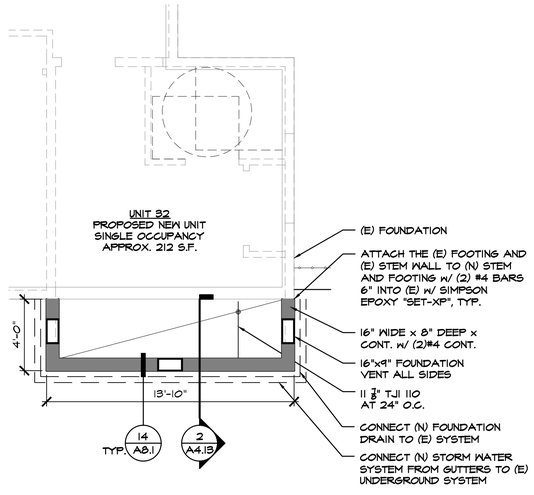
1 / A4.11 **DOUBLE UNIT FOUNDATION PLAN B**
1/4" = 1'-0"



2 / A4.11 **DOUBLE UNIT FOUNDATION PLAN C**
1/4" = 1'-0"



4 / A4.11 **DOUBLE UNIT FOUNDATION PLAN A**
1/4" = 1'-0"



5 / A4.11 **UNIT 32 ADDITION FOUNDATION**
1/4" = 1'-0"

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FOUNDATION & FLOOR FRAMING PLANS

RIVER TERRACE
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OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A4.11

LAYER SAVES: -
XREFS: -
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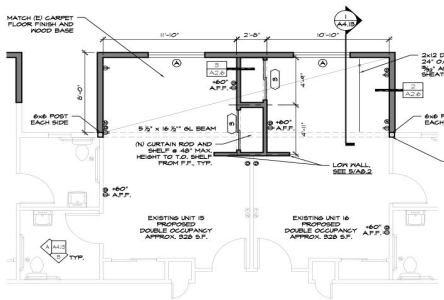
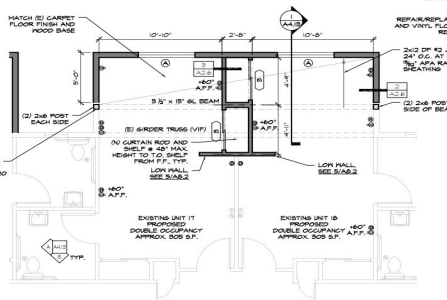


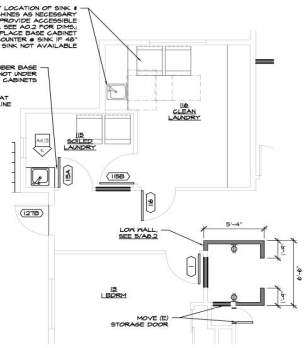
1 A4.12 **DOUBLE UNIT PLAN B**
1/4" = 1'-0"

DAYLIGHT CALCULATIONS
(N) BEDROOM
284 SF AND 30 SF WINDOW AREA
= 11.6% DAYLIGHT

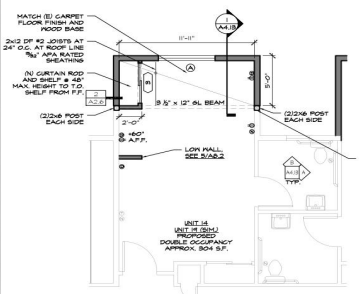


2 A4.12 **DOUBLE UNIT PLAN C**
1/4" = 1'-0"

DAYLIGHT CALCULATIONS
(N) BEDROOM
284 SF AND 30 SF WINDOW AREA
= 12.6% DAYLIGHT

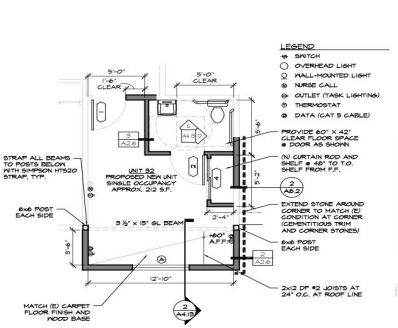


3 A4.12 **LAUNDRY PLAN**
1/4" = 1'-0"



4 A4.12 **DOUBLE UNIT PLAN A**
1/4" = 1'-0"

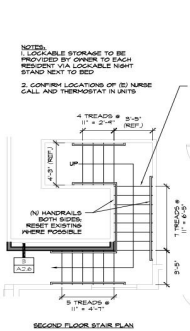
DAYLIGHT CALCULATIONS
(N) BEDROOM
288 SF AND 30 SF WINDOW AREA
= 12.7% DAYLIGHT



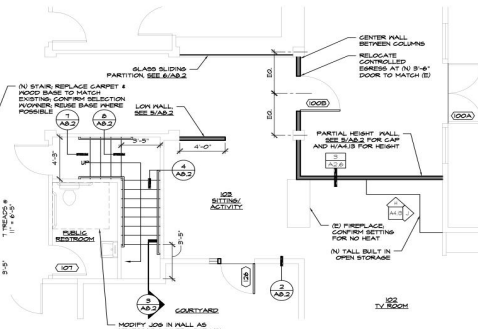
5 A4.12 **UNIT 32 ADDITION**
1/4" = 1'-0"

DAYLIGHT CALCULATIONS
(N) BEDROOM
156 SF AND 30 SF WINDOW AREA
= 19.2% DAYLIGHT

NOTES:
1. LOCKABLE STORAGE TO BE PROVIDED BY OWNER TO EACH RESIDENT VIA LOCKABLE NIGHT STAND NEXT TO BED
2. CONFIRM LOCATIONS OF (E) NURSE CALL AND THERMOSTAT IN UNITS



SECOND FLOOR STAIR PLAN



6 A4.12 **ENTRY AND STAIR PLANS**
1/4" = 1'-0"

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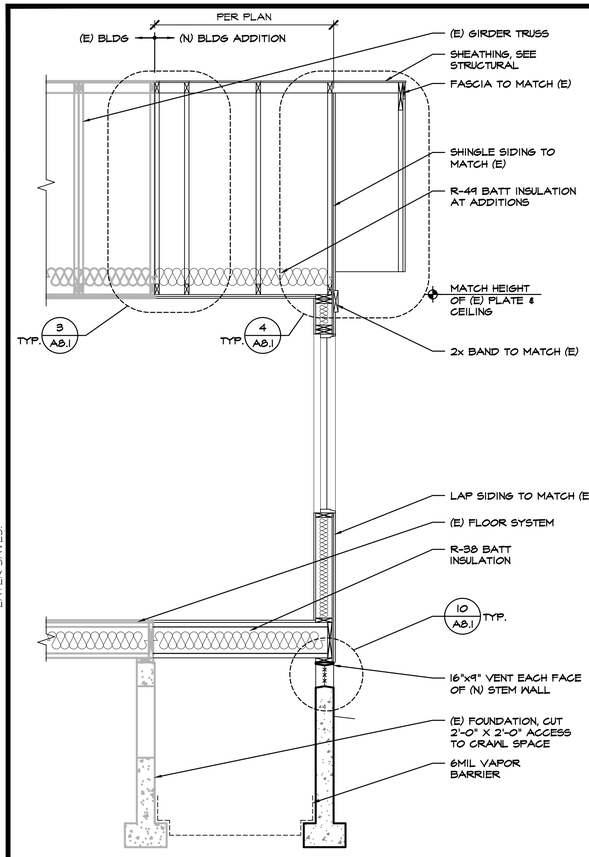
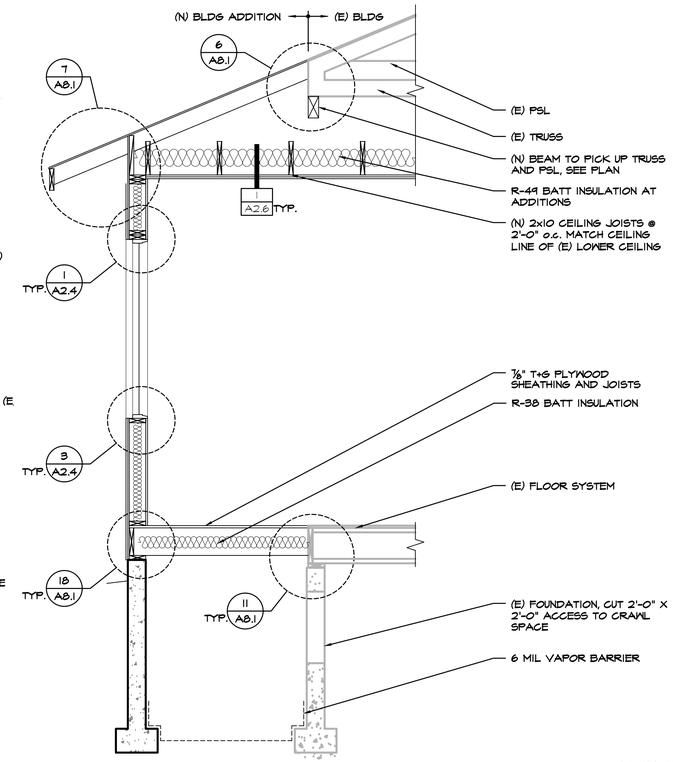
ENLARGED UNIT PLANS

RIVER TERRACE
MEMORY CARE ADDITION & REMODEL
950 SOUTH END RD.
OREGON CITY, OR 97045

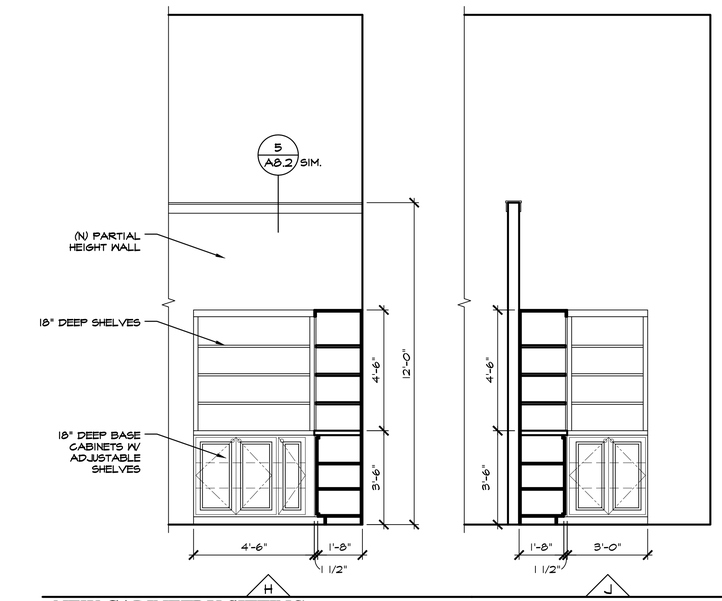
FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A4.12



1 A4.13 **BUILDING SECTION AT EXPANSION**
1/2" = 1'-0"



2 A4.13 **BUILDING SECTION AT EXPANSION**
1/2" = 1'-0"



NEW CABINETRY SITTING
3/8"=1'-0"

KEYNOTES

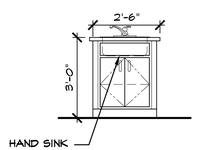
1 A4.13

KEYNOTES

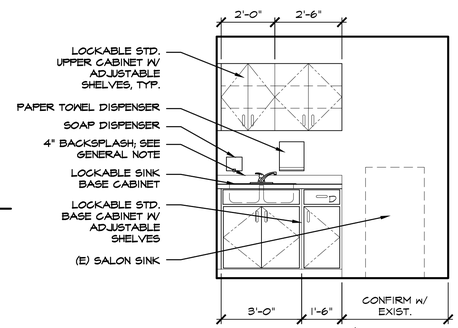
PROVIDE SOLID BACKING FOR ALL GRAB BARS AT LOCATIONS SHOWN. VERIFY LOCATIONS PER MANUFACTURER.

W.C.: 2x6 BLOCKING BETWEEN STUDS IN WALL W/ MIN. (2)16d NAILS EACH END

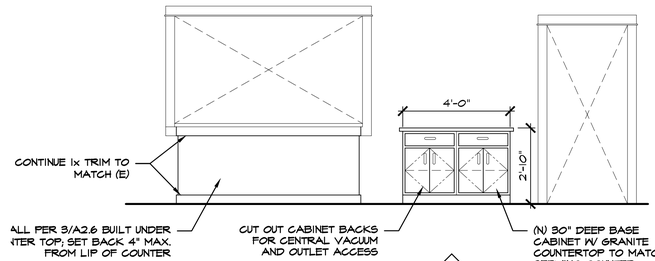
SHOWER: SHOWER UNIT TO BE PROVIDED W/ 3/8" PLYWOOD OR PARTICLE BOARD MOLDED INTO ALL WALLS.



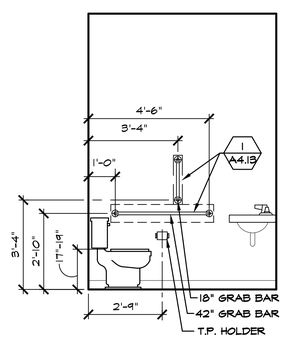
NEW HAND SINK SOILED LAUNDRY
3/8"=1'-0"

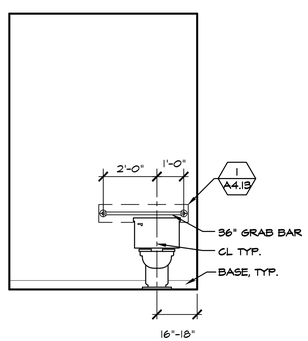


NEW CABINETRY SALON
3/8"=1'-0"

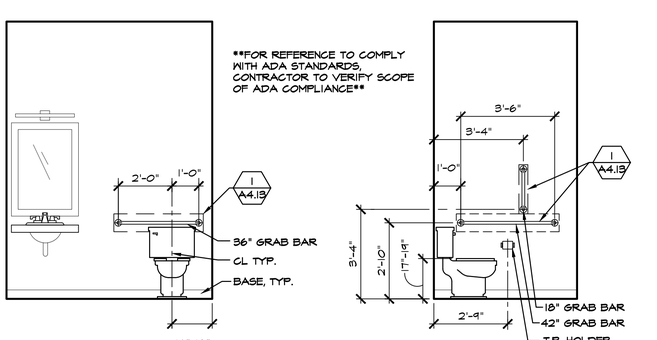


NEW CABINETRY SALON
3/8"=1'-0"

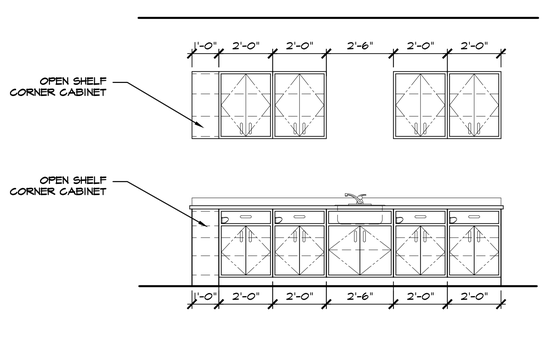




DOUBLE UNIT BATHROOM ELEVATIONS
3/8"=1'-0"



NEW UNIT BATHROOM
3/8"=1'-0"



KITCHEN INTERIOR
3/8"=1'-0"

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ENLARGED UNIT PLANS

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OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
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SHEET: A4.13

LAYER SAVES: -
XREF: -
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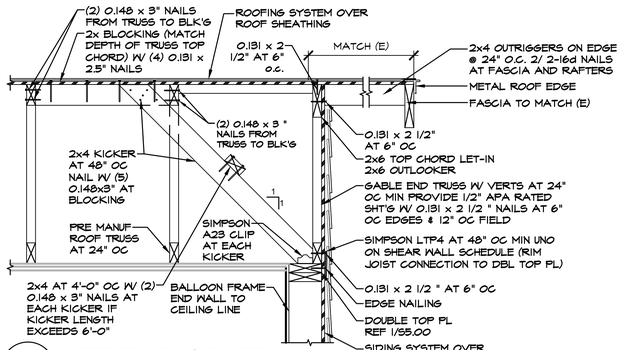
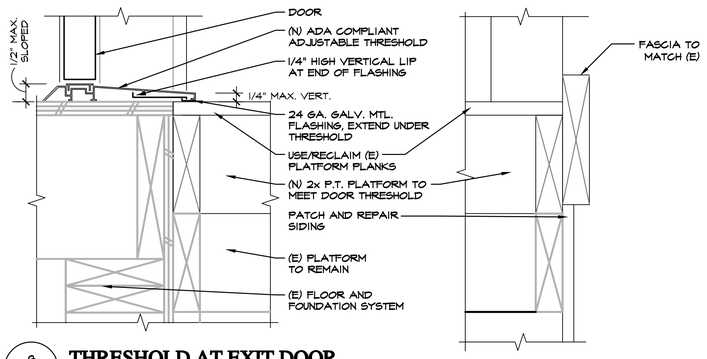
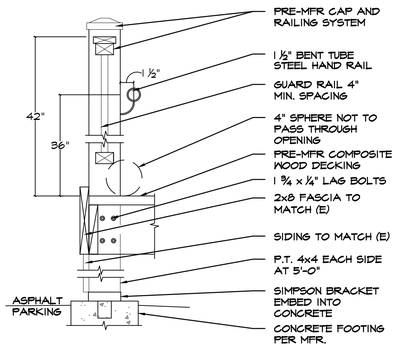


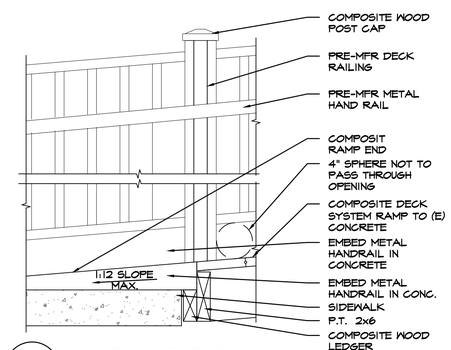
4 / A8.1 **OVERHANG @ RAKE**
1"=1'-0"
..\DTLS\FRAMING\ROOF\RF44



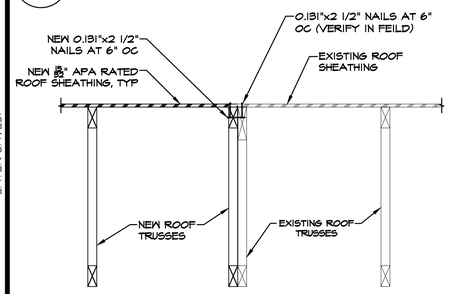
8 / A8.1 **THRESHOLD AT EXIT DOOR**
3"=1'-0"
..\DWGS\DTLS\DRSILL-001



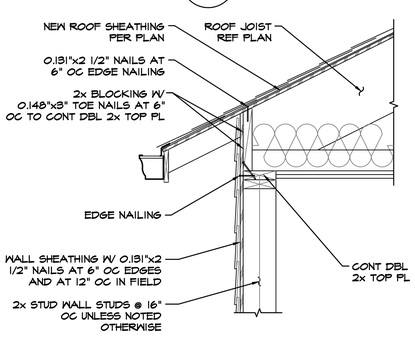
16 / A8.1 **GUARD RAIL @ CONCRETE LANDING**
1 1/2"=1'-0"
..\DTLS\DETAIL FOLDER\DETAIL NAME



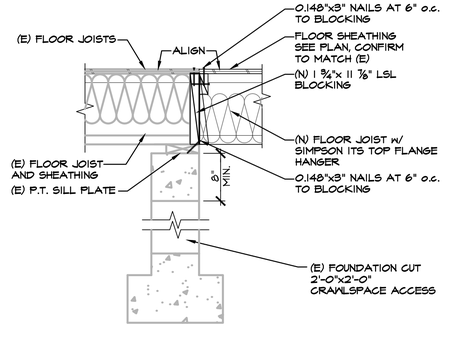
20 / A8.1 **RAMP LANDING**
1 1/2"=1'-0"
..\DTLS\DETAIL FOLDER\DETAIL NAME



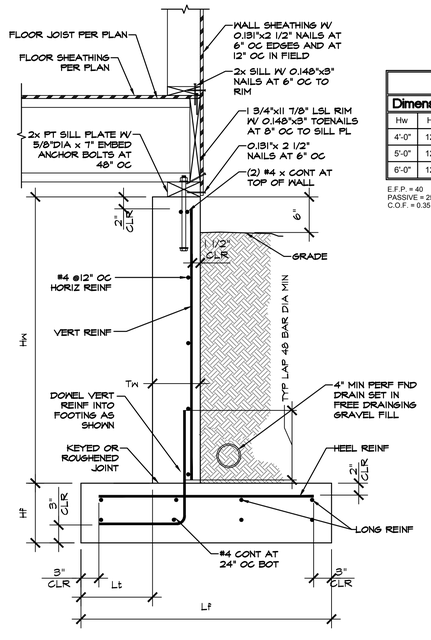
3 / A8.1 **NEW ROOF TRUSSES**
1"=1'-0"
BASEco\PLAN



7 / A8.1 **TRUSS CONNECTION TO NEW WALL**
1"=1'-0"
BASEco\PLAN



11 / A8.1 **FLOOR AT EXTERIOR WALL**
1"=1'-0"
..\DWGS\DTLS\TJFerpH01.dwg

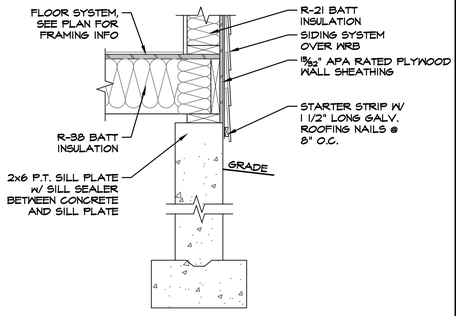


14 / A8.1 **FLOOR JOIST CONNECTION TO FOUNDATION**
1"=1'-0"
BASEco\PLAN

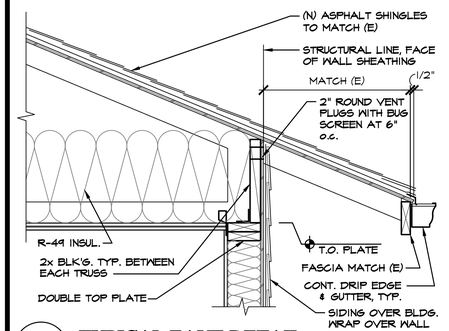
RETAINING WALL SCHEDULE												
Dimensions							Wall Reinforcing				Footing Reinf.	
Hw	Hf	Tw	Lh	Lt	Lf	Dkey	VERT.	HORIZ.	DOWELS		HEEL	LONG
4'-0"	12"	8"	2'-7"	6"	3'-9"	NA	#4 @ 16"	#4 @ 12"	#4 @ 16"	DK	#4 @ 16"	(4) #4
5'-0"	12"	8"	3'-10"	6"	5'-0"	NA	#4 @ 16"	#4 @ 12"	#4 @ 16"	DK	#4 @ 16"	(4) #4
6'-0"	12"	8"	5'-1"	1'-0"	6'-9"	NA	#4 @ 12"	#4 @ 12"	#4 @ 12"	DK	#4 @ 12"	(5) #4

E.F.P. = 40
PASSIVE = 250
C.O.F. = 0.35

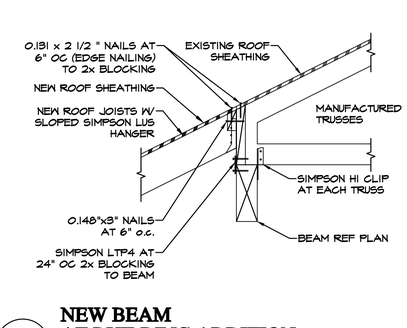
FC = 2500 psi @ 28 DAYS
FY = 60,000 psi (GRADE 60)
SOIL BEARING = 1500 psf



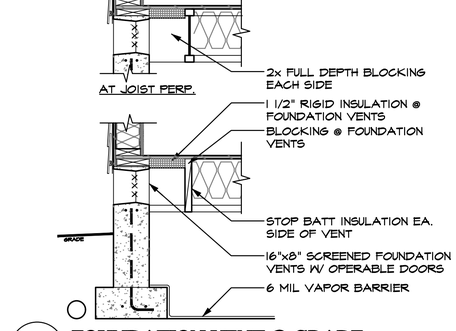
18 / A8.1 **FLOOR AT EXTERIOR WALL**
1"=1'-0"
..\DWGS\DTLS\TJFerpH01.dwg



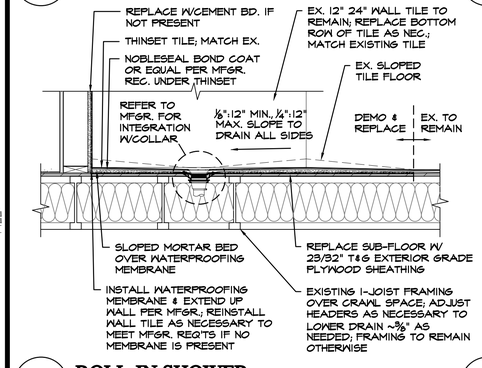
2 / A8.1 **TYPICAL EAVE DETAIL**
1"=1'-0"
..\DWGS\DTLS\Eave-Heal101(s).dwg



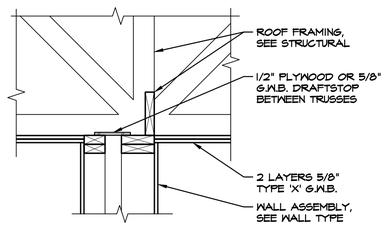
6 / A8.1 **NEW BEAM AT BUILDING ADDITION**
1"=1'-0"
BASEco\PLAN



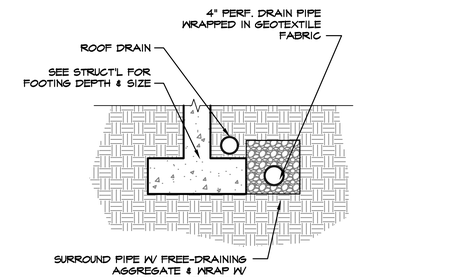
10 / A8.1 **FOUNDATION VENT @ GRADE**
3/4"=1'-0"
..\DWGS\DTLS\TJFerpH01.dwg



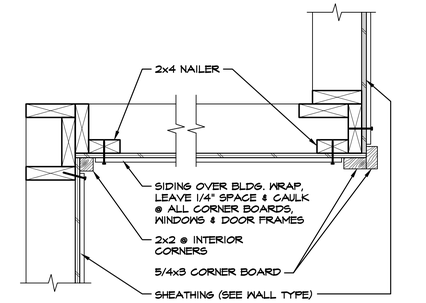
1 / A8.1 **ROLL-IN SHOWER**
¾"=1'-0"
..\DWGS\DETAILS\SHOWER TILE DETAIL



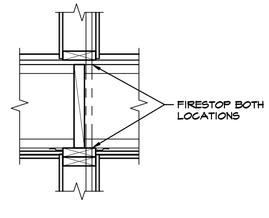
5 / A8.1 **TOP OF PLUMBING WALL**
1"=1'-0"
..\DWGS\DTLS\PLMBWALL-001



9 / A8.1 **FOOTING DRAIN, TYP.**
3/4"=1'-0"
..\Dwg\DTLS\footingdrain.dwg



13 / A8.1 **TYPICAL SIDING @ CORNER BOARDS**
1 1/2"=1'-0"
..\DWGS\DTLS\SidingCornersH01.dwg



17 / A8.1 **SMALL PENETRATION DETAIL**
1"=1'-0"
..\PENETRATION-001

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DETAILS

RIVER TERRACE
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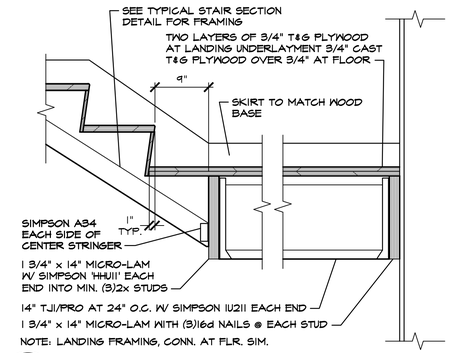
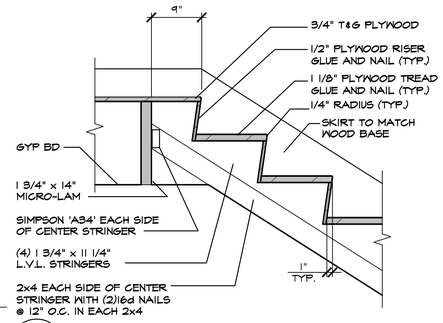
950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805
DATE: AUGUST 29, 2018
WORKING DATE:
SHEET: A8.1

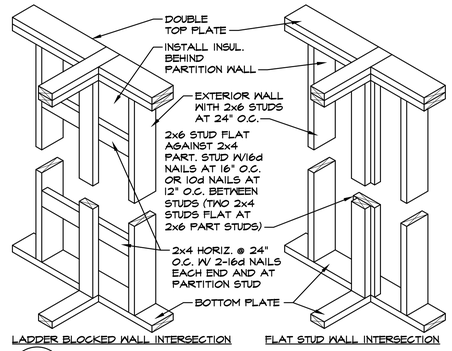
LAYER SAVES:
XREF: -
FILE= -
SCALE = -



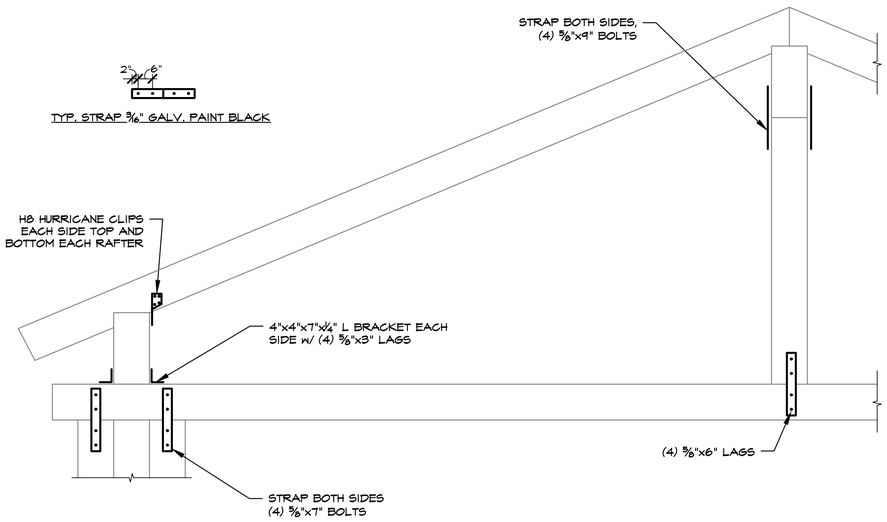
4 / A8.2 **STAIR @ LANDING**
1"=1'-0"



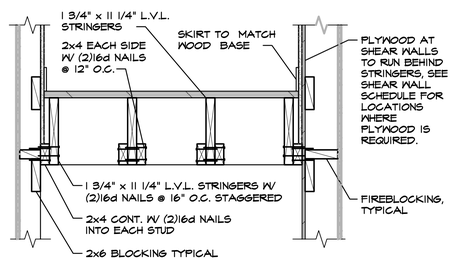
8 / A8.2 **STAIR STRINGER CONNECTION**
1"=1'-0"



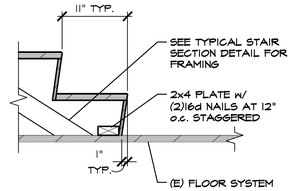
12 / A8.2 **INSUL. PARTITION INTERSECTIONS**
3/4"=1'-0"



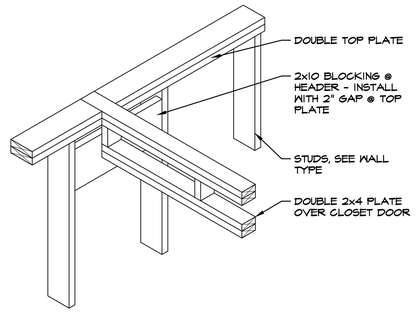
15 / A8.2 **PORT COCHERE AT BUILDING**
1 1/2"=1'-0"



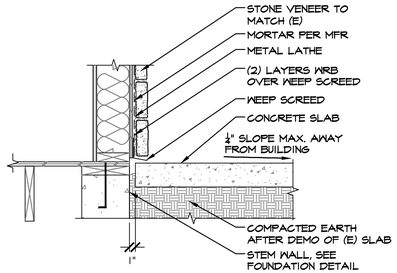
3 / A8.2 **STAIR SECTION**
1"=1'-0"



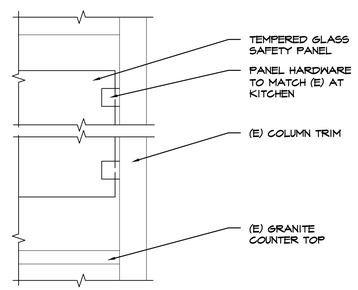
7 / A8.2 **STAIR @ CONCRETE SLAB**
1"=1'-0"



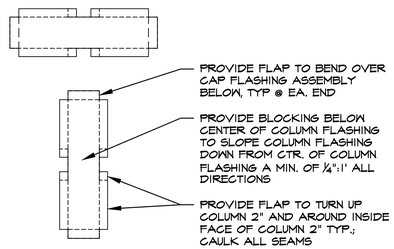
11 / A8.2 **CLOSET HEADER @ WALL**
3/4"=1'-0"



2 / A8.2 **STONE VENEER AT EXTERIOR COURTYARD**
1"=1'-0"

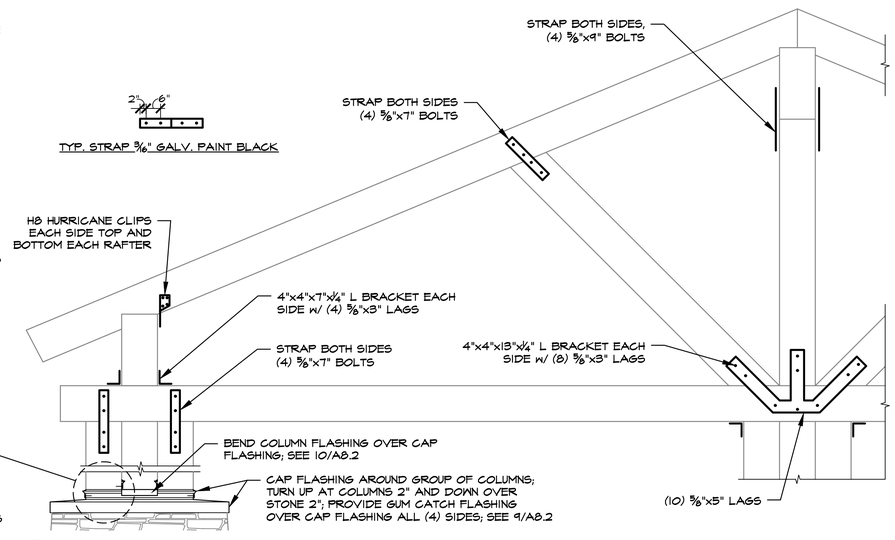


6 / A8.2 **GLASS AT ENTRY COUNTER**
1 1/2"=1'-0"

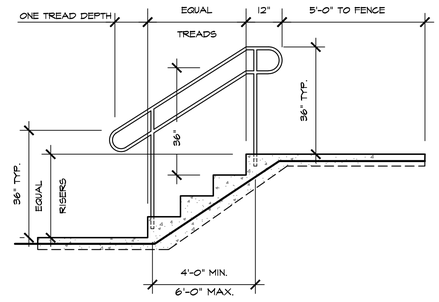


*PROVIDE 2-PIECE FLASHING B/TWN (4) EXISTING WOOD COLUMNS, TYP. ALL PORTE COCHERE COLUMNS; VERIFY ALL DIM'S IN FIELD; ALL FLASHING TO BE 26 GA. GALVANIZED, PRE-FINISHED W/KYNAR BAKED ENAMEL FINISH - CONFIRM COLOR W/ARCH.

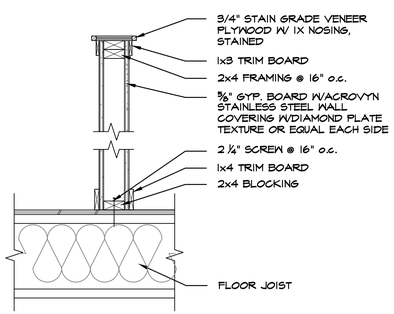
10 / A8.2 **COLUMN FLASHING PLAN**
1 1/2"=1'-0"



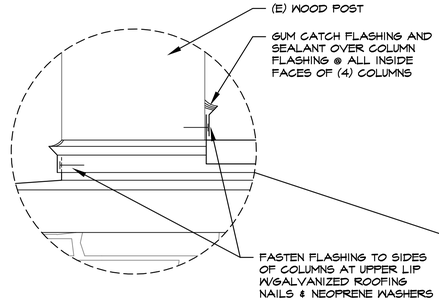
13 / A8.2 **PORT COCHERE AT STREET**
1 1/2"=1'-0"



1 / A8.2 **EXT. STAIR PROFILE**
1/2"=1'-0"



5 / A8.2 **LOW WALL**
1"=1'-0"



9 / A8.2 **CAP & COLUMN FLASHING DETAIL**
N.T.S.

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REVISIONS

DETAILS

RIVER TERRACE
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950 SOUTH END RD.
OREGON CITY, OR 97045

FILE NO.: O1805
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SHEET: A8.2

LAYER SAVED: -
XREF: -
FILE: -
SCALE: -

1 A8.3 **MAG LOCK AT GATE JAMB**
3"=1'-0"
...\DTLS\SITE\FENCE\GATE JAMB

5 A8.1

PLAN VIEW

SECTION VIEW

9 A8.3 **MONUMENT SIGN FRONT ELEVATION**
3/4"=1'-0"

17 A8.3 **PATIO COLUMNS**
1"=1'-0"
BRICK COLUMNS

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FILE NO.: O1805

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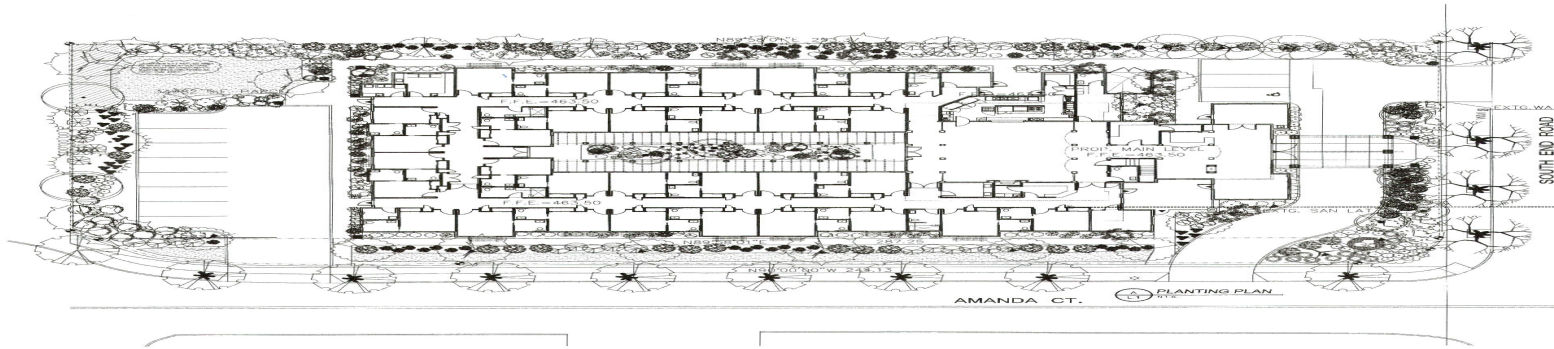
LAYER SAVES: -
XREF: -
FILE: -
SCALE: -



PLANT & MATERIAL LEGEND:

QT**	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
49		P.J.M. RHODY	RHODODENDRON P. J.M.	7 gal
9		SPIRAEA DOUGLASII	VIBURNUM "SPIRAEA DOUGLASII"	5 gal
5		WEST. RED CEDAR	THUJA PLICATA "HOGANI"	6'-8" Ht
9		HERNANGEA "MOPHEAD"	"HORTANGEA MACROPHYLLA	3 gal
26		ABELIA "EDGELICHEI"	ABELIA GRANDIFLORA	2 gal
6		LINDEN WYCHE HILL	HELENSIUS GREENFALIS	1 cal
52		GOLDEN EYE VIBURNUM	VIBURNUM PLICATUM	5 gal
9		HEATHER "FIREFLY"	ERICA x DARLEYENSIS "FIREFLY"	3 gal
27		NAND "GULF STREAM"	LAGERNA POMPEYSTCA	2 gal
13		PART. CHINA DWARF	PERTISTUS SERRULATA	1 gal
221		KEPPING WOODWOOD	CORNUS SERICEA "BAILEY"	5 gal

QT**	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
6		COMMON LAVENDER	LAVANDULLA ANGUSTIFOLIA	2 gal
41		WEIGELIA "VARIEG.	WEIGELIA FLORIDANA "VARIEGATA"	2 gal
19		LITTLE PUNKY	PENNISETUM "LITTLE PUNKY" GRASS	1 gal
9		BOXEER FOREYTHIA	FORSYTHIA x INTERMEDIA	2 gal
10		ESCALLONIA "PINK P."	ESCALLONIA EXONIENSIS	5 gal
15		BOXEER RHODOD.	RHODODENDRON BOXEER "RED"	5 gal
63		PERSIAN LILAC	SYRINGA x PERSICA	5 gal
67		BLUE OAT GRASS	"HELICTOTRICHON SEMPERVIRENS	1 gal
19		JAPAN. BLOODGRASS	IMPERATA CYLINDRICA "RED BARON"	1 gal
14		HAKONECHLOA	ORNAMENTAL GRASS (BLUE)	4'-6" Ht
9		QUAKING ASPEN TREE	POPULUS "TREMULOIDES	2" cal.

QT**	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
15		DOGWOOD TREE	CORNUS KOUSA	6'-7' Ht.
4		JAPAN. CORAL BARK	ACER PALMATUM "SANGO KAKU"	6'-7' Ht.
4		FLOWER PLUM TREE	PRUNUS CERA. "THUNDERCLOUD"	2" cal.
6		JAP. SILVERBELL TREE	STYRAX JAPONICA "HIGHBELL"	6'-7' Ht.
15		VINE MAPLE TREE	ACER CIRCINATUM	6' Ht.
4		WEEPING JAP. MAPLE	ACER PALM. "DISSECTUM GLEESH"	4'-5'
53		CAMELLIA "JAP. BLOS"	CAMELLIA JAPONICA	5 gal
250		PURNIES PUSH	SUCKYMUS ALATA "COMPACTA"	2 gal
23		AZEROMEDA "VAR.	PIERIS JAP. "VARIEGATED"	5 gal
125		FRANCA "ALBA SCALO"	"HEBEBA LINDLEYOIDES	2gal
16		BOX LEAF EUONYMUS	EUONYMUS MICROPHYLLA	2gal

QT**	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
7		ROSE OF SHARON	"HIBISCUM CALYCINUM	5gal
12		AZALEAS "EVERGR"	EVERGREEN AZALEA	2 gal
20		ASTILBE "ARG. LOVE"	ASTILBE ARENDSII GENEAVA	1 gal
7		PATH LIGHTS	LOW-VOLT PATH LIGHTING	n/a
12		UPLIGHTS	LOW-VOLT SPOT LIGHTING	n/a
1		GRAVEL PIPE	SCREENED LAWN AREAS	6" PITCH
226		BLUE MOSCOSTER	LAWN SOD FLOWN IN	4" Min.
44		VINCA GROUND COVER	VINCA MINOR "ROWLES"	1 gal

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Portland, Oregon 97232
503-265-8401 PH
503-265-8462 FX
www.eprdesign.com

Jeffrey Allen Froeber
OREGON
EXPIRES: 12/31/2015

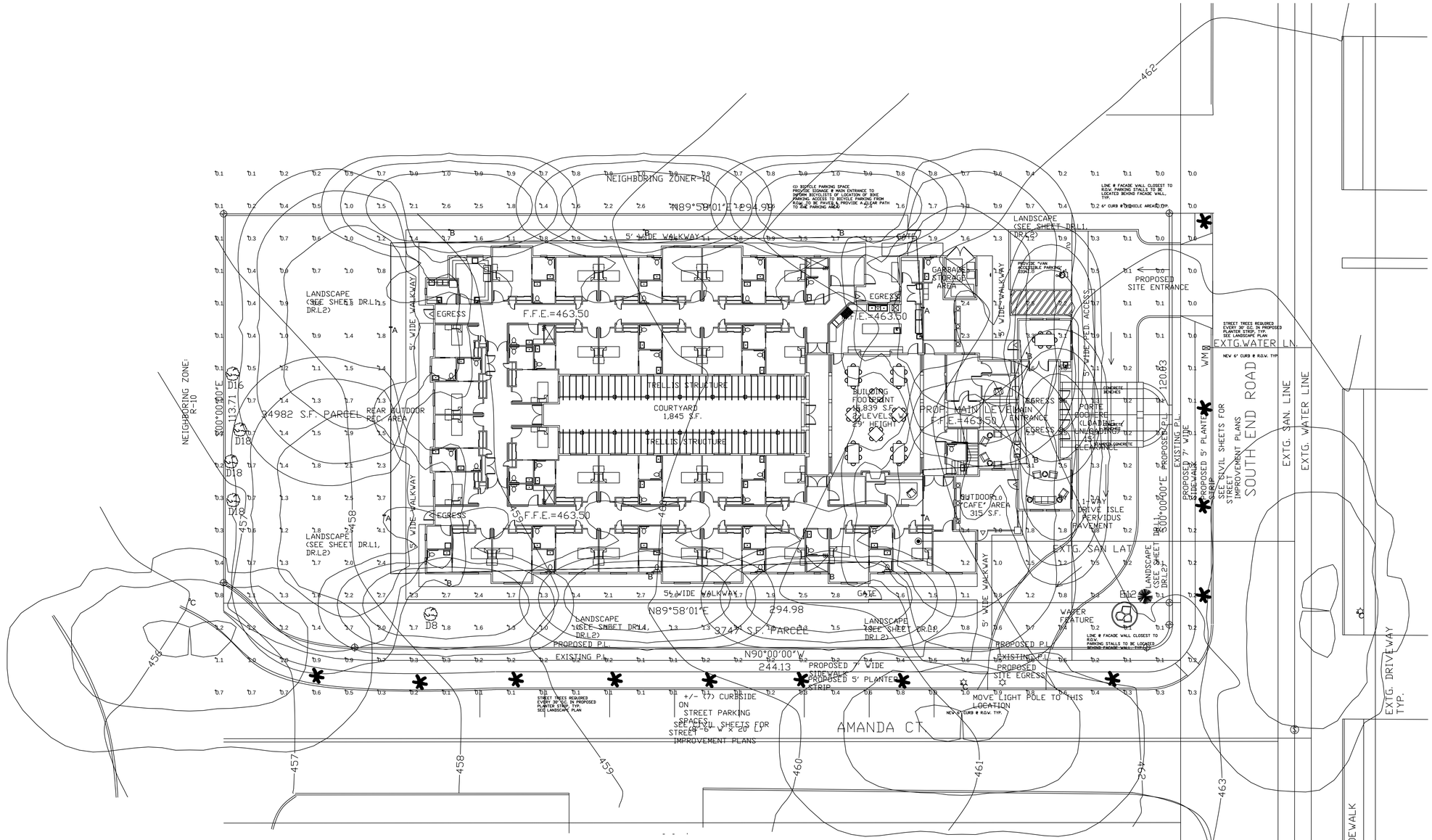
South End Road Memory Care Facility
Oregon City, Oregon 97045
New Construction
for
General Contractor
Empire Building Company, Inc.

FROEBERLAND
LANDSCAPE ARCHITECTURE
PHONE: (503) 236-0555
EMAIL: jeff@froeberland.com

PLANTING PLAN

REV. NO.	DATE:
1	1/20/2015
2	2/5/2015

DATE: 10/10/2014
DRAWN BY:
APPROVED BY:
SHEET: L.1



LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	4	DSXW2 LED 30C 700 40K T4M MVOLT	DSXW2 LED WITH 3 LIGHT ENGINES, 30 LED's, 700mA DRIVER, 4000K LED, TYPE 4 MEDIUM OPTIC	LED	DSXW2_LED_30C_700_40K_T4M_MVOLT.ies	Absolute	1.00	71
	B	8	DSXW1 LED 10C 1000 40K T2S MVOLT	DSXW1 LED WITH 1 LIGHT ENGINE, 10 LED's, 1000mA DRIVER, 4000K LED, TYPE 2 SHORT OPTIC	LED	DSXW1_LED_10C_1000_40K_T2S_MVOLT.ies	Absolute	1.00	40
	C	3	Leotek Cobra 49watt LED	MOUNTED AT 25' AFF TYPE 3	LED	DSX0_LED_20C_700_40K_T3S_MVOLT.ies	Absolute	1.00	45

A / DR.1A **SITE LIGHTING PLAN**
SCALE: 1/16" = 1'-0"

GENERAL SITE LIGHTING PLAN NOTES:

1.) OUTDOOR LIGHTING SHALL NOT CAUSE ILLUMINATION ON OTHER PROPERTIES IN EXCESS OF A MEASUREMENT OF 0.5 FOOT CANDLES OF LIGHT AS MEASURED @ THE PROPERTY LINE OR ANY POINT OFF SITE.
2.) ANY LIGHT LIGHT SOURCE OR LAMP THAT EMITS MORE THAN 900 LUMENS SHALL BE CONCEALED OR SHIELDED W/ A FULL CUT-OFF STYLE FIXTURE. ALL FIXTURES SHALL UTILIZE ONE OF THE FOLLOWING BULB / LIGHTING TYPES: L.E.D, METAL HALIDE, INDUCTION LAMP, COMPACT FLORESCENT, INCANDESCENT (INCLUDING TUNGSTEN HALOGEN), OR HIGH PRESSURE SODIUM W. A COLOR RENDERING INDEX OF 70.
3.) LIGHTING LEVELS SHALL COMPLY W/ OREGON CITY MUNICIPAL CODE TABLE 1-17.62.065 FOOT CANDLE LEVELS.
4.) PEDESTRIAN ACCESSWAYS SHALL BE LIGHTED W/ PEDESTRIAN SCALE LIGHTING @ A MIN. OF 1.5 FOOT CANDLES, 1.5 FOOT CANDLES AVERAGE, & A MAX. TO MIN. RATIO OF 7:1 & SHALL BE ORIENTED NOT TO SHINE ON ADJACENT PROPERTIES.
5.) ALL OUTDOOR LIGHTING USED FOR SECURITY PURPOSES SHALL BE REDUCED, ACTIVATED BY MOTION CENSORS, OR TURNED OFF DURING NON OPERATING HOURS.
6.) FOR UPWARD DIRECTIONAL ARCHITECTURAL, LANDSCAPE, & DECORATIVE LIGHTING, DIRECT LIGHT EMISSIONS SHALL NOT BE VISIBLE ABOVE THE BUILDING ROOF LINE.
7.) MAIN BUILDING ENTRANCES SHALL BE WELL LIT & VISIBLE FROM THE STREET. THE MIN. LIGHTING LEVEL FOR BUILDING ENTRANCES SHALL BE 3 FOOT CANDLES. LIGHTING TO BE @ PEDESTRIAN LEVEL W/ SOURCE SHIELDED TO REDUCE GLARE.

epr DESIGN
825 N.E. 20th Ave. Suite 202
Portland, Oregon 97232
503-265-8461 PH.
503-265-8462 FX.
www.eprdesign.com

HARRY L. STEARNS, INC.
2305 NE GLISAN ST.
PORTLAND, OR. 97213
503-262-2640

South End Road Memory Care Facility
Oregon City, Oregon 97045
New Construction
General Contractor:
Empire Building Company, llc.

These plans and the designs herein are copyrighted under Federal Law by: EPR DESIGN, LLC.

-SITE LIGHTING PLAN

REV. NO. DATE:

DATE: 4/4/2014

DRAWN BY:

REVIEWED BY:

SHEET: DR.1A

OREGON CITY

Public Works – Development Services

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7829

DEVELOPMENT SERVICES
PRE-APPLICATION MEETING NOTES

Planning Project Number:	PA 18-33
Address:	950 South End Road, Oregon City, OR 97045
Map Number(s):	3-1E-01AD
Tax Lot(s):	03100
Project Name:	Petra Memory Care Expansion
Meeting Date:	August 15, 2018
Reviewer(s):	Sang Pau

General Comments

1. A complete land use application should include a narrative response to all sections of the Oregon City Municipal Code (OCMC) applicable to the proposed development.

2. The City will issue a Staff Report in response to the contents of the application package provided by the applicant. Once a Staff Report is issued, the applicant may request a pre-design meeting with city staff to discuss plan requirements, conditions of approval, and process.

3. All applicable conditions of approval outlined in the Staff Report must be addressed and the construction plans must be reviewed and approved prior to issuance of building permits.

Streets

1. The frontage along the property has been fully improved. Therefore, the development does not require any improvements in the public right-of-way.

Stormwater

1. The existing stormwater facilities have been adequately sized and meet current city stormwater design standards.

Water

1. The development has adequate water service.

Sanitary Sewer

1. The development has adequate sanitary sewer service.

2. The applicant shall confirm the inclusion of a grease trap for the kitchen.

Pre-Application Conference Notes

PA 18-33, August 15, 2018

Proposed Project:
Memory Care Facility Addition

Location:
950 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01AD, Tax Lot 3100

General Information:

- Zoning: R-10 Single-Family Dwelling District
- Overlay Districts: High Water Table
- Prior Reviews: SP 14-09/VR 14-01/CU 14-01

Timing and Process:
This application is a **Type II** decision process for site plan and design review. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has **180 days** from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within **120 days** by state law. Type II decisions are rendered by the Community Development Director, with appeal on the record to the City Commission, and then LUBA.

Type II decisions are based on the code approval criteria and require limited discretion by the Community Development staff for approval. Staff is not authorized to waive any requirements of the code except for modifications to Street Standards through Section 12.04.007, modifications that will better meet design standards of site plan and design review through Section 17.62.015, and alternative parking lot landscaping plans through sections 17.52.070.

"R-10" Single-Family Dwelling District:

- "R-10" Single-Family District minimum required setbacks:
    - Front yard: 20 feet
    - Front porch: 15 feet
    - Attached and detached garage: 20 feet from the public right-of-way where access is taken
    - Interior side yard: 10 feet for at least one side yard, 8 feet for the other side yard
    - Corner side yard: 15 feet
    - Rear yard: 20 feet
    - Rear porch: 15 feet
- Proposal must demonstrate compliance with lot coverage standards of the R-10 zoning district.
    - Structures with a footprint of over 200 square feet cannot cover more than 40% of the lot area (decks and porches do not count towards lot coverage).
    - Based on the previous application, the existing development resulted in 39% lot coverage. The previous approval identified the following lot coverage:

.

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	Square Feet
Total Site	39,343
Allowed Building Coverage (40%)	15,737
Rear Parking Lot (5 spaces)	2,400 (not included in calc.)
Proposed Building Coverage	15,323

- Based on the previously submitted lot coverage calculations, it appears that the proposed addition will result in a lot coverage in excess of the 40% allowed in the "R-10" Single-Family Dwelling District.
- The application should include a calculation identifying total lot coverage.
- If the proposed lot coverage exceeds 40%, a Type II Variance application would be required. Please refer to Variance section of these notes.

Conditional Use Permit:

- Minor modifications to conditional uses, including additions up to 1,000 SF provided that the addition is not more than 35% of the original building's square footage, do not require a conditional use permit application.
- Based on the applicant's pre-application conference submittal, it appears that a Conditional Use Permit application is not required. If the proposal exceeds the threshold described above, a Type III Conditional Use Permit application would also be required.
- The current proposal must comply with all Conditions of Approval of the original conditional use permit (CU 14-01/SP 14-09/VR 14-01)

Site Plan and Design Review:

- Pursuant with OCMC Section 17.08.030, residential care facilities are a conditionally permitted use in the R-10 Single-Family Dwelling District. Site Plan and Design Review is required for conditional uses in all zones.
- Additions of up to 1,000 SF are reviewed through a Type II Minor Site Plan and Design Review application.
- The applicant is required to demonstrate compliance with all applicable criteria. The pre-application materials did not include building elevations and lack the specificity and detail to determine compliance with some standards of the Oregon City Municipal Code. Please include details for all structures, parking lots, pavement, development, etc. The applicant is required to demonstrate compliance with all applicable criteria, or receive a Variance, or alternative parking lot/landscaping plan, or in the case of 17.62 standards, a modification which will better meet the standards.

Parking

- The number of parking stalls is dependent on the number of beds within the residential care facility and the net square footage of the combined use on the site. Based on the 2014 Conditional Use Permit/Site Plan and Design Review approval, the number of stalls required are as follows:

Use	SQUARE FEET/BEDS	MINIMUM	MAXIMUM
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	31 Beds	1 per 7 Beds (5 Stalls Required)	1 per 5 Beds (7 Stalls Required)
Office	~ 750 SF	2.70 (2 Stalls Required)	3.33 (3 Stalls Required)
Total		7	10

- Based on the 2014 approval, between 7 and 10 parking stalls are required. The site is developed with 9 stalls.
- The application should include a floor plan identifying the number of beds and square footage of other uses to ensure compliance with minimum and maximum parking stalls is maintained.

Landscaping

- A landscaping plan prepared by a registered landscape architect is required to be submitted.
- 15% of the site must be landscaped. The application should include a calculation of landscaping demonstrating compliance with minimum site landscaping.
- Landscaping standards may be found in OCMC 17.62.050.A.1 and OCMC 17.52.060

Site and Buildings

- Compliance with various building design standards could not be confirmed, including:
    - Articulation, massing, and transparency in OCMC 17.62.055.G, H, and I
    - Mechanical equipment standards in OCMC Section 17.62.050.A.20
    - Pedestrian circulation requirements in OCMC Section 17.62.050.A.9.
    - Building materials standards in OCMC Section 17.62.050.A.21.
- Please identify all proposed improvement to the site as part of your land use application including but not limited to:
    - Landscaping
    - Parking
    - Outdoor Lighting (Photometric)
    - Pedestrian Circulation
    - Refuse/recycling areas
    - Mechanical equipment proposed
    - Façade modifications (windows, entranceways, exterior building materials, etc.)

Variance

- OCMC Section 17.60.020.E.6 allows variances to lot coverage requirements up to 25% to be reviewed as Minor Variance. A Type II Variance application would be required if the lot coverage exceeds 40%.
- Please address the approval criteria as they relate to the proposal and the requirement being varied.
    - 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;
    - That the request is the minimum variance that would alleviate the hardship;
    - Granting the variance will equal or exceed the regulation to be modified;
    - Any impacts resulting from the adjustment are mitigated;
    - No practical alternatives have been identified which would accomplish the same purpose and not require a variance.
    - That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Transportation Impacts:

The City's traffic engineering consultant has determined that transportation analysis is not required as part of this Site Plan and Design Review application.

The applicant's traffic engineer is welcome to contact the city's traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

Tree Protection/Mitigation and Street Trees
Tree removal during the land development process is subject to compliance with tree protection and mitigation standards.

- The applicant's submittal should identify species and size of all trees onsite greater than 6" DBH.
- Tree removal is subject to OCMC Chapter 17.41.
- Tree protection , removal and mitigation standards can be found in OCMC Section 17.41.130
- A mitigation plan prepared by a qualified professional (certified arborist, horticulturalist or forester or other environmental professional) is required in accordance with OCMC Chapter 17.41
- A tree covenant may be required to be recorded to protect existing and future trees.

Upcoming Code Changes:
The City is proposing Housing and Development Code Amendments which may affect your proposal. For details on proposed code amendments, please visit the following site:
https://www.orcity.org/planning/draft-housing-and-other-development-and-zoning-code-amendments

Other Notes:

- A neighborhood association meeting is not required for a Minor Site Plan and Design Review application, but is recommended.
  Neighborhood Association: South End NA
  Chair: Bill McConnel, sena97045@gmail.com
  Vice Chair: Gary Fergus, Interim Vice Chair, fergusfamily@gmail.com
  Secretary: Vacant
  CIC Representative: Vacant
  Upcoming Meetings: October 18, 2018
  Meeting Location: Oregon City United Methodist Church, 18955 South End Road, Oregon City, OR 97045
  Meeting Time: 7:00 PM
- Please include the Citizen Involvement Committee Chair, Amy Willhite, in any Neighborhood Association meeting requests, notifications or correspondence. Amy can be reached at awillhit@yahoo.com
- OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Applications Anticipated and Fees:

- Planning application anticipated:
  - Minor Site Plan and Design Review: $862
  - Administrative Variance: $1,401
  - Mailing Labels: $16 or provided by applicant
  - 2018 Planning Fee Schedule

Applications, Checklists and Links:

- Type II Review Process
- Land Use Application
- Minor Site Plan and Design Review Checklist
- Oregon City Adopted Street Tree List
- Oregon City Municipal Code

Planning Division

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or dvassileva@orcity.org.

Development Services Division (Utilities/Public Improvements/SDC's etc):
Sang Pau, Development Engineer with the Oregon City Development Services Division, reviewed your pre-application. Sang can be reached at 503-974-5503 or spau@orcity.org.

Building Division:
You may contact Mike Roberts, Building Official at 503.496.1517 or by email at mroberts@orcity.org.

Clackamas Fire District:
Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:
A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:
OCMC 12.04 – Streets, Sidewalks, and Public Places
OCMC 12.08 – Public and Street Trees
OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling, and Excavating
OCMC 17.08 – "R-10" Single-Family Dwelling District
OCMC 17.41 – Tree Protection Standards
OCMC 17.47 – Erosion and Sediment Control
OCMC 17.52 – Off-Street Parking and Loading
OCMC 17.58 – Lawful Nonconforming Uses, Structures, and Lots
OCMC 17.60 – Variances
OCMC 17.62 – Site Plan and Design Review
OCMC 17.50 – Administration and Procedures
Several applicable code sections recently changed and have not yet been updated in the online version of the code. The changes can be found here and are also in the template provided by staff.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:
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.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

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Community Development – Planning

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Minor Site Plan and Design Review Checklist

1. ✓ **A Completed Application Form with All Property Owner Signatures** *(P)* – CONTRACT OWNER SIGN. [PROOF OF PURCHASE PROVIDED AND IS CONFIDENTIAL INFORMATION - DO NOT COPY OR RECORD]

2. ✓ **Narrative** *(P/DS)*
A complete and detailed narrative description of the proposed development and an explanation addressing all applicable approval criteria. A template is provided at the Pre-Application Conference.

3. ✓ **Site Plan Drawings** *(P/DS)*
A site plan of the existing conditions and proposed development including:
   - ☑ The property boundary, existing and proposed structures and landscaping, parking stalls, etc.
   - ☐ Utility locations, easements, changes to grading, new impervious surfaces – No changes proposed – No changes proposed

4. N/A **Landscaping Plan** *(P)* – No changes Proposed
A landscaping plan prepared by a registered landscape architect, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

5. N/A **Tree Removal and Mitigation Plan** *(P)* – No trees removed in proposal
A tree removal and mitigation plan must include the setbacks, easements and the location and caliper of all trees as well as identification of the trees 6" DBH and greater prepared in accordance with OCMC 17.41. A plan shall also be submitted identifying the location, species and caliper of trees replanted onsite. The tree mitigation plan report shall be prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arborculture.

6. ✓ **Architectural Drawings** *(P)*
Building elevations/floor plans of the existing structure and of the proposed development. Include plans for all structures including, buildings, canopies, walls, garbage enclosures, etc.

7. ✓ **Photometric Plan or Letter from Electrician Verifying Compliance with OCMC 17.62.065** *(P)*
Existing/Original Included as REFERENCE ONLY – No changes proposed

8. N/A **Recommended: Neighborhood Association Meeting** *(P)*
   - ☐ A sign-in sheet of meeting attendees
   - ☐ A summary of issues discussed
   - ☐ A letter from the neighborhood association or CIC 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.

9. ✓ **Pre-Application Conference Summary Sheet** *(P/DS)*

10. N/A **Additional Information or Reports** *(P/DS)*
If Required in Pre-Application Conference.

*Traffic and Stormwater both deemed adequate per Pre-App Notes

11. * **A Current Preliminary Title Report or Trio for the Subject Property(ies)** *(P)*
*Deferred - will provide prior to issuance of permit

12. * **Mailing Labels for Owners within 300 Feet of the Subject Site or Fee for City-Provided Labels** *(P)*
The names and addresses of property owners within 300 feet of the site from a title company.
*Please provide - $16 to be provided by CC over the phone

13. ✓ **Copies** *(P)*
~~One Two (2)~~ copies of all information, reports, and drawings (full-sized and 8.5" by 11") pertaining to this application.
per DV

14. ✓ **Electronic Version of All Application Materials** *(P/DS)* - CD

15. ✓ **All Required Application Fees** *(P)* - check for $4,612.69 to include: $862 - $1,401 - Variance

(P) = Contact the Planning Division at (503) 722.3789 with any questions regarding this item.
(DS) = Contact the Development Services Division at (503) 657.0891 with any questions regarding this item.
Incomplete applications will not be processed.

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Community Development – Planning

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Variance Checklist

1. ✓ **A Completed Application Form with All Property Owner Signatures** *(P)* - SEE SP/DR CHECKLIST

2. ✓ **Narrative** *(P/DS)*
   A complete and detailed narrative description of the proposed development and an explanation addressing all applicable approval criteria. A template is provided at the Pre-Application Conference.

3. ✓ **Site Plan Drawings** *(P)*
   A scale-drawing of the property, displaying the dimensions and arrangements of the existing and proposed uses.

4. ✓ **Architectural Drawings** *(P)*
   Building elevations and envelopes, if architectural work is proposed.

5. ___ **For Planning Commission Variances: Neighborhood Association Meeting** *(P)*
   - ❑ A sign-in sheet of meeting attendees
   - ❑ A summary of issues discussed
   - ❑ A letter from the neighborhood association or CIC 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.

   N/A - MINOR VARIANCE

6. ✓ **Pre-Application Conference Summary Sheet** *(P/DS)*

7. N/A **Additional Information or Reports** *(P/DS)*
   If Required in Pre-Application Conference.

8. * **A Current Preliminary Title Report or Trio for the Subject Property(ies)** *(P)*
   * DEFERRED

9. * **Mailing Labels for Owners within 300 Feet of the Subject Site or Fee for City-Provided Labels** *(P)*
   The names and addresses of property owners within 300 feet of the site from a title company.
   * PLEASE PROVIDE

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    one per DV

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Pre-Application Conference Notes

PA 18-33, August 15, 2018

Proposed Project:
Memory Care Facility Addition

Location:
950 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01AD, Tax Lot 3100

General Information:

- Zoning: R-10 Single-Family Dwelling District
- Overlay Districts: High Water Table
- Prior Reviews: SP 14-09/VR 14-01/CU 14-01

Timing and Process:
This application is a **Type II** decision process for site plan and design review. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has **180 days** from the date of submittal of a land use application to have a complete application.

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    - Structures with a footprint of over 200 square feet cannot cover more than 40% of the lot area (decks and porches do not count towards lot coverage).
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	Square Feet
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Allowed Building Coverage (40%)	15,737
Rear Parking Lot (5 spaces)	2,400 (not included in calc.)
Proposed Building Coverage	15,323

- Based on the previously submitted lot coverage calculations, it appears that the proposed addition will result in a lot coverage in excess of the 40% allowed in the "R-10" Single-Family Dwelling District.
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- The number of parking stalls is dependent on the number of beds within the residential care facility and the net square footage of the combined use on the site. Based on the 2014 Conditional Use Permit/Site Plan and Design Review approval, the number of stalls required are as follows:

Use	SQUARE FEET/BEDS	MINIMUM	MAXIMUM
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The City's traffic engineering consultant has determined that transportation analysis is not required as part of this Site Plan and Design Review application.

The applicant's traffic engineer is welcome to contact the city's traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

Tree Protection/Mitigation and Street Trees
Tree removal during the land development process is subject to compliance with tree protection and mitigation standards.

- The applicant's submittal should identify species and size of all trees onsite greater than 6" DBH.
- Tree removal is subject to OCMC Chapter 17.41.
- Tree protection , removal and mitigation standards can be found in OCMC Section 17.41.130
- A mitigation plan prepared by a qualified professional (certified arborist, horticulturalist or forester or other environmental professional) is required in accordance with OCMC Chapter 17.41
- A tree covenant may be required to be recorded to protect existing and future trees.

Upcoming Code Changes:
The City is proposing Housing and Development Code Amendments which may affect your proposal. For details on proposed code amendments, please visit the following site:
https://www.orcity.org/planning/draft-housing-and-other-development-and-zoning-code-amendments

Other Notes:

- A neighborhood association meeting is not required for a Minor Site Plan and Design Review application, but is recommended.
  Neighborhood Association: South End NA
  Chair: Bill McConnel, sena97045@gmail.com
  Vice Chair: Gary Fergus, Interim Vice Chair, fergusfamily@gmail.com
  Secretary: Vacant
  CIC Representative: Vacant
  Upcoming Meetings: October 18, 2018
  Meeting Location: Oregon City United Methodist Church, 18955 South End Road, Oregon City, OR 97045
  Meeting Time: 7:00 PM
- Please include the Citizen Involvement Committee Chair, Amy Willhite, in any Neighborhood Association meeting requests, notifications or correspondence. Amy can be reached at awillhit@yahoo.com
- OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Applications Anticipated and Fees:

- Planning application anticipated:
  - Minor Site Plan and Design Review: $862
  - Administrative Variance: $1,401
  - Mailing Labels: $16 or provided by applicant
  - 2018 Planning Fee Schedule

Applications, Checklists and Links:

- Type II Review Process
- Land Use Application
- Minor Site Plan and Design Review Checklist
- Oregon City Adopted Street Tree List
- Oregon City Municipal Code

Planning Division

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or dvassileva@orcity.org.

Development Services Division (Utilities/Public Improvements/SDC's etc):
Sang Pau, Development Engineer with the Oregon City Development Services Division, reviewed your pre-application. Sang can be reached at 503-974-5503 or spau@orcity.org.

Building Division:
You may contact Mike Roberts, Building Official at 503.496.1517 or by email at mroberts@orcity.org.

Clackamas Fire District:
Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:
A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:
OCMC 12.04 – Streets, Sidewalks, and Public Places
OCMC 12.08 – Public and Street Trees
OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling, and Excavating
OCMC 17.08 – "R-10" Single-Family Dwelling District
OCMC 17.41 – Tree Protection Standards
OCMC 17.47 – Erosion and Sediment Control
OCMC 17.52 – Off-Street Parking and Loading
OCMC 17.58 – Lawful Nonconforming Uses, Structures, and Lots
OCMC 17.60 – Variances
OCMC 17.62 – Site Plan and Design Review
OCMC 17.50 – Administration and Procedures
Several applicable code sections recently changed and have not yet been updated in the online version of the code. The changes can be found here and are also in the template provided by staff.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:
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.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

OREGON CITY

Public Works – Development Services

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7829

DEVELOPMENT SERVICES
PRE-APPLICATION MEETING NOTES

Planning Project Number:	PA 18-33
Address:	950 South End Road, Oregon City, OR 97045
Map Number(s):	3-1E-01AD
Tax Lot(s):	03100
Project Name:	Petra Memory Care Expansion
Meeting Date:	August 15, 2018
Reviewer(s):	Sang Pau

General Comments

1. A complete land use application should include a narrative response to all sections of the Oregon City Municipal Code (OCMC) applicable to the proposed development.

2. The City will issue a Staff Report in response to the contents of the application package provided by the applicant. Once a Staff Report is issued, the applicant may request a pre-design meeting with city staff to discuss plan requirements, conditions of approval, and process.

3. All applicable conditions of approval outlined in the Staff Report must be addressed and the construction plans must be reviewed and approved prior to issuance of building permits.

Streets

1. The frontage along the property has been fully improved. Therefore, the development does not require any improvements in the public right-of-way.

Stormwater

1. The existing stormwater facilities have been adequately sized and meet current city stormwater design standards.

Water

1. The development has adequate water service.

Sanitary Sewer

1. The development has adequate sanitary sewer service.

2. The applicant shall confirm the inclusion of a grease trap for the kitchen.

Published on *City of Oregon City* (https://www.orcity.org)

Submission information

Form: Pre-Application Conference Request Form
Submitted by Visitor (not verified)
Thursday, July 19, 2018 - 6:46am
97.115.6.148

Applicant Name(s) Jeffrey Wellington, John Lape

Applicant's Representative

Company

Mailing Address 415 SE 28th Ave. Portland, OR 97214

Phone Number 651-226-7645

Email Address jeffrey.wellington@gmail.com

Project Description
Six resident rooms within the memory care facility will be expanded on the north-side of the facility. Three rooms will be extended by 5 feet toward the property line and the width being 12 feet. Another three rooms will be extended by 8 feet toward the property line and the width being 12 feet. The total increase of the project will be 468 square feet. Both of these additions will be in compliance with the ten foot side yard setback. The expansion will involve one level.

Project Address 950 South End Road Oregon City, OR 97045

Map and Taxlot Number 3100

Site Size 0.94 acres

Existing or Previous Use (within last 10 years)
The site is currently a memory care facility. Prior to 2016 a residential property was on the parcel of land.

Existing Zoning
R-10 Single Family

Overlay Districts
None

Check if "yes"

If any boxes above are checked, please explain

Past land use actions on this property
There was approval for the construction of a memory care facility. This memory care facility was completed in 2016.

Anticiapted New Impervious Surface

Proposed Stormwater Disposal Methods
The building addition will create an additional impervious area increase of only 3.1% for the structure. However the approved site plans of the original building included sidewalks along both the north and south lengths of the building that were neither built nor will be added as part of this remodel & expansion. The net result is that total impervious area will be less than was approved with the original site plan.

Transportation System Plan (TSP) Projects on or near the site
Referencing OCWebMaps there does not appear to be any transportation project on South End Road or on Amanda Court.

Subdivisions: Show density calculations
For subdivisions and partitions only, show net developable area and calculations showing you meet 80% minimum density.

Block lengths
Are any new blocks created? If so, what is the length of each block? Note minimum block length is 150 feet; maximum block length is 530 feet, as measured from centerline to centerline.

Additional information
Please include any additional information that you want to address in the pre-application conference.

Questions
Please include any specific questions that you want to address in the pre-application conference.

Meeting Date
08/08/2018

Alternate Date
08/07/2018

Vicinity Map
950_south_end_road_map.png

Site Plan/ Layout
oregon_city_mc_-_prel_-_site_plan.pdf

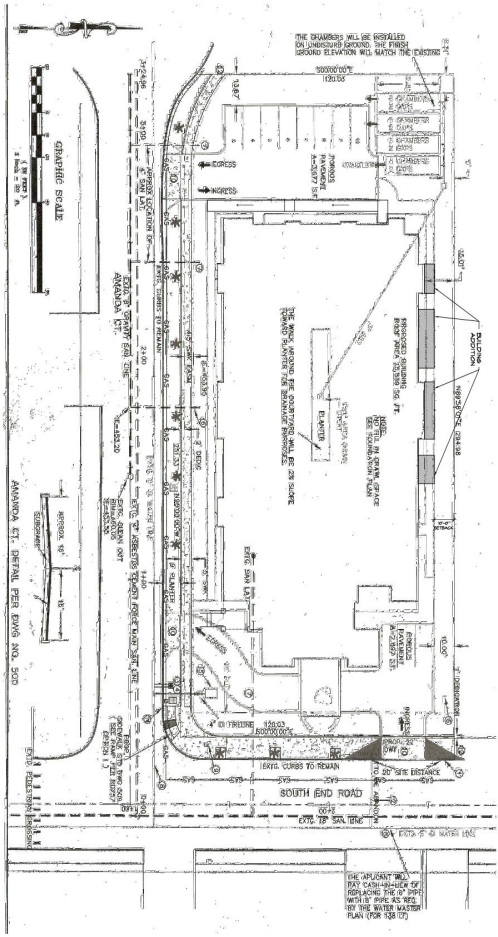
Building Elevation Drawings

Shadow Plat (for subdivisions only)

Disclaimer
Select to acknowledge you read and understand the paragraph below.

Other Attachments

Source URL: https://www.orcity.org/node/331/submission/7189


GRAPHIC SCALE
1" = 20'-0"
EGRESS
INGRESS
PROPOSED PAVING
AREA = 20,577 SQ. FT.
PROPOSED BUILDING
FOOTPRINT AREA = 6,838 SQ. FT.
BUILDING ADDITION
EXISTING BUILDING
EXTD. CURBS TO REMAIN
SOUTH END ROAD
AMANDA CT.
EXTD. CURB & GUTTER PER AMANDA CT.
EXTD. 8" ASBESTOS CEMENT WATER MAIN
EXTD. 8" W WATER LINE
EXTD. 8" SANITARY LINE
EXTD. 8" SAN LINE

RECEIPT (REC-000484-2018)
FOR CITY OF OREGON CITY

BILLING CONTACT
Jeffrey Wellington

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
PA-18-00033	Pre-Application Conference - Minor	Fee Payment	Check #1205	$574.00
			SUB TOTAL	**$574.00**
			TOTAL	**$574.00**

South End Neighborhood Association

10-18-18 Meeting Agenda

1 – Welcome & Introductions

2 – OCPD Community Officer updates

3 – Brandon Lanius, John Lape Architect to present plans for minor addition to South End Memory Care

4 – Candidates Forum

5 – SENA Treasurers Report

6 – Adjourn

JOHN LAPE, ARCHITECT
520 SW 6th Ave. suite 520
Portland, Oregon 97204
(503) 243-2837
(877) 424-5600
E-mail: john@jl-architecture.com

River Terrace Memory Care
South End Neighborhood Meeting
October 18, 2018

INTRODUCTIONS:

- Brandon Lanius; architectural project manager
- Jeffery Wellington (not present); owner with experience in senior care
- John Lape; architect (we specialize in ALF & MC)
- please sign the sign-in sheet

BACKGROUND:

- Building built in 2016
- Petra operated the building as a memory care community for ~6 months
- Bldg. been vacant ever since
- New team:
    - New Architect
    - New owner (Jeffery) finishing up purchase of the property
    - New management company very experienced in senior care

OUR WORK:

- Bldg. will continue to operate as a memory care community serving residents in need in Oregon City
- Improve ADA accessibility
- Improve lighting to meet licensing requirements
- Work to commence within 30 days on mostly interior work while we process the land-use application to add residents
- Building reopen about the end of February 2019
- Adding 1 unit
- Extending 6 other units to accommodate double occupancy
    - 38 total residents
    - Still maintaining set-backs on north and south sides
    - Existing 6’ sight obscuring fence to remain on north side
    - Shifting exterior HVAC units to beside the unit expansions
        - Will not be any closer to property line than they are now
        - Fans will now face sideways, not towards adj. property
- Here to answer any of your questions

EXHIBIT:

- Site plan

…\JOBS\O1805\Permitting\Planning\Neighborhood meeting notes.DOC

Date: 10-18-18		Hazel Grove / Westling Farm Neighborhood Association Meeting			
#	Name:	Address:		Phone #:	
1	Marilyn Nuttall	Street:		Home:	503-657-7058
		Email:	rmnc2@q.com	Cell:	
2	Beverly Warner	Street:	11833 White Lane	Home:	503-722-7478
		Email:		Cell:	
3	Maryanne McDonald	Street:		Home:	
		Email:	114 Vine St	Cell:	503-351-0363
4	Toni Hesserick	Street:	106 Vine St	Home:	5037222150
		Email:		Cell:	
5	Damon Mabee	Street:	1402 Taylor street	Home:	
		Email:		Cell:	
6	Guest Kath. Webb	Street:	310 3rd Ave	Home:	
		Email:	Pdg boxerrescue@yahoo	Cell:	
7	Dova Nedley	Street:	11614 Parrish Road Com	Home:	
		Email:	intstats10@gmail.com	Cell:	503-407-2178
8	Bill Kennedy	Street:	19464 ORCHARD GROVE OC	Home:	503-522-2884
		Email:		Cell:	
9	West Rigtor	Street:	19500 Orchard Grove Dr	Home:	
		Email:		Cell:	

Date: 10-18-18		Hazel Grove / Westling Farm Neighborhood Association Meeting			
#	Name:	Address:		Phone #:	
1	Tom O'Brien	Street:	19364 HAZELGROVE	Home:	
		Email:		Cell:	
2	KIRBY WARNER	Street:	11833 WHITE LANE	Home:	503-722-7473
		Email:		Cell:	
3	Mark J. Mathesen	Street:	855 Mcmillan ST	Home:	5034530250
		Email:		Cell:	
4		Street:		Home:	
		Email:		Cell:	
5		Street:		Home:	
		Email:		Cell:	
6		Street:		Home:	
		Email:		Cell:	
7		Street:		Home:	
		Email:		Cell:	
8		Street:		Home:	
		Email:		Cell:	
9		Street:		Home:	
		Email:		Cell:	

Date:		South End Neighborhood Association Meeting			
#	Name:	Address:		Phone #:	
1	~~Marilyn Rathbell~~	Street:		Home:	
		Email:		Cell:	
2	Sandie Jelinek	Street:	1161 Metzel	Home:	
		Email:		Cell:	
3	Dan Merkel	Street:	652 WARNER PARROTT	Home.	
		Email:		Cell:	
4	Gary & Joyce Johnson	Street:	18813 Paulsen Dr	Home.	
		Email:		Cell:	
5	Jack Brandt wheeler	Street.	Orchard Grove Dr.	Home:	
		Email:		Cell:	
6	Harold Walton	Street:	18837 Central PT. RD. O.C.	Home:	
		Email:		Cell:	
7	Judy Schaeffer	Street:	Westwing Dr	Home:	
		Email:		Cell.	
8	~~Bill Kemmler~~	Street:	~~19461~~	Home:	
		Email:		Cell:	
9	Tom Schiemann	Street:	11716 PARTLOW	Home:	
		Email:		Cell:	

Date: OCT. 18, 2018	South End Neighborhood Association Meeting			
#	Name:	Address:	Phone #:	
1	Joyce Clark & David "	Street: Joyce Ct.	Home:	
		Email: etta2luv2@q.com	Cell:	503-313-7338
2	Greg & Kari BAUDER	Street: Joyce Ct.	Home:	503-657-3459
		Email: gregkaribauder@Msn.Com	Cell:	503-701-1468
3	DAVE & TERRY Rocheleau	Street: 11311 FOREST RIDGE RD.	Home:	503/758-7914
		Email:	Cell:	
4	Kam McAllister	Street: 11268 Brandon	Home:	503-655-2527
		Email:	Cell:	
5	BRANDON LANNS	Street: 520 SW 6th AVE SUITE 830	Home:	503 243 2837
		Email: brandon@jl-architecture.com	Cell:	
6	JOHN LAKE	Street: SAME	Home:	503 243-2837
		Email:	Cell:	
7	FRANK O'DONNELL	Street: 18844 HEIN ST	Home:	
		Email:	Cell:	503 9641868
8	LYNN ANDERSEN	Street: 18844 HEIN ST	Home:	
		Email:	Cell:	503 9641868
9	Mary Nerpel Smith	Street: 191 Warner Parrott	Home:	503-655-7946
		Email:	Cell:	

South End NEIGHborhood

name	email	phone
Ingra Rickenbach	irickenbach@aol.com	503-655-9451
Marilyn Fergus	fergusfamily@gmail.com	503-655-3906
Harriette Shuell	Shuell8055@comcast.net	503-722-8467
Jaya Gifford	Visitors from HillsdaleNA	503 723 3456
William Gifford		

JOHN LAPE, ARCHITECT
520 SW 6th Ave. suite 520
Portland, Oregon 97204
(503) 243-2837
(877) 424-5600
E-mail: john@jl-architecture.com

10/25/18

South End Neighborhood Meeting

RE: River Terrace Memory Care Renovation
Thursday the 18th of October @ 7pm
Oregon City United Methodists Church

A 10 minute presentation was given to roughly 40 attendees at the beginning of the evening and then a question period was held.

During the question period attendees were curious about:

Questions regarding the number of residents, type of facility, and when the facility will open

Concerns were raised about the proximity of the building to the North property line. This was discussed that it was within setbacks and that the existing mechanical units will be moved to not face the property line to mitigate sound.

Questions were raised about the drainage of the site.

The political sign placed on the site was concerning to attendees.

Sincerely,

John Lape, AIA, FCSI, FCSC, CCS

…\JOBS\C1207\CONTRACTS\Proposal 1108 16.DOC

From: Diliana Vassileva
To: Pete Walter
Subject: FW: River Terrace Memory Care, pre-application comments
Date: Wednesday, November 07, 2018 8:12:25 AM
Attachments: image1.PNG

Comment for South End memory care facility expansion.
Thanks,
Diliana

Diliana Vassileva
Assistant Planner
Planning Division
City of Oregon City
PO Box 3040
698 Warner Parrott Road,
Oregon City, Oregon 97045
Direct - 503.974.5501
Planning Division - 503.722.3789
Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | Follow us on: Facebook! | Twitter
Think **GREEN** before you print.

Please visit us at 698 Warner Parrott Road, Oregon City between the hours of 8:30am-3:30pm Monday through Friday.
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Greg Peterson [mailto:gregp8921@icloud.com]
Sent: Wednesday, November 07, 2018 4:10 AM
To: Diliana Vassileva <dvassileva@orcity.org>
Cc: File <gregp8921@icloud.com>
Subject: River Terrace Memory Care, pre-application comments

Ms. Vassileva,

Re:
https://www.orcity.org/sites/default/files/fileattachments/planning/project/12605/glua-18-00025_complete_app.pdf

Re: Site Plan and Design Review (17.62.050), item 20.c, as follows:

Proposal is commercial development.

20. Screening of Mechanical Equipment:
a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.
Applicant's Response:
No rooftop equipment proposed.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.
Applicant's Response:
No wall-mounted mechanical equipment is located or is proposed on a façade that faces a right-of-way.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.
Applicant's Response:
All existing ground-mounted above-ground mechanical equipment that will need to be relocated due to building additions is to be screened by shrubs and existing fences.

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.
Applicant's Response:
No solar/wind equipment proposed

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.
Applicant's Response:
All existing ground-mounted above-ground mechanical equipment that will need to be relocated due to building additions is to be screened by shrubs and existing fences.

Having no vested interest in the subject project, I am nevertheless compelled by nature to observe those things that might improve the aesthetics and/or functionality of a building. In the instant case, I have to say the presence of several AC units on the south exterior are not properly shielded from view, as required by code (see excerpt above).

Can this be addressed concurrently with the proposed minor modification?

Respectfully

Gregory M. Peterson

18865 Shenandoah Drive

Complete Planning Commission Record for Files CU 14-01 / SP 14-09 / VR 14-01 / LL 14-05

(Click on links to see items)

9/22/2014	Meeting details	Item 3a	Agenda	Minutes	Video
9/8/2014	Meeting details	Item 2	Agenda	Minutes	Video
8/11/2014	Meeting details	Item 3a	Agenda	Minutes	Video
7/14/2014	Meeting details	Item 4b	Agenda	Minutes	Video

OREGON CITY

Community Development – Planning

698 Warner Parrott Rd | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

NOTICE OF PUBLIC HEARING

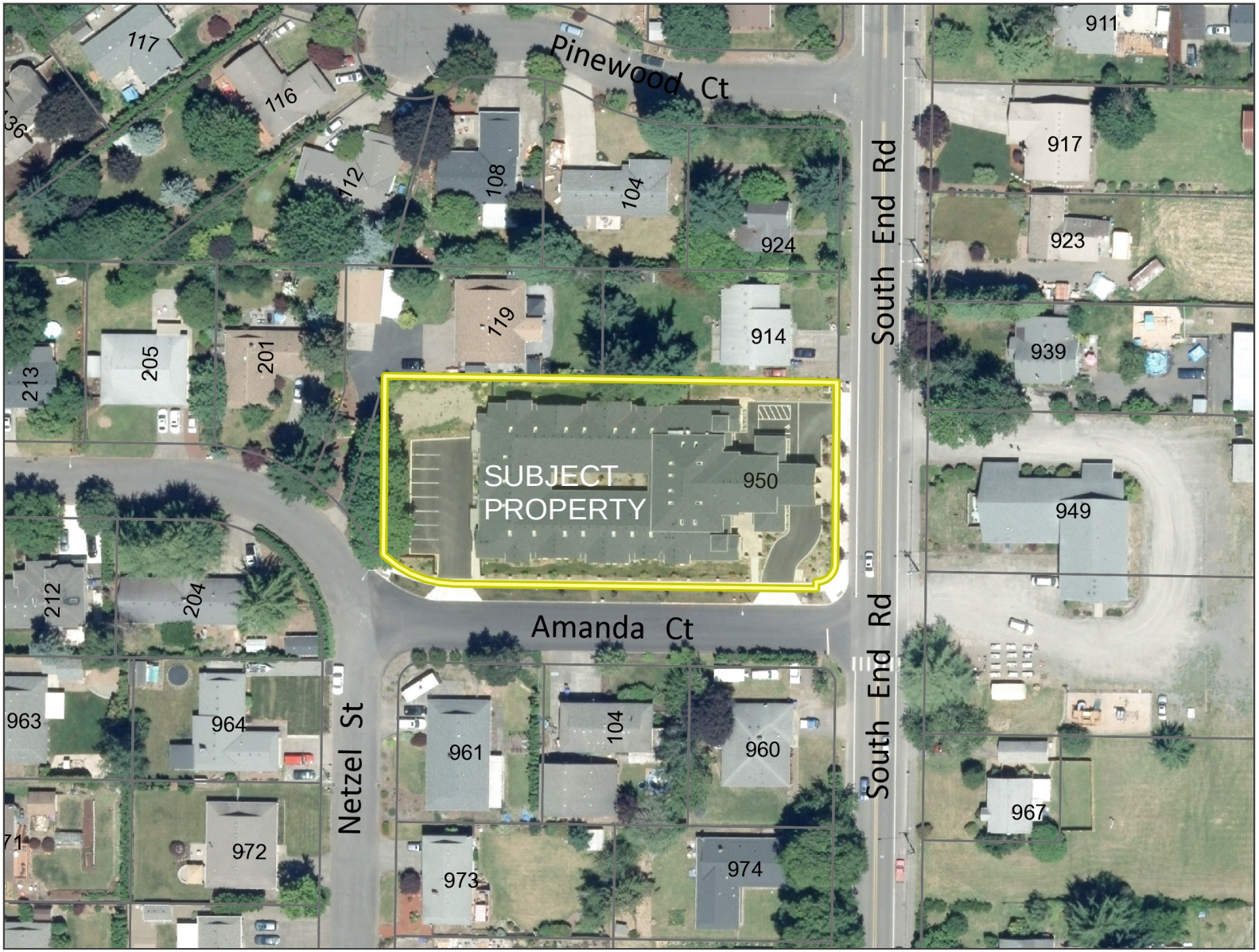
Mailed on or before November 6, 2018

COMMENT DEADLINE:	On Monday, **November 26th, 2018,** the **City of Oregon City - Planning Commission** will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type III Land Use applications. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the Planning Commission hearing. Written comments on these Type III Land Use applications must be received by the Oregon City Planning Division, no later than Friday, **November 16th** to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The public record will remain open until the Planning Commission closes the public hearing.
FILE NUMBERS:	GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)
OWNER:	PBRELF I LLC, 600 University St, Ste. 2800, Seattle, WA 98101
APPLICANT:	Jeffrey Wellington, 415 SE 28th Ave, Portland, OR 97214
REPRESENTATIVES:	Kelly Smith / John Lape, Architect, 520 SW 6th Ave, Ste. 520, Portland, OR 97219
REQUEST:	Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road
WEBSITE:	https://www.orcity.org/planning/project/glua-18-00025
LOCATION: (See Map)	950 South End Road, Oregon City, OR 97045 Clackamas County Map 3-1E-01AD, Tax Lot 3100
CONTACT PERSON:	Pete Walter, AICP, Planner Phone: (503) 496-1568, Email: pwalter@orcity.org
NEIGHBORHOOD ASSOCIATION:	South End Neighborhood Association
CRITERIA:	Administration and Procedures are set forth in Chapter 17.50, Off-Street Parking and Loading in Chapter 17.52, Supplemental Zoning Regulations and Exceptions in Chapter 17.54, Minor Site Plan and Design Review in Chapter 17.62, Tree Protection Standards in Chapter 17.41, Stormwater Management in Chapter 13.12, Grading, Filling and Excavating in Chapter 15.48, Conditional Uses in Chapter 17.56, Property Line Adjustments and Abandonment Process and Standards in Chapter 16.20, Administrative Variances in Chapter 17.60 and "R-10" Single-Family Dwelling District in Chapter 17.08 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.

The application and all documents submitted by or on behalf of the applicant are available for inspection at no cost and copies will be provided at reasonable cost at the Oregon City Planning Division, 698 Warner Parrott Road, Oregon City, Oregon 97045, from 8:30 a.m. to 3:30 p.m. Monday through Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission decision may be appealed to the City Commission by parties with standing within fourteen (14) calendar days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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.

Oregon City GIS Map



Legend

- Streams
  - Above Ground
  - Below Ground
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road

Overview Map

0 100 200 Feet

1: 1,200

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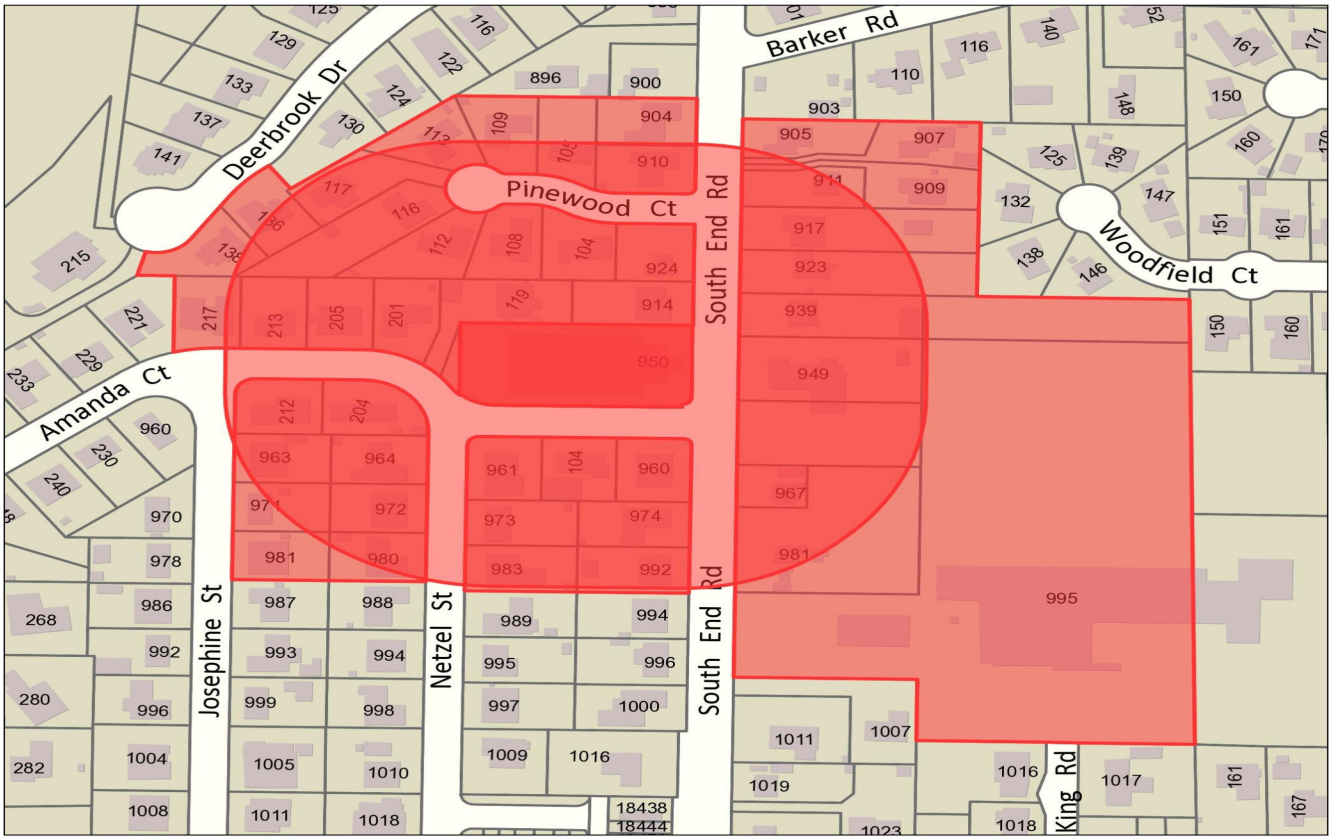
Map created 10/17/2018

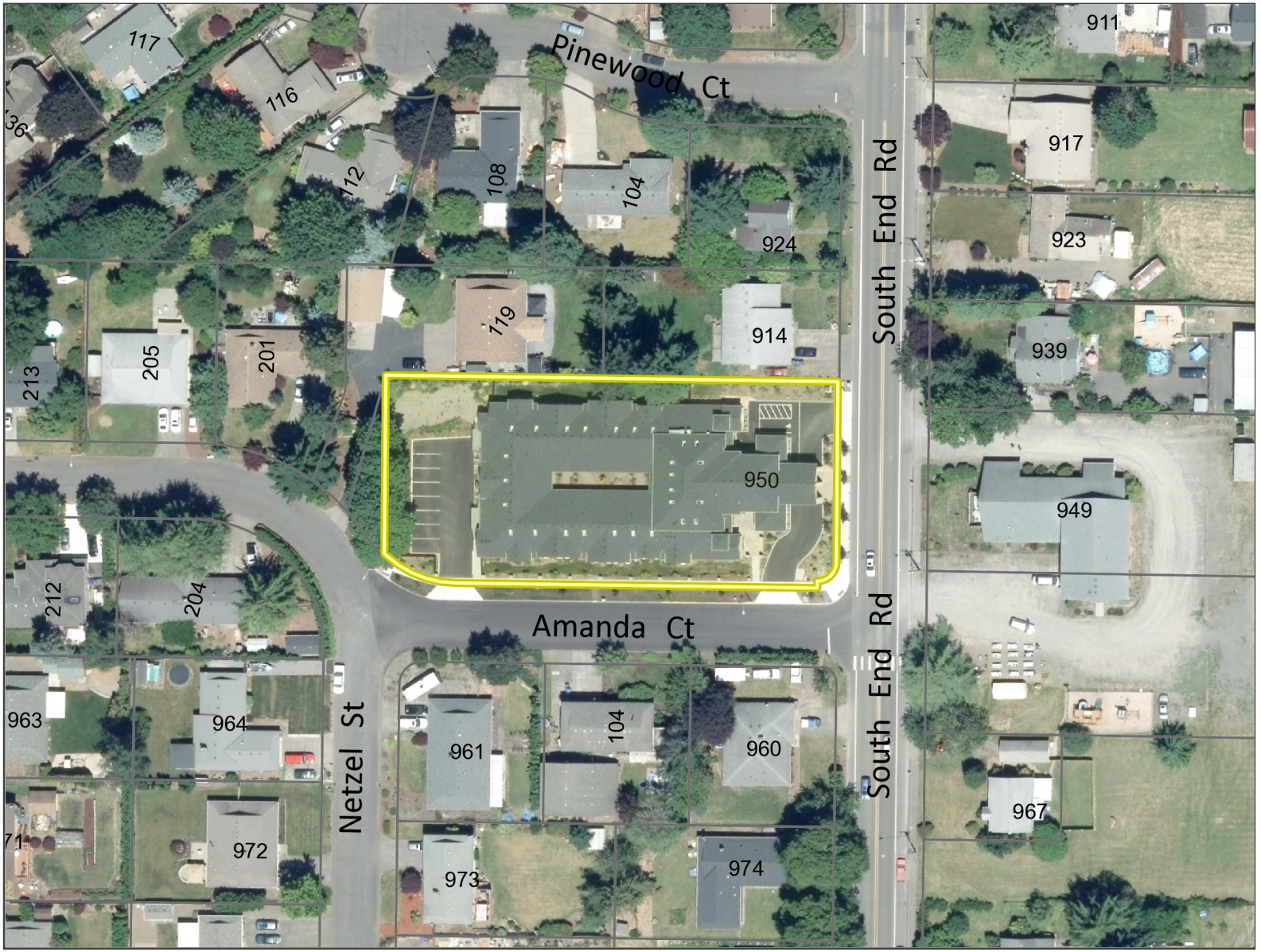
GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)

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



Labels created:	10/18/2018 8:55 AM
Run by:	Pete Walter (pwalter@orcity.org)
Labels generated using:	Taxlot Number
Taxlot number	31E01AD-03100
Buffer?	Yes
Buffer Distance:	300 Foot
Label type:	Taxpayers
Sort order:	By Name
Output format:	Pdf
Notify Neighborhood Associations?	Yes
# Taxlots used to create labels:	49
# Labels generated:	46 (includes 1 Neighborhood Association label)

Oregon City GIS Map



Legend

- Streams
- Above Ground
- Below Ground
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road

Overview Map

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1: 1,200

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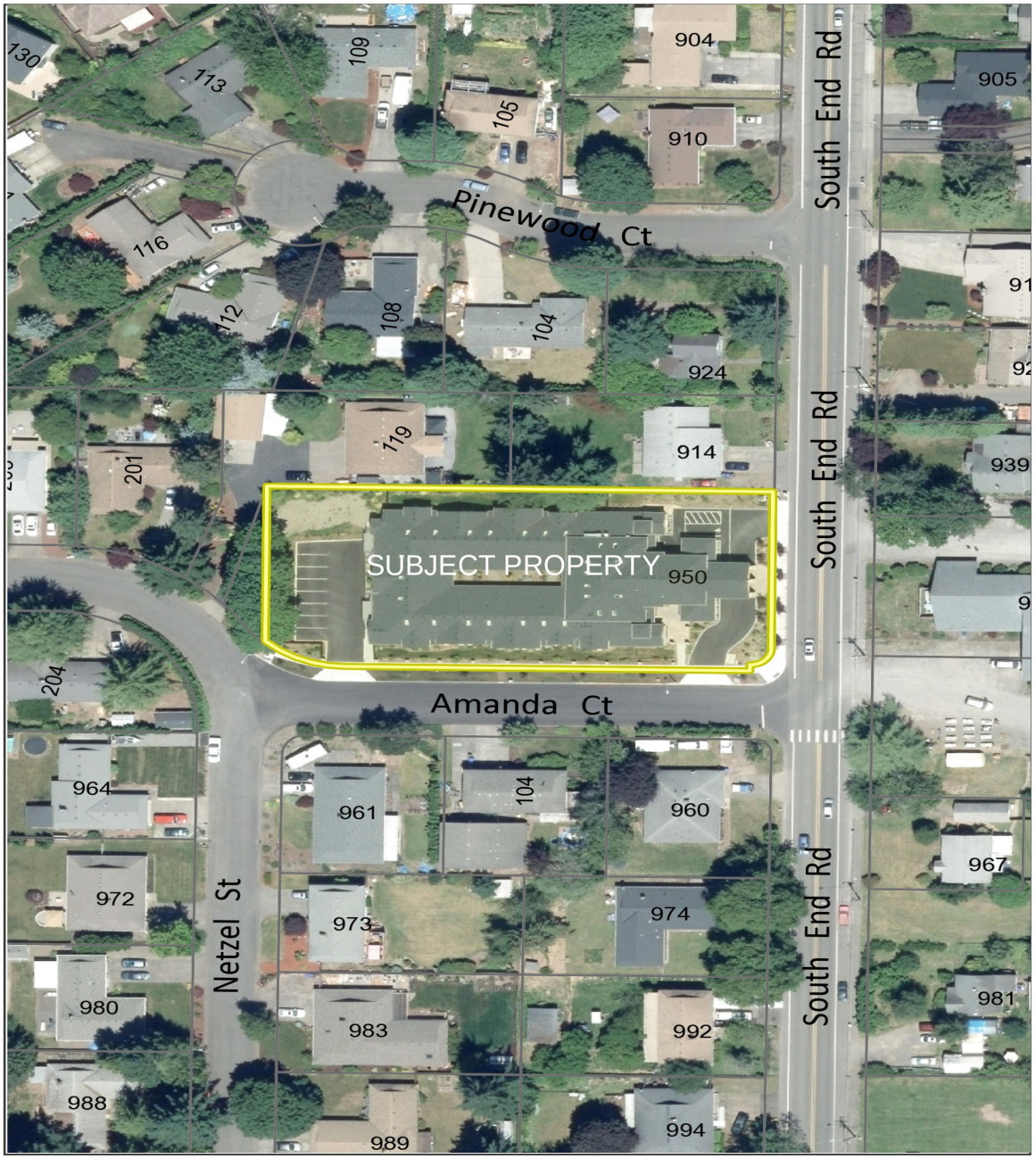


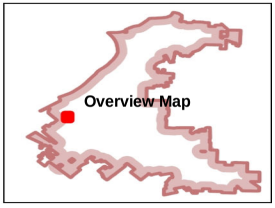
Unimproved ROW

City Limits

UGB

Basemap

Notes



The City of Oregon City makes no representations,

City of Oregon City

ACUNA ANEKA R
992 SOUTH END RD
OREGON CITY, OR 97045

ARNHART KYLE G
917 SOUTH END RD
OREGON CITY, OR 97045

BARREDO GAUDENCIO D JR & FLERIZA I
212 AMANDA CT
OREGON CITY, OR 97045

BELL DANIEL A JR
104 AMANDA CT
OREGON CITY, OR 97045

BINSWANGER ROBERT & M HOLLINGWO
983 NETZEL ST
OREGON CITY, OR 97045

BONNER WAYMON A & KIMBERLY L
108 PINEWOOD CT
OREGON CITY, OR 97045

BREY JAMES D TRUSTEE
909 SOUTH END RD
OREGON CITY, OR 97045

CONLON PATRICK & PATRICIA
923 SOUTH END RD
OREGON CITY, OR 97045

CONROY ROCKY J & KELLIE J
205 AMANDA CT
OREGON CITY, OR 97045

CURL PAULA RAE
104 PINEWOOD CT
OREGON CITY, OR 97045

DAVIS ROB
963 JOSEPHINE ST
OREGON CITY, OR 97045

EELLS ERIN J & CRYSTAL R
964 NETZEL ST
OREGON CITY, OR 97045

EPPERSON JESSICA
113 PINEWOOD CT
OREGON CITY, OR 97045

ESTABROOK MICHELE K & DAVID R
971 JOSEPHINE ST
OREGON CITY, OR 97045

FABER MARY JO
112 PINEWOOD CT
OREGON CITY, OR 97045

FISHER IRENE FRANCES CO-TRUSTEE
904 SOUTH END RD
OREGON CITY, OR 97045

GODLEY RONALD M & MARY E
119 AMANDA CT
OREGON CITY, OR 97045

GROENER KAREN A
907 SOUTH END RD
OREGON CITY, OR 97045

HOWARD SHIRLEY JO
8150 SW CANYON DR
PORTLAND, OR 97225

JACKSON KATHRYN
910 SOUTH END RD
OREGON CITY, OR 97045

KUCERA-HUGGER KERRI L
914 SOUTH END RD
OREGON CITY, OR 97045

LAKEY KAITLYN M
204 AMANDA CT
OREGON CITY, OR 97045

LEWELLING CHERYL L
980 NETZEL ST
OREGON CITY, OR 97045

LORD GREGORY D & CHRISTINE L
217 AMANDA CT
OREGON CITY, OR 97045

LYNCH PATRICK BRENDAN & DANELLE I
201 AMANDA CT
OREGON CITY, OR 97045

MARQUEZ ROSALINDA
974 SOUTH END RD
OREGON CITY, OR 97045

METRO 960 SOUTH END ROAD LLC
3914 SW MARTINS LN
PORTLAND, OR 97239

MILLEN PATRICIA K & DAVID E
213 AMANDA CT
OREGON CITY, OR 97045

MITCHELL JOSHUA D & CHERINE L
905 SOUTH END RD
OREGON CITY, OR 97045

MURPHY CHAD A & TYHA
961 NETZEL ST
OREGON CITY, OR 97045

OREGON CITY SCH DIST #62
PO BOX 2110
OREGON CITY, OR 97045

PAINTER JAYCE A
109 PINEWOOD CT
OREGON CITY, OR 97045

PAULSON DARLENE M
911 SOUTH END RD
OREGON CITY, OR 97045

PBRELF I LLC
600 UNIVERSITY ST STE 2800
SEATTLE, WA 98101

PETTY JOHN P & DORIS E
105 PINEWOOD CT
OREGON CITY, OR 97045

ROSHAK DAVID M CO-TRUSTEE
973 NETZEL ST
OREGON CITY, OR 97045

SENTHIRAJAH SHAN
994 NETZEL ST
OREGON CITY, OR 97045

SMERAGLIO JAKE & DANIELLE
136 DEERBROOK DR
OREGON CITY, OR 97045

UNITED PENTECOSTAL CH OF OC
949 SOUTH END RD
OREGON CITY, OR 97045

UNITED PENTECOSTAL CHURCH OF ORE
949 SOUTH END RD
OREGON CITY, OR 97045

WEIGEL CHERYL L
138 DEERBROOK DR
OREGON CITY, OR 97045

WHITE JEREMY H
116 PINEWOOD CT
OREGON CITY, OR 97045

WHITNEY JOHN J
117 PINEWOOD CT
OREGON CITY, OR 97045

WILSON DAVID P & LINDA S
981 JOSEPHINE ST
OREGON CITY, OR 97045

WONG TYLER & JESSICA
972 NETZEL ST
OREGON CITY, OR 97045

South End NA Chair
18797 Lassen Ct
Oregon City, OR 97045

Pamplin MediaGroup

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PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **Clackamas Review, Estacada News, Oregon City News**, a newspaper of general circulation, serving Clackamas, Estacada, Oregon City in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Oregon City
NOTICE OF PUBLIC HEARING – OREGON CITY PLANNING COMMISSION
Monday, November 26th, 2018
GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)
Ad#: 75037

A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):
10/31/2018, 11/01/2018

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 11/01/2018.

NOTARY PUBLIC FOR OREGON

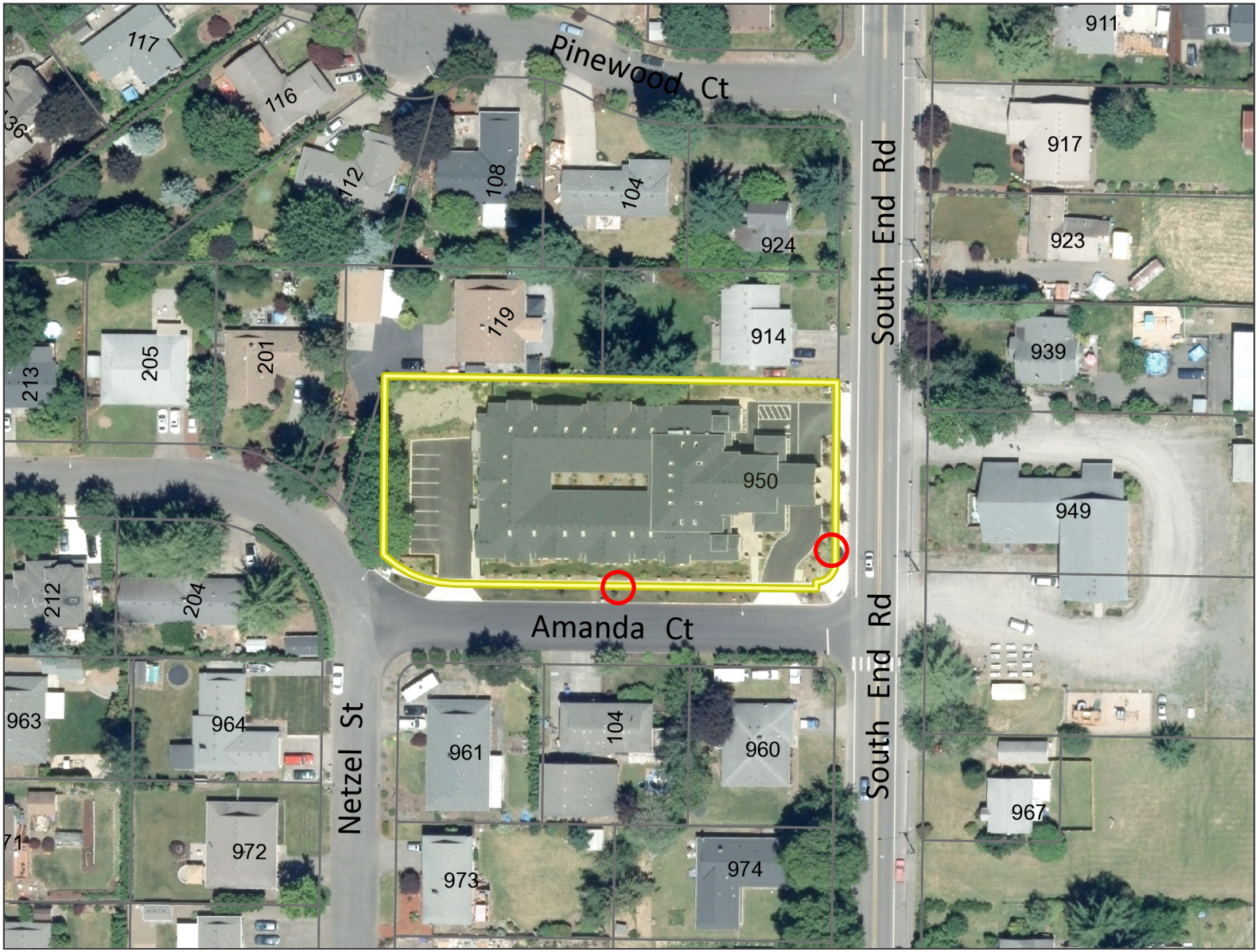
Acct #: 105466
Attn: Pete Walter
OREGON CITY, CITY OF
698 WARNER PARROTT RD
OREGON CITY, OR 97045

OFFICIAL STAMP
SHAWN M SROUFE
NOTARY PUBLIC - OREGON
COMMISSION NO. 956603
MY COMMISSION EXPIRES NOVEMBER 17, 2020

NOTICE OF PUBLIC HEARING – OREGON CITY PLANNING COMMISSION

COMMENT DEADLINE: On Monday, November 26th, 2018, the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type III Land Use applications. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the Planning Commission hearing. Written comments on these Type III Land Use applications must be received by the Oregon City Planning Division, no later than Friday, November 16th to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The public record will remain open until the Planning Commission closes the public hearing.
FILE NUMBERS: GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)
OWNER: PBRELF I LLC, 600 University St, Ste. 2800, Seattle, WA 98101
APPLICANT: Jeffrey Wellington, 415 SE 28th Ave, Portland, OR 97214
REPRESENTATIVES: Kelly Smith / John Lape, Architect, 520 SW 6th Ave, Ste. 520, Portland, OR 97219
REQUEST: Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road
WEBSITE: https://www.orcity.org/planning/project/glua-18-00025
LOCATION: 950 South End Road, Oregon City, OR 97045, Clackamas County Map 3-1E-01AD, Tax Lot 3100
CONTACT PERSON: Pete Walter, AICP, Planner, Phone: (503) 496-1568, Email: pwalter@orcity.org
NEIGHBORHOOD ASSOCIATION: South End Neighborhood Association
CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Off-Street Parking and Loading in Chapter 17.52, Supplemental Zoning Regulations and Exceptions in Chapter 17.54, Minor Site Plan and Design Review in Chapter 17.62, Tree Protection Standards in Chapter 17.41, Stormwater Management in Chapter 13.12, Grading, Filling and Excavating in Chapter 15.48, Conditional Uses in Chapter 17.56, Property Line Adjustments and Abandonment Process and Standards in Chapter 16.20, Administrative Variances in Chapter 17.60 and "R-10" Single-Family Dwelling District in Chapter 17.08 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.
The application and all documents submitted by or on behalf of the applicant are available for inspection at no cost and copies will be provided at reasonable cost at the Oregon City Planning Division, 698 Warner Parrott Road, Oregon City, Oregon 97045, from 8:30 a.m. to 3:30 p.m. Monday through Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission decision may be appealed to the City Commission by parties with standing within fourteen (14) calendar days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.
A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 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.
Publish Oct. 31, 2018. CLK75037

Oregon City GIS Map



Legend

- Streams
  - Above Ground
  - Below Ground
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
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= SIGN LOCATION

Notes

Minor Site Plan and Design Review, Modification to Conditional Use CU 14-01, Minor Variance for a 7-Bed Expansion to a 31-Bed Assisted Living Memory Care Facility at the NW corner of Amanda Court and South End Road

Overview Map

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Map created 10/17/2018

N

0 100 200 Feet

1: 1,200

GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)

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

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

POSTING OF NOTICE FOR LAND USE APPLICATION

Owner:
PBRELF I LLC, 600 University St, Ste. 2800, Seattle, WA 98101

Applicant:
Jeffrey Wellington,
415 SE 28th Ave, Portland, OR 97214

Representative:
Kelly Smith / John Lape, Architect, 520 SW 6th Ave, Ste. 520, Portland, OR 97219

Project: GLUA-18-00025 / VAR-18-00001 / SP-18-00106 / MD-18-00001 (of CU 14-01)

Location: 950 South End Road, Oregon City, OR 97045
Clackamas County Map 3-1E-01AD, Tax Lot 3100

Application Submitted: 09/05/2018
Application Complete: 10/10/2018
Public Hearing: 11/26/2018
120-Day Decision Deadline: 02/07/2019

Good Afternoon,

Pursuant to OCMC 17.50.090-.100, your land use application requires the posting of signs on the subject site that provide a brief description of your development and requests comments from the public. The signs shall be mounted on a sturdy backing (such as plywood), and posted within 10 to 15 feet of the street for clear visibility. The notices shall not be posted on trees or utility poles. It is your responsibility to post the signs and assure they remain posted as required. Failure to do so by the date specified will result in the automatic extension of the public comment period.

The signs shall be posted by **November 6, 2018** so they are clearly visible along the street fronting the property. A map is enclosed distinguishing the locations the signs should be posted. Please remove the signs after the last hearing. If you have any questions please contact me at (503) 496-1568 or by Email at pwalter@orcity.org.

Pete Walter, AICP, Planner
City of Oregon City - Planning Division
698 Warner-Parrott Rd
Oregon City, Oregon 97045

PLEASE SIGN AND RETURN THIS NOTICE TO THE PLANNING DIVISION

I hereby certify that on (date) 11-2-18, I posted the required signs on the subject site in accordance with the requirement of the Oregon City Municipal Code. If there is any delay in the city'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 one-hundred-twenty-day period in a timely manner.

Applicant

11-2-18
Date

NOV 2 12:12PM